

***REVISED AGENDA**
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES

August 26, 2014

SPECIAL PRESENTATIONS – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.

City Council Study Sessions

First & Third Tuesdays of each month – 6:00 p.m.

City Council Meetings

Second & Fourth Tuesdays of each month – 6:00 p.m.

City Council Closed Sessions

*Immediately following Regular City Council Meetings and
Study Sessions, unless no Closed Session Items are Scheduled*

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mark Sambito, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Victoria Baca, Mayor Pro Tem
Richard A. Stewart, Council Member

Jesse L. Molina, Mayor

George E. Price, Council Member
Vacant Council Member

***REVISED AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 26, 2014**

CALL TO ORDER – 5:30 PM

SPECIAL PRESENTATIONS

1. Moreno Valley Police Department (MVPD) Officer of the 1st Quarter 2014 - Officer Christopher Loucks
2. Employee of the 2nd Quarter of 2014 - Janet Palacio, Senior Recreation Leader
3. Recognition of 4th of July Independence Day Parade and Family FunFest Sponsors
 - Waste Management, Inc.
 - Polly's Pies Restaurant
 - Oishii Sushi and Teriyaki Japanese Restaurant
4. Proclamation Recognizing Zion Worship Center
5. Proclamation Recognizing Moreno Valley Amateur Radio Association's 30th Anniversary

***REVISED AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
AND THE BOARD OF LIBRARY TRUSTEES**

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**REGULAR MEETING - 6:00 PM
AUGUST 26, 2014**

CALL TO ORDER

Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item.

PLEDGE OF ALLEGIANCE

INVOCATION

Pastor Diane Gardner - Beautiful Women of God - Diane Gardner Ministries

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

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JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JULY 8, 2014 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of July 2 - August 19, 2014.

A.4 APPROVAL OF PAYMENT REGISTER FOR JUNE, 2014 (Report of: Financial & Management Services Department)

Recommendation:

1. Adopt Resolution No. 2014-68. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Payment Register for the month of June, 2014 in the amount of \$18,341,897.32.

A.5 ADOPT RESOLUTION NO. 2014-69 AUTHORIZING THE CITY ENGINEER TO ACCEPT COMPLETED CONSTRUCTION PROJECTS AS COMPLETE AND TO PROVIDE FOR ALL NECESSARY FOLLOW-UP TO CLOSE OUT PROJECTS (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2014-69. A Resolution of the City Council of the City of Moreno Valley, California, authorizing the City Engineer to

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accept completed construction projects as complete, accept the improvements into the City's maintained system, sign the Notice of Completion, authorize the filing of the Notice of Completion with the County Recorder's Office, and authorize the timely release of the contractor's retention payment, if no claims are filed against the project.

- A.6 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO MAMCO, INC. DBA ALABBASI CONSTRUCTION, FOR THE DELPHINIUM AVENUE SIDEWALK IMPROVEMENTS
PROJECT NO. 801 0051 70 77
(Report of: Public Works Department)

Recommendations

1. Award the construction contract to Mamco, Inc. dba Alabbasi Construction, 16810 Van Buren Blvd. Suite 200, Riverside, the lowest responsible bidder, for the Delphinium Avenue Sidewalk Improvements.
2. Authorize the City Manager to execute a contract with Mamco, Inc. dba Alabbasi Construction.
3. Authorize the issuance of a Purchase Order to Mamco, Inc. dba Alabbasi Construction, for the amount of \$239,878.80 (\$199,899.00 bid amount plus 20% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Mamco, Inc. dba Alabbasi Construction up to, but not exceeding, the 20% contingency amount of \$39,979.80, subject to the approval of the City Attorney.

- A.7 APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH PARSONS BRINCKERHOFF, PROJECT NO. 801 0001 70 77
(Report of: Public Works Department)

Recommendations

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Parsons Brinckerhoff (PB) to provide temporary project management services to the Capital Projects Division of the Public Works Department.
2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with PB.

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3. Authorize an increase in the Purchase Order to PB in the amount of \$158,000, when the "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.8 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DELEGATING AUTHORITY OF THE ADMINISTRATIVE SERVICES DIRECTOR TO ACT ON BEHALF OF THE CITY OF MORENO VALLEY IN MATTERS RELATING TO EXCESS INSURANCE AUTHORITY (EIA)
(Report of: Administrative Services Department)

Recommendation:

1. Adopt Resolution No. 2014-70. A Resolution of the City Council of the City of Moreno Valley, California, Delegating Authority of the Administrative Services Director to Act on behalf of the City of Moreno Valley in matters relating to Excess Insurance Authority (EIA).

A.9 APPROPRIATION OF EQUIPMENT REPLACEMENT RESERVE FUNDS FOR THE PURCHASE OF TWO PARAMEDIC SQUADS
(Report of: Fire Department)

Recommendations

1. Authorize a transfer of \$370,000 from Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (1010) for the replacement of Asset #40036 a 1991 Ford Super Duty Squad and Asset #40039 a 1993 Ford Super Duty Squad and their associated equipment.
2. Authorize an appropriation of \$370,000 for the purchase of two paramedic squads and their associated equipment upon approval of the above transfer.
3. Waive the formal bidding process in accordance with Moreno Valley Municipal Code 3.12.260 for the purchase of two (2) Dodge 5500 Crew Cab SLT 4x2 utilizing cooperative purchasing, or "piggybacking", on Riverside County Fire Department's bid awarded to Maintainer Custom Bodies Inc.
4. Authorize the City Manager, or her designee, to execute a purchase order in the amount of \$290,000 to Maintainer Custom Bodies Inc. for two (2) Dodge 5500 Crew Cab SLT 4x2.
5. Authorize the Fire Chief to execute any subsequent related minor change orders to the purchase order, not to exceed \$29,000 during the construction of the vehicle.

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6. Reserve remaining equipment funds of \$316,686 within Fund 7510 specifically for future Fire Department vehicle or equipment replacement for eighteen months.

A.10 APPROPRIATION OF EQUIPMENT REPLACEMENT RESERVE FUNDS FOR THE PURCHASE OF A THERMAL IMAGING CAMERA
(Report of: Fire Department)

Recommendations

1. Approve the transfer of \$8,700 from Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (Fund 1010)
2. Authorize an appropriation of \$8,700 for the purchase of a thermal imaging camera upon approval of the above transfer.

*A.11 PA13-0045 (TR 36598) – APPROVE FINAL MAP AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS. DEVELOPER – HABITAT FOR HUMANITY RIVERSIDE, INC., A CALIFORNIA NON-PROFIT CORPORATION, RIVERSIDE, CA, 92507
(Report of: Public Works Department)

Recommendations

1. Approve Final Map for PA13-0045, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
2. Authorize the Executive Director of the Moreno Valley Housing Authority to sign the map.
3. Accept the Agreement and Security for Public Improvements for Habitat for Humanity Riverside, Inc., a California non-profit corporation.
4. Authorize the Mayor to execute the Agreement.
5. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

- A.12 RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2014
(Report of: Financial & Management Services Department)

Recommendation:

1. Receive and file the Quarterly Investment Report for quarter ended June 30, 2014, in compliance with the City's Investment Policy.

- A.13 PA09-0043 (PARCEL MAP 36262) – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF THE SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE ASSOCIATED WITH THIS PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM
(Report of: Public Works Department)

Recommendations

1. Adopt Resolution No. 2014-71. A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project PA09-0043 (Parcel Map 36262) and Accepting the Portion of the Southwest Corner of Alessandro Boulevard and Moreno Beach Drive Associated with the Project into the City's Maintained Street System.
 2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.
- A.14 ACCEPTANCE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S (RCTC) CONGESTION MANAGEMENT AND AIR QUALITY GRANT; ACCEPTANCE OF THE MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE GRANT; AND AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS FOR THE TRANSPORTATION MANAGEMENT CENTER (TMC) ITS DEPLOYMENT PHASE 1B
PROJECT NO. 808 0015 70 76
(Report of: Public Works Department)

Recommendations

1. Accept the Congestion Management and Air Quality (CMAQ) grant award from the Riverside County Transportation Commission (RCTC) of up to \$1,541,700 for the TMC ITS Deployment Phase 1B Project.

2. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the CMAQ grant, subject to approval by the City Attorney.
3. Accept the Mobile Source Air Pollution Reduction Review Committee (MSRC) grant award from the RCTC of up to \$490,000 for the TMC ITS Deployment Phase 1B Project.
4. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the MSRC grant when it is received, subject to approval by the City Attorney.
5. Approve the transfer of \$368,300 from the DIF Traffic Signal Capital Projects Fund (Fund 3302) to the Capital Projects Grants Fund (Fund 2301).

A.15 APPROVE RESOLUTION NO. 2014-74 IN SUPPORT OF SB 69 (ROTH) AND AB 1521 (FOX) VEHICLE LICENSE FEE FUNDING FOR NEWLY INCORPORATED CITIES
(Report of: City Manager Department)

Recommendations

1. Adopt Resolution No. 2014-74. A Resolution of the City Council of the City of Moreno Valley supporting SB 69 and AB 1521 which advocate for provision of Vehicle License Fee revenues for newly incorporated cities.
2. Authorize the Mayor to sign a letter of support.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JULY 8, 2014 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

B.3 LASSELLE SPORTS PARK - EXECUTION OF EASEMENT DEED FOR STORM DRAIN PURPOSES TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (RCFC&WCD)
(Report of: Parks & Community Services Department)

Recommendations

1. Adopt Resolution No. CSD 2014-12. A Resolution of the Board of

Directors of the Moreno Valley Community Services District of the City of Moreno Valley, California, Authorizing the Execution of an Easement Deed for Storm Drain Purposes Over Lasselle Sports Park APN 312-130-024 to the Riverside County Flood Control and Water Conservation District.

2. Direct the City Clerk to forward the signed Easement Deed to the Riverside County Flood Control and Water Conservation District (RCFC&WCD) for further processing and recordation.

B.4 ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD
(Report of: Parks & Community Services Department)

Recommendations

1. Authorize the acceptance of grant monies in the amount of \$561,056 for Fiscal Year (FY) 2014/2015 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services.
2. Adopt Resolution No. CSD 2014-13. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2014/2015

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JULY 8, 2014 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

*C.3 PA13-0045 (TR 36598) – APPROVE FINAL MAP AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS. DEVELOPER – HABITAT FOR HUMANITY RIVERSIDE, INC., A CALIFORNIA NON-PROFIT CORPORATION, RIVERSIDE, CA, 92507
(Report of: Public Works Department) **(See Item A.11 for materials)**

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Recommendations

1. Approve Final Map for PA13-0045, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
2. Authorize the Executive Director of the Moreno Valley Housing Authority to sign the map.
3. Accept the Agreement and Security for Public Improvements for Habitat for Humanity Riverside, Inc., a California non-profit corporation.
4. Authorize the Mayor to execute the Agreement.
5. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 8, 2014 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE 2014-15 ANNUAL ACTION PLAN AFFECTING THE HOME PROGRAM AND ADDING THE EMERGENCY SOLUTIONS GRANT (ESG) TO MORENO VALLEY'S CONSOLIDATED PLAN (Report of: Financial & Management Services Department)

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Recommendations That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendment, ESG and HOME.
2. Review and adopt the proposed Substantial Amendment to the FY 2014/15 Annual Action Plan.
3. Approve the necessary Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments.
4. Authorize the City Manager to reallocate grant funds between HUD-approved grant activities and to execute the necessary agreements for approved grant activities.

E.2 PUBLIC HEARING FOR THE FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TOWNGATE. THE APPLICANT IS PALM TREE COMMUNITIES CONSULTING INC.

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. RECOGNIZE that the Development Agreement will not have the potential for any direct or indirect impacts under the California Environmental Quality Act (CEQA) and is therefore exempt under Section 15061 of the CEQA Guidelines.
2. ADOPT Resolution No. 2014-72. A Resolution of the City Council of the City of Moreno Valley, California, Approving P13-138, the Fourth Amendment to the Annexation and Development Agreement for TownGate to Extend the Life of the Agreement for a Total of Five Years.

E.3 A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT AND A ZONE CHANGE FOR 122 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF SIX WAREHOUSE DISTRIBUTION FACILITIES TOTALING 2,244,419 SQUARE FEET. THE DEVELOPER ALSO PROPOSES TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO SIX PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT

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STREET AND THE QUINCY CHANNEL. THE APPLICANT IS PROLOGIS
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Consider the applicant's request for a continuance of this item to the City Council's October 14, 2014 public hearing agenda to allow for time to modify the project documents for consistency with the reduced intensity alternative.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

G.1.1 Mayor Jesse L. Molina reports on Riverside Transit Agency (RTA)

G.1.2 Council Member Richard A. Stewart reports on March Joint Powers Commission (MJPC)

G.1.3 Mayor Pro Tem Victoria Baca reports on Western Riverside Council of Governments (WRCOG)

G.2 APPOINTMENTS TO THE JULY 4TH ADVISORY BOARD
(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint three (3) members to the July 4th Advisory Board with terms expiring July 31, 2017.
2. Appoint Nathan Nguyen to the July 4th Advisory Board as a teenage member for a term expiring July 31, 2017, or until high school graduation, whichever comes first.
3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

G.3 DECLARING INTENTION TO PROVIDE FOR A CITYWIDE FUTURE ANNEXATION AREA FOR CFD NO. 2014-01 AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT TO REASSIGN THE EXISTING TAX RATE AREA NO. 1 INTO TWO SEPARATE TAX RATE AREAS

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(Report of: Financial & Management Services Department)

Recommendations That the City Council:

1. Adopt Resolution No. 2014-73. A Resolution of the City Council of the City of Moreno Valley, California, Declaring its Intention to Provide for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-01 and SL-01.

G.4 AUGUST 2014 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS

(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint Council Member George E. Price to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).
2. Appoint Council Member George E. Price to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).
3. Approve the appointments to the remaining various committees and regional bodies, as highlighted on the August 2014 Council Committee Participation – Mayor's Recommendations list.

G.5 CONSIDERATION OF THE PROCEDURAL OPTIONS TO FILL THE VACANCY ON THE COUNCIL IN DISTRICT 4

(Report of: City Attorney Department)

Recommendations That the City Council:

1. Consider the procedural options to fill the vacant Council seat in District 4.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

G.7 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

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H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,
COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY**

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority or Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority will be held in City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

2 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) Property: 115 kV Substation Site
 City Negotiator: Ahmad R. Ansari, P.E.
 Under Negotiation: Price and terms of payment
 APN/Caltrans Parcel: 312-250-016
 Owner: William and Nancy Arnold
 Site Address: South Industrial Area, located at the
 northwest corner of Kitching Street and
 Edwin Road

b) Property: City of Moreno Valley Owned Parcels
 City Negotiator: Michelle Dawson, City Manager
 Under Negotiation: Price and terms of payment

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APN/Caltrans Parcel: 487-470-023,487-470-026 and 487-470-027
Owner: Adam C. Smith, Vice President, CV
Communities
Site Location: Vicinity of Nason and Alessandro

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

CERTIFICATION

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Jane Halstead, CMC,
City Clerk

Date Posted: August 21, 2014

*Denotes Revision

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MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
July 8, 2014

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of 4th of July Parade Awards
2. Proclamation Recognizing Parks and Recreation Month - July 2014
3. Business Spotlight
 - a) Rising Stars Business Academy
 - b) Loco Burrito

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM
July 8, 2014**

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:18 p.m. by Jesse L. Molina in the Council Chamber located at 14177 Frederick Street.

Mayor Molina announced that the City Council receives a separate stipend for CSD meetings.

PLEDGE OF ALLEGIANCE - The pledge was led by Assemblyman Jose Medina.

INVOCATION

Pastor Charles Gibson - Breakthrough Church of God in Christ

ROLL CALL

Council:

Victoria Baca	Mayor Pro Tem
Jesse L. Molina	Mayor
George Price	Council Member
Richard A. Stewart	Council Member

Staff:

Michelle Dawson	City Manager
Suzanne Bryant	City Attorney
Jane Halstead	City Clerk
Tom DeSantis	Assistant City Manager
Abdul Ahmad	Fire Chief
Ahmad Ansari	Public Works Director
Joel Ontiveros	Police Chief

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Chris Paxton
Richard Teichert
John Terrell
Kathy Gross

Administrative Services Director
Chief Financial Officer/City Treasurer
Community and Economic Development Director
Executive Assistant

Assemblyman Jose Medina

1. Special Event - Small Business Resource Fair - Thursday, July 10 from 8-10 a.m. at Sunnymead Elementary School
2. Friday, July 11 - Veteran's Coffee taking place at the VFW Post 8547 on Alessandro Blvd.

Chef Basil Kimbrew

1. Crime; recent shooting in neighborhood
2. Council Member Gutierrez

Ms. Smith

1. Crime in District 4
2. Police Budget

Ruthee Goldkorn

1. Wheelchair access not available in porta potties on 4th of July
2. Public Works holding a Public meeting on Perris Blvd. Construction Project on July 16 at 6 p.m. in the Council Chamber.

Jose Chavez

1. Traffic Safety Commission

Donovan Saadiq

1. Recall 5th District; requested Victoria Baca to resign

Daryl Terrell

1. Proposal submitted for the record - Reforming Development & Process

Kathleen Dale

1. District 4 representation and consider no continuing to pay legal fees

MINUTES
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2. Shootings and no statement from the City
3. Truck Route Maps
4. Public Safety

Deanna Reeder

1. Thank you to Jesse Molina for the last Council meeting you did a great job.
2. Thank you for the vote on March JPA lawsuit.
3. Meeting rules

Sherman Jones

1. City moving forward

Madelene Muntz

1. Perris Blvd. Widening Project Community Meeting scheduled for July 16, 2014
2. City website, upcoming Resource Fair on the Second Annual African American Family Reunion by Dr. Denise Flemming
3. Attended 4th of July and the citizen's concerns regarding the violence going on in the city.

Craig Givens

1. Charter, should be led by the Citizens
2. Directly Elected Mayor should have more representation, not less

Tom Thornsley

1. Thankful that the lawsuit against the MJPA was dropped; projects can now move forward
2. Thank you for the nicely hosted meeting last week
3. Hear your constituents
4. Presentations from staff; preparation of staff reports

Louise Palomarez

1. 4th of July event was great with the fireworks and band

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2. Congratulations to Rising Stars Academy

Tom Jerele Sr.

1. Congratulation to Jesse Molina and thank you for your interest in your District
2. 4th of July event, fireworks
3. Mailbox break-ins

JOINT CONSENT CALENDARS (SECTIONS A-D)

Mayor Molina opened the agenda items for the Joint Consent Calendars for public comments, which were received from Kathleen Dale (A.11, A.14, A.16), Deanna Reeder (A.11, A.14) and Tom Thornsley (A.11).

A. CONSENT CALENDAR-CITY COUNCIL

- A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- A.2 MINUTES - REGULAR MEETING OF JUNE 24, 2014 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

- A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 18 - July 1, 2014.

- A.4 APPROVAL OF PAYMENT REGISTER FOR MAY, 2014
(Report of: Financial & Management Services Department)

Recommendation:
Adopt Resolution No. 2014-60. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of May, 2014 in the amount of \$9,686,676.21.

- A.5 AUTHORIZATION OF ANNUAL TECHNOLOGY SOFTWARE AND HARDWARE MAINTENANCE PAYMENTS AND WAIVING FORMAL

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BIDDING AND INSURANCE REQUIREMENTS FOR THESE PAYMENTS
(Report of: Financial & Management Services Department)

Recommendations

1. Waive the formal bidding requirements for technology annual maintenance payments.
2. Waive the insurance requirements for technology annual maintenance payments.
3. Authorize the City Manager to make technology annual maintenance payments to various vendors for an aggregate amount not-to-exceed \$999,760 during Fiscal Year 2014-15.

- A.6 ADOPT RESOLUTION NO. 2014-61 DECLARING THE 2004 SMEAL 75' AERIAL LADDER TRUCK WITH VEHICLE IDENTIFICATION NUMBER 4S7AV2F903C045032 AND CITY ASSET NO. 400042 AS SURPLUS AND AUTHORIZE THE SALE OF THE VEHICLE TO THE RIVERSIDE COUNTY FIRE DEPARTMENT
(Report of: Fire Department)

Recommendations

1. Adopt Resolution No. 2014-61. A Resolution of the City Council of the City of Moreno Valley, California, Declaring the 2004 Smeal 75' Aerial Ladder Truck with Vehicle Identification Number 4S7AV2F903C045032 as Surplus.
2. Authorize the Sale of the 2004 Smeal 75' Aerial Ladder Truck with vehicle identification number 4S7AV2F903C045032 and City Asset No. 400042 plus the associated equipment to the Riverside County Fire Department for a total purchase price of \$230,000, including sales tax of \$17,000.
3. Authorize the City Manager or Her Designee to Execute Any Documents Associated with the Sale of the 2004 Smeal 75' Aerial Ladder Truck with vehicle identification number 4S7AV2F903C045032 and City Asset No. 400042.
4. Approve a revenue appropriation in the amount of \$213,000 and sales tax payable in the amount of \$17,000 to recognize the sale of the 2004 Smeal 75' Aerial Ladder Truck with vehicle identification number 4S7AV2F903C045032 and City Asset No. 400042.

- A.7 ACCEPTANCE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S CONGESTION MANAGEMENT AND AIR QUALITY GRANT; ACCEPTANCE OF THE MOBILE SOURCE AIR POLLUTION

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REDUCTION REVIEW COMMITTEE GRANT; AND AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS FOR THE TRANSPORTATION MANAGEMENT CENTER (TMC) ITS DEPLOYMENT PHASE 1B

PROJECT NO. 808 0015 70 76

(Report of: Public Works Department)

Recommendations

1. Accept the Congestion Management and Air Quality (CMAQ) grant award from the Riverside County Transportation Commission (RCTC) of up to \$1,541,700 for the TMC ITS Deployment Phase 1B Project.
2. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the CMAQ grant, subject to approval by the City Attorney.
3. Accept the Mobile Source Air Pollution Reduction Review Committee (MSRC) grant award from the RCTC of up to \$490,000 for the TMC ITS Deployment Phase 1B Project.
4. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the MSRC grant when it is received, subject to approval by the City Attorney.

A.8 ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

(Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2014-62. A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates for Moreno Valley Utility.

A.9 APPROVE ATTACHMENT #3 TO THE INTEGRATED GENERATION MANAGEMENT PROJECT/ICE BEAR DEPLOYMENT AGREEMENT BETWEEN SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY (SCPPA) AND THE CITY OF MORENO VALLEY FOR THE PURCHASE AND INSTALLATION OF ICE BEAR UNITS AND REPLACEMENT AND INSTALLATION OF EXISTING AIR CONDITIONING UNITS AT THE ANIMAL SHELTER

(Report of: Public Works Department)

Recommendations

1. Approve Attachment #3 to the Integrated Generation Management

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Project/Ice Bear Deployment Agreement between SCPPA and the City of Moreno Valley in the amount of \$201,015.

2. Authorize the City Manager to execute the Attachment.

- A.10 ACCEPTANCE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S CONGESTION MANAGEMENT AND AIR QUALITY GRANT AND AUTHORIZE EXECUTION OF A COOPERATIVE AGREEMENT FOR THE DYNAMIC TRAVELER ALERT MESSAGE BOARDS PROJECT NO. 808 0016 70 76
(Report of: Public Works Department)

Recommendations

1. Accept the Congestion Management and Air Quality (CMAQ) grant award from the Riverside County Transportation Commission (RCTC) of up to \$340,500 for the Dynamic Traveler Alert Message Boards Project.
2. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the Dynamic Traveler Alert Message Boards Project, subject to approval by the City Attorney.

- A.11 FUNDING AUTHORIZATION FOR THE REALIGNMENT OF RECHE VISTA DRIVE PROJECT FOR COMPLETING THE CONSTRUCTION PHASE, PROJECT NO. 801 0009 70 77
(Report of: Public Works Department)

Recommendations

1. Authorize the transfer of \$1,800,000 of the Total Road Improvement Program (TRIP) (Fund 3411) from the Nason Street Improvements from Cactus Avenue to Fir Avenue (GL: 3411-70-77-80001-720199, Project No: 801 0001 70 77-3411-99) to the Realignment of Reche Vista Drive from Perris Boulevard/Heacock Street Intersection to North City Limit (GL: 3411-70-77-80001-720199, Project No: 801 0009 70 77-3411-99).
2. Authorize the transfer of \$1,300,000 of the TRIP (Fund 3411) from the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue (GL: 3411-70-77-80001-720199, Project No: 801 0024 70 77-3411-99) to the Realignment of Reche Vista Drive from Perris Boulevard/Heacock Street Intersection to North City Limit (GL: 3411-70-77-80001-720199, Project No: 801 0009 70 77-3411-99).
3. Authorize the appropriation of \$900,000 from the unencumbered Capital Projects Reimbursements (Fund 3008) fund balance to the Realignment of Reche Vista Drive from Perris Boulevard/Heacock

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Street Intersection to North City Limit (GL: 3411-70-77-80001-720199, Project No: 801 0009 70 77-3411-99).

4. Authorize the Public Works Director/City Engineer to advertise the project for construction bids.

A.12 AMENDMENT TO EXISTING CONTRACT WITH LIBRARY SYSTEMS AND SERVICES (LSSI) (CONTINUED FROM JUNE 24, 2014) (Report of: Administrative Services Department)

Recommendations

1. Approve the amendment to City's current contract with LSSI to add information technology (IT) services.
2. Authorize the City Manager to sign the contract amendment.
3. Authorize the revenue and expenditure appropriations as identified within the Fiscal Impact section of this report.

A.13 APPROVE 33 KV SERVICE AGREEMENT FOR WHOLESALE DISTRIBUTION SERVICE BETWEEN THE CITY OF MORENO VALLEY AND SOUTHERN CALIFORNIA EDISON (SCE)
(Report of: Public Works Department)

Recommendations

1. Approve 33 kV Service Agreement for Wholesale Distribution Service between the City of Moreno Valley and Southern California Edison Company.
2. Authorize the City Manager to execute the Agreement on behalf of the City of Moreno Valley.

A.14 ACCEPTANCE OF CERTIFICATION OF PETITION SUFFICIENCY TO RECALL OF COUNCIL MEMBER VICTORIA BACA, DISTRICT 5; CALLING AND GIVING NOTICE OF THE ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL MUNICIPAL ELECTION AND ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS
(Report of: City Clerk Department)

Recommendations

1. Accept the City Clerk's Certificate of Sufficiency for the Recall Petition of Council Member Victoria Baca, District 5.

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2. Adopt the following resolutions to commence the Recall Election process: Adopt Resolution No. 2014-64. A Resolution of the City Council of the City of Moreno Valley, California, Calling and Giving Notice of the Holding of a Recall Election on Tuesday, November 4, 2014 for the Submission of the Question of the Recall of a Certain Officer and the Election of a Candidate to Fill the Vacancy if the Recall Prevails.
3. Adopt Resolution No. 2014-65. A Resolution of the City Council of the City of Moreno Valley, California, Requesting the Board of Supervisors of the County of Riverside to Consolidate the Recall Election with the Statewide General Municipal Election to be Held on Tuesday, November 4, 2014, Pursuant to Section 10403 of the California Elections Code.
4. Adopt Resolution No. 2014-66. A Resolution of the City Council of the City of Moreno Valley, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters for the Recall Election consolidated with the Statewide General Municipal Election to be held on Tuesday, November 4, 2014.
5. Approve an appropriation on the amount of \$9,710 for election costs for FY 2014/15.

A.15 APPOINT A VOTING DELEGATE AND ALTERNATE DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES (LCC) 2014 ANNUAL CONFERENCE BUSINESS MEETING
(Report of: City Clerk Department)

Recommendation:

Appoint Council Member Richard A. Stewart as the voting delegate, Council Member George E. Price as the first alternate voting delegate, and Mayor Pro Tem Victoria Baca as the second alternate voting delegate for the League of California Cities (LCC) 2014 Annual Conference business meeting.

A.16 APPROVE APPROPRIATION IN THE AMOUNT OF \$77,000 FOR PROFESSIONAL CONSULTING SERVICES FOR THE DEVELOPMENT SOFTWARE REPLACEMENT PROJECT FOR FY 2014/15 (Report of: Financial & Management Services Department)

Recommendations

Approve an appropriation in the amount of \$77,000 for professional consulting services to support the Development Software Replacement Project for FY 2014/15.

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B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 24, 2014 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 24, 2014 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 24, 2014 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2, except item A.7 which was pulled from the agenda. by m/Council Member George Price, s/Mayor Pro Tem Victoria Baca

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

E. PUBLIC HEARINGS

E.1 A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S APRIL 24, 2014, APPROVAL OF P13-078; REVISED TENTATIVE TRACT MAP 31592 AND PA13-0039, A CONDITIONAL USE PERMIT (CUP) FOR A PLANNED UNIT DEVELOPMENT (PUD). THE

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APPLICANT IS CV COMMUNITIES AND THE APPELLANT IS JOHNSON & SEDLACK, ON BEHALF OF SIERRA CLUB, RESIDENTS FOR A LIVABLE MORENO VALLEY AND AREA RESIDENTS
(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. Conduct a public hearing for Revised Tentative Tract Map 31592 (P13-078) and Conditional Use Permit for a Planned Unit Development (PA13-0039), and subsequent to the public hearing:
2. Adopt Resolution No. 2014-63. A Resolution of the City Council of the City of Moreno Valley, California, Thereby Denying the Appeal and Recognizing that the Revised Tentative Tract Map 31592 and Conditional Use Permit (P13-078 and PA13-0039) Qualify as an Addendum to the Adopted Negative Declaration per the California Environmental Quality Act (CEQA) Guideline Section 15164 (B) and Approving the Addendum and P13-078, Revised Tentative Tract Map 31592 and PA13-0039, Conditional Use Permit for a Planned Unit Development subject to the Conditions of Approval included as Exhibit A, Assessors Parcel Numbers 474-490-024 & 025 and 474-040-032.

Mayor Jesse L. Molina opened the public testimony portion of the public hearing. Public testimony was received from Kathleen Dale, Brenda Payne (Opposed Project), Carolyn Clark (Supports Appeal, Opposed Project), Laurie Curtis (Supports Appeal, Opposed Project), Tom Jerele Sr. (Supports Project) and Christine Gertsch (Supports Appeal, Opposed Project).

Adopt Resolution No. 2014-63. A Resolution of the City Council of the City of Moreno Valley, California, Thereby Denying the Appeal and Recognizing that the Revised Tentative Tract Map 31592 and Conditional Use Permit (P13-078 and PA13-0039) Qualify as an Addendum to the Adopted Negative Declaration per the California Environmental Quality Act (CEQA) Guideline Section 15164 (B) and Approving the Addendum and P13-078, Revised Tentative Tract Map 31592 and PA13-0039, Conditional Use Permit for a Planned Unit Development subject to the Conditions of Approval included as Exhibit A, Assessors Parcel Numbers 474-490-024 & 025 and 474-040-032. by m/Council Member Richard A. Stewart, s/Council Member George Price

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

E.2 A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL

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PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT AND A ZONE CHANGE FOR 122 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF SIX WAREHOUSE DISTRIBUTION FACILITIES TOTALING 2,244,419 SQUARE FEET. THE DEVELOPER ALSO PROPOSES TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO SIX PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT STREET AND THE QUINCY CHANNEL. THE APPLICANT IS PROLOGIS (Report of: Community & Economic Development Department)

Recommendations That the City Council:

Pursuant to the applicant's request, continue this item to the City Council's August 26, 2014, public hearing agenda.

Pursuant to the applicant's request, continue Item E.2 to until August 26, 2014, public hearing agenda. by m/Mayor Pro Tem Victoria Baca, s/Council Member Richard A. Stewart

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

Mayor Jesse L. Molina announced that Council Member Yxstian Gutierrez would be participating by teleconference on items G.1 and G.2 as noticed on the agenda. Roll call votes would be conducted for G.1 and G.2.

- G.1 RESOLUTION CALLING AN ELECTION ON A MEASURE RELATING TO THE DIRECT ELECTION OF THE MAYOR AND REAPPORTIONMENT OF COUNCILMANIC DISTRICTS; REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE CONSOLIDATE THE ELECTION WITH THE ESTABLISHED GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014; AND REQUESTING THAT THE COUNTY REGISTRAR OF VOTERS CONDUCT THE ELECTION ON THE CITY'S BEHALF

(Report of: City Attorney Department)

Recommendations That the City Council:

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1. Adopt Resolution No. 2014-67. A Resolution of the City Council of the City of Moreno Valley, California, Calling an Election on a Measure Relating to the Direct Election of the Mayor and Reapportionment of Councilmanic Districts; Requesting that the Board of Supervisors of the County of Riverside Consolidate the Election with the Established General Election to be Held on Tuesday, November 4, 2014; and Requesting that the County Registrar of Voters Conduct the Election on the City's Behalf.
2. Approve an appropriation in the amount of \$50,000 for election costs for FY 2014/15.

Mayor Jesse L. Molina opened the agenda item for public comments; which were received from Ms. Smith (Opposed); Chef Basil (Opposed), Kathleen Dale (Opposed), Deanna Reeder (Opposed), Debra Craig, Curtis Gardner (Opposed), Craig Givens (Opposed), and Tom Jerele, Sr. (Supports).

Motion to Approve Recommendation Nos. 1 and 2 and add that the Mayor be the one to write the Argument for the Measure. by m/Mayor Pro Tem Victoria Baca, s/Council Member Yxstian Gutierrez

Passed by a vote of 3-2-0-0, Council Members George Price and Richard A. Stewart opposed.

- G.2 COUNCIL RECONSIDERATION OF, FOR POSSIBLE REPEAL, RESOLUTION 2014-35: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CALLING AN ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORATE A MEASURE RELATING TO THE APPROVAL OF TERM LIMITS; REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE CONSOLIDATE THE ELECTION WITH THE ESTABLISHED GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014; AND REQUESTING THAT THE COUNTY REGISTRAR OF VOTERS CONDUCT THE ELECTION ON THE CITY'S BEHALF"
(Report of: City Attorney Department)

Recommendations That the City Council:

Reconsider, for possible repeal, Resolution 2014-35: "A Resolution of the City Council of the City of Moreno Valley, California, Calling An Election and Submitting to the Qualified Electorate a Measure Relating to the Approval of Term Limits; Requesting that the Board of Supervisors of the County of Riverside Consolidate the Election with the Established General Election to be held on Tuesday, November 4, 2014; and Requesting that the County Registrar of Voters Conduct the Election on the City's Behalf."

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Mayor Jesse L. Molina opened the agenda item for public comments; which were received from Deanna Reeder (Opposed) and Tom Jerele Sr.

Motion to Approve Council Reconsideration of, for Possible Repeal, Resolution 2014-35: “A Resolution of the City Council of the City of Moreno Valley, California, Calling an Election and Submitting to the Qualified Electorate a Measure Relating to the Approval of Term Limits; Requesting that the Board of Supervisors of the County of Riverside Consolidate the Election with the Established General Election to be Held on Tuesday, November 4, 2014; and requesting that the County Registrar of Voters Conduct the Election on the City’s Behalf.” by m/Council Member Richard A. Stewart, s/Council Member George Price

Failed by a vote of 2-3, Mayor Pro Tem Victoria Baca, Council Member Yxstian Gutierrez and Mayor Jesse L. Molina opposed.

G.3 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

G.3.1 Mayor Pro Tem Victoria Baca report on Western Riverside Council of Governments

WRCOG approved the Executive Director to execute a TUMF Reimbursement Agreement with the City of Moreno Valley in the amount of \$1,629,676 for the Heacock Street Widening Project of four lanes and a painted median. The project begins November 2014 with a completion date of October 2015.

G.4 APPOINTMENTS TO THE JULY 4TH ADVISORY BOARD
(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint three (3) members to the July 4th Advisory Board with terms expiring July 31, 2017.
2. Appoint Nathan Nguyen to the July 4th Advisory Board as a teenage member for a term expiring July 31, 2017, or until high school graduation, whichever comes first.
3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

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Continue to August 26, 2014. by m/Council Member Richard A. Stewart, s/Mayor Jesse L. Molina

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

G.5 2014 MID-YEAR COUNCIL COMMITTEE PARTICIPATION
APPOINTMENTS
(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint Council Member Richard A. Stewart to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
2. Appoint Mayor Pro Tem Victoria Baca to serve as the City of Moreno Valley's representative on the March Joint Powers Commission (MJPC).
3. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's alternate representative on the March Joint Powers Commission (MJPC).
4. Appoint Council Member Richard A. Stewart to serve as the City of Moreno Valley's representative on the Riverside County Habitat Conservation Agency (RCHCA).
5. Appoint Council Member George E. Price to serve as the City of Moreno Valley's alternate representative on the Riverside County Habitat Conservation Agency (RCHCA).
6. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside County Transportation Commission (RCTC).
7. Appoint Council Member Dr. Yxstian A. Gutierrez to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).
8. Appoint Mayor Jesse L. Molina to serve as the City of Moreno Valley's representative on the Riverside Transit Agency (RTA).
9. Appoint Mayor Pro Tem Victoria Baca to serve as the City of Moreno Valley's alternate representative on the Riverside Transit Agency (RTA).
10. Appoint Mayor Pro Tem Victoria Baca to serve as the City of

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Moreno Valley's representative on the Western Riverside Council of Governments (WRCOG).

11. Appoint Council Member Dr. Yxstian A. Gutierrez to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).
12. Appoint Council Member Richard A. Stewart to serve as the City of Moreno Valley's representative on the Western Riverside County Regional Conservation Authority (RCA).
13. Appoint Council Member George E. Price to serve as the City of Moreno Valley's alternate representative on the Western Riverside County Regional Conservation Authority (RCA).
14. Approve the appointments to the remaining various committees and regional bodies, as noted on the 2014 Mid-Year Council Committee Participation – Mayor's Recommendations list.

Mayor Jesse L. Molina opened the agenda item for public comments; which were received from Donovan Saadiq (Opposed) and Tom Jerele Sr.

Motion to approve staff recommendations 1-14 and approve the appointments to the remaining various committees and regional bodies, as noted on the 2014 Mid-Year Council Committee Participation – Mayor's Recommendations list. by m/Mayor Pro Tem Victoria Baca, s/Council Member Richard A. Stewart

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

G.6 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS
(Report of: City Clerk Department)

Recommendations That the City Council:

1. Appoint those applicants who received majority vote by the City Council.
2. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Motion to approve staff recommendations to appoint the following:

Accessibility Appeals Board, Two (2) terms expiring June 30, 2017:

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Construction Representatives Jeffrey M. Barnes and Toya Vick;

Arts Commission, Three (3) terms expiring June 30, 2017: Richard L. F. Archer, Sr., Debby Johnson, and Jenny Janecek;

Environmental and Historical Preservation Board, Two (2) terms expiring June 30, 2017: Gerald Michael Budlong and Gregory A. Hagans;

Library Commission, Three (3) terms expiring June 30, 2017: Jennifer Baca, Sharon B. Clements and Margie Yumul;

Parks And Recreation Commission, Two (2) terms expiring June 30, 2017: Bill Alvarez and Saifur R. Osmani;

Recreational Trails Board, Three (3) terms expiring June 30, 2017: Margie Breitzkreuz, Gilbert Brooks and Arlen Henry Gaynor;

Senior Citizens' Board, Three (3) terms expiring June 30, 2017: Delorise Anderson, Vonzetta Fielding and Delanna Townsend; and

Traffic Safety Commission, Three (3) terms expiring June 30, 2017: Corey A. Jackson, James Kelly and Darlena Moore by m/Richard A. Stewart, s/Victoria Baca

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

- G.7 APPROVAL OF THE CALCULATION OF THE MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4-MAINTENANCE (CENTERPOINTE BUSINESS PARK), MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5 (STONERIDGE TOWNE CENTRE), MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE), MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 IMPROVEMENT AREA NO. 1 (TOWNGATE), AND MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) MAXIMUM SPECIAL TAX RATES AND SETTING THE APPLIED TAX RATES FOR FISCAL YEAR 2014/15

(Report of: Financial & Management Services Department)

Recommendations That the City Council and CSD:

1. As the legislative body of the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) approve and adopt Resolution No. 2014-39. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Calculation of the Community Facilities District No. 2014-01 Maximum Special Tax

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Rate and Setting the Applied Tax Rate for Fiscal Year 2014/15.

2. As the legislative Body of Moreno Valley Community Facilities District No. 4-Maintenance approve and adopt Resolution No. 2014-40. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Calculation of the Community Facilities District No. 4-Maintenance Maximum Special Tax Rate and Setting the Applied Tax Rate For Fiscal Year 2014/15.
3. As the legislative body of Moreno Valley Community Facilities District No. 5 approve and adopt Resolution No. 2014-41. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Calculation of the Maximum Special Tax Rate and Setting the Applied Tax Rate for Moreno Valley Community Facilities District No. 5 for Fiscal Year 2014/15.
4. As the legislative body of the Moreno Valley Community Facilities District No. 87-1 (Towngate), approve and adopt Resolution No. 2014-42. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Calculation of the Maximum Special Tax Rate for Community Facilities District No. 87-1 (Towngate) for Fiscal Year 2014/15.
5. As the legislative body of the Moreno Valley Community Facilities District No. 87-1, Improvement Area No. 1, approve and adopt Resolution No. 2014-43. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Calculation of the Moreno Valley Community Facilities District No. 87-1 (Towngate), Improvement Area No. 1 Maximum Special Tax Rate and Setting the Applied Rate for Fiscal Year 2014/15.
6. Acting in its capacity as President and Members of the Board of Directors of the CSD and as the legislative body of Moreno Valley Community Facilities District No. 1 approve and adopt Resolution No. CSD 2014-11. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Moreno Valley Community Facilities District No. 1 Maximum Special Tax Rate and Setting the Applied Tax Rate for Fiscal Year 2014/15.
7. Authorize the Chief Financial Officer to determine the actual special tax rate to be levied on the property tax bills based on any parcel changes between the Council and CSD Board meeting date and the submittal of the fixed charges to the County of Riverside ("County"), provided the rate applied does not exceed the maximum special tax rate, is in compliance with the Rate and Method of Apportionment of

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Special Tax (“RMA”), and is consistent with the approved budget.

Mayor Molina opened the agenda item for public comments; there being none, public comments were closed.

Motion to adopt Recommendations Nos. 1-7. by m/Council Member George Price, s/Council Member Richard A. Stewart

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

G.8 APPOINTMENTS TO THE EMERGING LEADERS COUNCIL (ELC)
(Report of: City Clerk Department)

Recommendations

1. Appoint those applicants as recommended by Council Member Dr. Yxstian A. Gutierrez and Mayor Jesse L. Molina: Two terms expiring May, 31, 2015: Jacqueline Lucha and Gisselle Tapia One Alternate Member: Jessica Grace Reza
2. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant.

Mayor Jesse L. Molina opened the agenda item for public comments; there being none, public comments were closed.

Appoint those applicants as recommended by Council Member Dr. Yxstian A. Gutierrez and Mayor Jesse L. Molina: Two terms expiring May, 31, 2015: Jacqueline Lucha and Gisselle Tapia; One Alternate Member: Jessica Grace Reza by m/Mayor Pro Tem Victoria Baca, s/Mayor Jesse L. Molina

Passed by a vote of 4-0-1, Council Member Yxstian Gutierrez absent.

G.9 MONTHLY REPORT: MORENO VALLEY ANIMAL SHELTER ADOPTION RATE
(Report of: Administrative Services Department)

Recommendations That the City Council:

Receive and file the Monthly Report: Moreno Valley Animal Adoption Rate for the period of May 1 to May 31, 2014.

G.10 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

City Manager Michelle Dawson presented a thank you scroll of the names of the City staff members as well as the members of the Sheriff's

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Department who helped make the July 4th event a success.

G.11 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

No Report

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Council Member Richard A. Stewart

1. Commented that Luther Sandusky, retired Air Force was in intensive care in the hospital asked for prayers.

Council Member George E. Price

1. Commented that the 4th of July fireworks grand finale was spectacular the best ever seen; lots of people in the parade route; was really pleased with the whole event, the organization and gave a thank you to the Park and Recreation staff.

Mayor Pro Tem Victoria Baca

1. 4th of July was spectacular; parade had over 90 entries; fireworks was the best seen; she observed upon her departure people still outside barbecuing and enjoying the music, and fireworks
2. Recall; briefly commented was not aware of what was going on with the FBI investigation.
3. Council Recess; everyone be safe

Jesse L. Molina

1. Thank you to everyone; the parade was spectacular; thank you to County Supervisor Marion Ashley and Assemblyman Jose

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Medina for attending our parade; enjoyed giving out candy to the children; the event only gets better and better.

CLOSED SESSION - none

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

The Mayor stated he would like to adjourn the City Council meeting in memory of Richard Tegley, who unselfishly served the community. He was a retired Air Force veteran and realtor.

Mr. Tegley was an advocate for real estate, housing and legislative reform. He served as President of the Riverside/Moreno Valley Association of Realtors, director for the California Association of Realtors, and National Association of Realtors.

Mr. Tegley was also a member of the Riverside Community College District Foundation. Mr. Tegley's late wife, Coral Ann Tegley, was a graduate of the Riverside Community College Nursing Program, and he established an endowed scholarship in her name which he recently awarded at this year's nursing scholarship ceremony.

Mr. Tegley gave countless hours of service to our community. He always found the energy, time, and commitment to be involved. He will be truly missed.

Our thoughts and prayers go out to his family.

There being no further business to conduct, the meeting was adjourned at 11:09 p.m. by unanimous informal consent.

Submitted by:

Jane Halstead, CMC
Secretary, Moreno Valley Community Services District
Secretary, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley
Secretary, Moreno Valley Housing Authority
Secretary, Board of Library Trustees

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Approved by:

Jesse L. Molina

President, Moreno Valley Community Services District

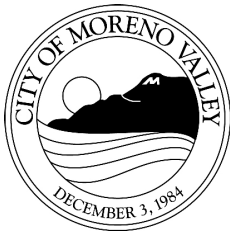
Chairperson, City as Successor Agency for the Community Redevelopment Agency
of the City of Moreno Valley

Chairperson, Moreno Valley Housing Authority

Chairperson, Board of Library Trustees

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: August 26, 2014

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of July 2 - August 19, 2014.

<i>Reports on Reimbursable Activities</i>			
July 2 - August 19, 2014			
Council Member	Date	Meeting	Cost
Victoria Baca	7/14/14	League of California Cities (LCC) Riverside County General Membership Meeting	\$40.00
Yxstian A. Gutierrez	7/14/14	League of California Cities (LCC) Riverside County General Membership Meeting	\$40.00
	7/23/14	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley	\$15.00
Jesse L. Molina	7/14/14	League of California Cities (LCC) Riverside County General Membership Meeting	\$40.00
George E. Price	7/14/14	League of California Cities (LCC) Riverside County General Membership Meeting	\$40.00
Richard A. Stewart	7/14/14	League of California Cities (LCC) Riverside County General Membership Meeting	\$40.00
	8/5/14	Moreno Valley Hispanic Chamber of Commerce Adelante	\$10.00

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: August 26, 2014

TITLE: APPROVAL OF PAYMENT REGISTER FOR JUNE, 2014

RECOMMENDED ACTION

Recommendation:

1. Adopt Resolution No. 2014-68. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Payment Register for the month of June, 2014 in the amount of \$18,341,897.32.

DISCUSSION

To facilitate Council's review, the Payment Register lists in alphabetical order all checks and wires in the amount of \$25,000 or greater, followed by a listing in alphabetical order of all checks and wires less than \$25,000. The Payment Register also includes the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Payment Register are reflected in the 2013-14 budget. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS

- Attachment 1: Proposed Resolution
Attachment 2: Payment Register for Month of June, 2014

Prepared By:
Dena Heald
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Chief Financial Officer

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RESOLUTION NO. 2014-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE PAYMENT REGISTER FOR THE MONTH OF JUNE, 2014

WHEREAS, the Financial & Management Services Department has prepared and provided the Payment Register for the period June 1, 2014 through June 30, 2014, for review and approval by the City Council of the City of Moreno Valley; and

WHEREAS, it is in the best interest of the City that the referenced Payment Register be approved.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Payment Register for the period June 1, 2014 through June 30, 2014, in the total amount of \$18,341,897.32 is approved.

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

1
Resolution No. 2014-68
Date Adopted: August 26, 2014

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. 2014-68 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

Resolution No. 2014-68²
Date Adopted: August 26, 2014



City of Moreno Valley
Payment Register
 For Period 6/1/2014 through 6/30/2014

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
ACCELA, INC.	12544	06/02/2014	CREDIT BALANCE	CREDIT FOR BALANCE OWED TO CITY FROM LAST YEAR	\$82,766.61
		06/02/2014	MR053919-EP	ACCELA ANNUAL MAINTENANCE AND SUPPORT FEES	
Remit to: CHICAGO, IL					FYTD: \$82,766.61
BEDON CONSTRUCTION, INC	12664	06/09/2014	16910	CONSTRUCTION - MORENO MASTER DRAIN LINE F	\$107,348.86
	12718	06/16/2014	16911	RETENTION RELEASE - MMD LINE F	\$179,797.01
Remit to: TEMECULA, CA					FYTD: \$3,595,940.17
BUNKER, JOSEPH L.	221652	06/16/2014	PA04-0168	REFUND-STREET IMPVLT. SECURITY DEPOSIT	\$46,000.00
Remit to: MORENO VALLEY, CA					FYTD: \$46,000.00
BURNS & MCDONNELL ENGINEERING COMPANY, INC	221544	06/09/2014	77878-1	COST OF SERVICE AND RATE DESIGN STUDY	\$26,493.56
Remit to: KANSAS CITY, MO					FYTD: \$35,229.56
BURST COMMUNICATIONS, INC	221545	06/09/2014	107867F	INSTALLATION - MVTV-3 EQUIP. UPGRADE	\$44,246.40
Remit to: CENTENNIAL, CO					FYTD: \$449,894.40
COMMONWEALTH LAND TITLE COMPANY	221546	06/09/2014	486-270-018	ACQUISITION - NASON/FIR TO CACTUS	\$68,695.00
Remit to: NEWPORT BEACH, CA					FYTD: \$416,116.00
COMPU COM	221457	06/02/2014	62246657	MS ADDL LICENSING FOR FY13/14	\$143,035.95
		06/02/2014	62246762	MS LICENSING TRUE UP-FY13/14	
Remit to: CITY OF INDUSTRY, CA					FYTD: \$148,715.97

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City of Moreno Valley
Payment Register
 For Period 6/1/2014 through 6/30/2014

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
COUNTY OF RIVERSIDE FIRE DEPT	12706	06/09/2014	231805	FIRE SVCS CONTRACT-3RD QTR (FPARC-MV,231805,13-14,Q3)	\$3,317,556.69
Remit to: PERRIS, CA					FYTD: \$12,859,146.58
COUNTY OF RIVERSIDE SHERIFF	12655	06/03/2014	SH0000023457	CONTRACT LAW ENF. BILLING #8 (1/9/14-2/5/14)	\$2,432,469.36
	12761	06/23/2014	SH0000023924	FACILITY EXPENSES BILLING-FY 2013/14	\$108,151.24
	12803	06/30/2014	SH0000023701	CONTRACT LAW ENF. BILLING #9 (2/6/14-3/5/14)	\$2,511,291.62
	221552	06/09/2014	SH0000023828	RMS & CLETS FEES 7/1/13-6/30/14	\$284,254.00
Remit to: RIVERSIDE, CA					FYTD: \$32,223,858.46
COUNTY OF RIVERSIDE, AUDITOR- CONTROLLER	221461	06/02/2014	52974	MARCH 2014 DISTRIBUTION OF FEES AND FINES	\$28,960.40
	221746	06/30/2014	APR-14	TRANSMITTAL OF AB544-PARKING CONTROL FEES	\$26,325.48
Remit to: RIVERSIDE, CA					FYTD: \$334,203.85
EASTERN MUNICIPAL WATER DISTRICT	221464	06/02/2014	MAY-14 6/2/14	WATER CHARGES	\$46,639.58
	221688	06/23/2014	MAY-14 6/23/14	WATER CHARGES	\$112,914.85
Remit to: PERRIS, CA					FYTD: \$1,780,335.88
EMPLOYMENT DEVELOPMENT DEPARTMENT	12750	06/13/2014	2014-00000394	CA TAX - STATE TAX WITHHOLDING	\$31,583.44
	12827	06/27/2014	2014-00000411	CA TAX - STATE TAX WITHHOLDING*	\$32,000.61
Remit to: SACRAMENTO, CA					FYTD: \$969,945.14
ENCO UTILITY SERVICES MORENO VALLEY LLC	12569	06/02/2014	40-301B-03	WORK AUTHORIZATION 40-301B	\$29,498.15
		06/02/2014	40-284B-01	WORK AUTHORIZATION 40-284B	



City of Moreno Valley
Payment Register
 For Period 6/1/2014 through 6/30/2014

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
ENCO UTILITY SERVICES MORENO VALLEY LLC	12569	06/02/2014	40-306B-01	WORK AUTHORIZATION 40-306B	\$29,498.15
		06/02/2014	40-296A-04	WORK AUTHORIZATION 40-296A	
		06/02/2014	40-297B-04	WORK AUTHORIZATION 40-297B	
		06/02/2014	40-292B-09	WORK AUTHORIZATION 40-292B	
		06/02/2014	40-291B-08	WORK AUTHORIZATION 40-291B	
		06/02/2014	40-295B-08	WORK AUTHORIZATION 40-295B	
		06/02/2014	40-301A-05	WORK AUTHORIZATION 40-301A	
		06/02/2014	40-296B-02	WORK AUTHORIZATION 40-296B	
		06/02/2014	40-280B-08	WORK AUTHORIZATION	
		06/02/2014	40-303-05	WORK AUTHORIZATION 40-303	
		06/02/2014	40-299B-03	WORK AUTHORIZATION 40-299B	
		06/02/2014	40-304A-03	WORK AUTHORIZATION 40-304A	
		06/02/2014	40-306A-01	WORK AUTHORIZATION 40-306A	
		06/02/2014	40-284A-15	WORK AUTHORIZATION 40-284A	
		06/02/2014	40-305B-01	WORK AUTHORIZATION 40-305B	
		06/02/2014	40-305A-01	WORK AUTHORIZATION 40-305A	
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$5,798,734.60
ESRI, INC.	12675	06/09/2014	92814541	LICENSE MAINTENANCE	\$26,882.76
Remit to: REDLANDS, CA					<u>FYTD:</u> \$26,882.76
FALCON ENGINEERING SERVICES, INC.	12678	06/09/2014	2012-20	INSPECTION - SR-60/NASON BRIDGE	\$71,669.10
	12767	06/23/2014	2012-21	INSPECTION - SR-60 NASON OVERCROSSING	\$60,983.16

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Item No. A.4



City of Moreno Valley
Payment Register
 For Period 6/1/2014 through 6/30/2014

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: CORONA, CA					<u>FYTD:</u> \$1,684,828.85
INTERNAL REVENUE SERVICE CENTER	12751	06/13/2014	2014-00000396	FED TAX - FEDERAL TAX WITHHOLDING*	\$123,814.05
	12828	06/27/2014	2014-00000412	FED TAX - FEDERAL TAX WITHHOLDING*	\$125,151.01
Remit to: OGDEN, UT					<u>FYTD:</u> \$3,535,401.69
LIBRARY SYSTEMS & SERVICES, LLC	221693	06/23/2014	14191	LIBRARY SVCS OPERATIONS & MATERIALS-JUN14	\$223,260.00
		06/23/2014	14139	LIBRARY SVCS OPERATIONS & MATERIALS-MAY14	
Remit to: GERMANTOWN, MD					<u>FYTD:</u> \$1,071,088.00
M.C. ALYEA CONSTRUCTION	221736	06/23/2014	101	CONSTRUCTION - SECURITY FENCING FIRE STATION #48 & 65	\$52,063.56
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$52,063.56
MORENO VALLEY UTILITY	221624	06/16/2014	7013411-01/MAY14	ELECTRICITY-UTILITY FIELD OFFICE	\$63,227.98
		06/16/2014	JUN-14 6/16/14	ELECTRICITY	
Remit to: HEMET, CA					<u>FYTD:</u> \$818,551.09
NEW WORLD SYSTEMS, CORP	12617	06/02/2014	034942	LOGOS ANNUAL SOFTWARE MAINTENANCE 6/1/14-5/31/15	\$134,640.00
Remit to: TROY, MI					<u>FYTD:</u> \$271,283.10
ONESOURCE DISTRIBUTORS, INC.	12688	06/09/2014	S4243082.001	EQUIPMENT FOR MOVAL SUBSTATION	\$83,214.00
Remit to: OCEANSIDE, CA					<u>FYTD:</u> \$144,282.60
PACIFIC UTILITY INSTALLATION, INC	12774	06/23/2014	12628	MOVAL SOUTH SUBSTATION PROJECT SERVICES	\$208,659.85



**City of Moreno Valley
Payment Register
For Period 6/1/2014 through 6/30/2014**

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$334,092.85
PARSONS TRANSPORTATION GROUP, INC.	12735	06/16/2014	1405B192	PARSONS TRANSPORTATION - SR-60 NASON OC	\$41,674.07
Remit to: IRVINE, CA					<u>FYTD:</u> \$299,131.09
PERS HEALTH INSURANCE	12707	06/09/2014	W140601	EMPLOYEE HEALTH INSURANCE	\$190,661.15
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$2,312,951.54
PERS RETIREMENT	12658	06/06/2014	P140523	PERS RETIREMENT DEPOSIT - CLASSIC	\$226,275.45
	12788	06/20/2014	P140606	PERS RETIREMENT DEPOSIT - CLASSIC	\$226,111.92
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$5,791,275.57
PRINCIPLES CONTRACTING, INC.	12624	06/02/2014	3	CONSTRUCTION - CIVIC CTR. EXTERIOR	\$47,785.00
	12821	06/30/2014	4	CONSTRUCTION - CIVIC CENTER EXTERIOR	\$57,427.50
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$256,803.03
PSOMAS	221565	06/09/2014	96476	SURVEY - ALESSANDRO/ELSWORTH	\$25,476.15
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$164,083.45
RIVERSIDE CONSTRUCTION COMPANY, INC	12738	06/16/2014	140502	CONSTRUCTION - SR-60 NASON OVERCROSSING	\$659,879.17
	12778	06/23/2014	140512	CONSTRUCTION - SR-60 NASON OVERCROSSING	\$649,013.19
	12789	06/19/2014	W140603	RETENTION RELEASE PER ESCROW AGREEMENT-INV#140310 (PPR#15)	\$30,436.83
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$8,405,948.75

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City of Moreno Valley
Payment Register
 For Period 6/1/2014 through 6/30/2014

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
RUIZ CONCRETE & PAVING, INC	221699	06/23/2014	2	CONSTRUCTION - CITYWIDE SIDEWALK & ACCESS RAMP	\$62,149.14
Remit to: LONG BEACH, CA					<u>FYTD:</u> \$133,274.28
SAMIR M. KHOURY DBA COORY ENGINEERING	221630	06/16/2014	7295R	CONSULTING - SR-60 MORENO BEACH	\$34,195.00
Remit to: ORANGE, CA					<u>FYTD:</u> \$105,608.75
SHELL ENERGY NORTH AMERICA (US) L.P.	12739	06/16/2014	1304881	ELECTRIC ENERGY PURCHASE FOR MV UTILITY	\$526,310.40
Remit to: PHILADELPHIA, PA					<u>FYTD:</u> \$6,134,103.48
SINGER & COFFIN, APC	12697	06/09/2014	4227	LEGAL SVCS - SR-60 MORENO BEACH	\$28,471.73
Remit to: IRVINE, CA					<u>FYTD:</u> \$83,510.33
SOUTHERN CALIFORNIA EDISON 1	221569	06/09/2014	7500426359	WDAT CHARGES-IRIS AVE. LOCATION	\$38,989.19
		06/09/2014	7500426360	WDAT CHARGES-GRAHAM ST. LOCATION	
		06/09/2014	7500427030	RELIABILITY SERVICE-DLAP_SCE_SEES_HV	
		06/09/2014	7500426362	WDAT CHARGES-NANDINA AVE. LOCATION	
		06/09/2014	7500426363	WDAT CHARGES-FREDERICK AVE. LOCATION	
		06/09/2014	7500426361	WDAT CHARGES-GLOBE ST. LOCATION	
		06/09/2014	7500426364	WDAT CHARGES-SUBSTATION 115KV INTERCONNECTION	
	221632	06/16/2014	721-3449 MAY-14	IFA CHARGES-SUBSTATION	\$115,030.25
		06/16/2014	707-6081 MAY-14	ELECTRICITY	
		06/16/2014	MAY-14 6/16/14	ELECTRICITY	
	221633	06/16/2014	7590002758	CONSULTING - NASON/CACTUS TO FIR	\$560,000.00
	221702	06/23/2014	MAY-14 6/23/14	ELECTRICITY	\$57,660.65



**City of Moreno Valley
Payment Register
For Period 6/1/2014 through 6/30/2014**

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: ROSEMEAD, CA					FYTD: \$3,427,919.14
STANDARD INSURANCE CO	12741	06/16/2014	140601a	LIFE & DISABILITY INSURANCE	\$26,253.13
Remit to: PORTLAND, OR					FYTD: \$326,517.11
THINK TOGETHER, INC	12822	06/30/2014	111000-13/14-10	ASES PROGRAM MANAGEMENT SERVICES	\$493,437.50
Remit to: LOS ANGELES, CA					FYTD: \$4,945,296.15
U.S. BANK/CALCARDS	12701	06/09/2014	05-27-14	PAYMENT FOR MAY 2014 CALCARD ACTIVITY	\$192,057.98
Remit to: ST. LOUIS, MO					FYTD: \$2,407,536.12
VANCE CORPORATION	12703	06/09/2014	4 rev	CONSTRUCTION - CACTUS WIDENING	\$324,975.73
Remit to: RIALTO, CA					FYTD: \$947,167.00
WELLS FARGO CORPORATE TRUST	12708	06/05/2014	W140602	DEBT SERVICE-SPECIAL TAXES	\$920,494.72
Remit to: LOS ANGELES, CA					FYTD: \$9,532,840.68
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.	221645	06/16/2014	MAY-14 TUMF	TUMF FEES COLLECTED FOR 5/1-5/31/14	\$152,432.60
Remit to: RIVERSIDE, CA					FYTD: \$2,363,058.74
WRCRCA	221646	06/16/2014	MAY-2014 MSHCP	MSHCP FEES COLLECTED FOR MAY, 2014- COMMERCIAL/INDUSTRIAL	\$377,810.19
Remit to: RIVERSIDE, CA					FYTD: \$2,286,765.27

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City of Moreno Valley
Payment Register
For Period 6/1/2014 through 6/30/2014

CHECKS IN THE AMOUNT OF \$25,000 OR GREATER

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
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TOTAL AMOUNTS OF \$25,000 OR GREATER					\$16,898,602.92
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City of Moreno Valley
Payment Register
 For Period 6/1/2014 through 6/30/2014

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
/BLOOMINGDALE'S, MACY'S	221785	06/30/2014	14111033	DUPLICATE PAYMENT 14111033	\$32.00
Remit to: SHARONVILLE, OH					<u>FYTD:</u> \$32.00
3SI SECURITY SYSTEMS	221537	06/09/2014	347683	1 YEAR ANNUAL USAGE - TRACKING	\$3,888.00
Remit to: EXTON, PA					<u>FYTD:</u> \$3,888.00
ABILITY COUNTS, INC	221608	06/16/2014	ACI10926	LANDSCAPE MAINT-CFD#1-MAY14	\$2,065.00
Remit to: CORONA, CA					<u>FYTD:</u> \$24,780.00
ACTION DOOR REPAIR CORP.	12545	06/02/2014	89598	FRONT DOORS #1-2	\$161.95
Remit to: ORLANDO, FL					<u>FYTD:</u> \$27,013.97
ACUNA, CHRISTINA	221786	06/30/2014	14134368	APPEAL GRANTED PD 14134368	\$31.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$31.00
ADAMS, MARK L.	12546	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: REDLANDS, CA					<u>FYTD:</u> \$3,824.76
ADLERHORST INTERNATIONAL INC.	12547	06/02/2014	20245	MONTHLY K-9 TRAINING - SCHMIDT & DRE	\$425.01
		06/02/2014	20247	MONTHLY K-9 TRAINING - BROOKS	
		06/02/2014	20246	MONTHLY K-9 TRAINING - SANTISTEVAN	
	12754	06/23/2014	20436	MONTHLY K-9 TRAINING-IVAN-MAY14	\$570.81
		06/23/2014	20379	DOG FOOD FOR K-9 IVAN	
		06/23/2014	20434	MONTHLY K-9 TRAINING-DRE-MAY14	
		06/23/2014	20435	MONTHLY K-9 TRAINING-OZZI-MAY14	

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 For Period 6/1/2014 through 6/30/2014

CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$13,768.44
ADVANCE REFRIGERATION & ICE SYSTEMS, INC	12796	06/30/2014	3284-38559	ICE MACHINE MAINT-PSB	\$195.00
	221738	06/30/2014	3284-38560	ICE MACHINE MAINT-CRC	\$585.00
		06/30/2014	3284-38540	ICE MACHINE MAINT-EOC	
		06/30/2014	3284-38570	ICE MACHINE MAINT-FS#65	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$6,538.41
ADVANCED ELECTRIC	221538	06/09/2014	11048	ELECTRICAL REPAIRS - GOLF COURSE	\$997.84
		06/09/2014	11062	ELECTRICAL REPAIRS - GOLF COURSE	
		06/09/2014	11063	ELECTRICAL REPAIRS - CFD#1	
		06/09/2014	11049	ELECTRIC REPAIRS - GOLF COURSE	
		06/09/2014	11052	ELECTRICAL REPAIRS - CFD#1	
	221609	06/16/2014	11059	NEW MAIN ELECTRICAL PANEL-MFPCC	\$5,351.44
		06/16/2014	11045	RELAMPED FLOOD LIGHTS-FS#58	
		06/16/2014	11058	WALKWAY LIGHTING AUTOMATION-SHADOW MOUNTAIN	
		06/16/2014	11060	ELECTRICAL REPAIRS-MFPCC	
		06/16/2014	11056	REPAIRED CURTAINS IN THE GVBR-CRC	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$84,979.81
AEI-CASC ENGINEERING	12797	06/30/2014	0031553	PLAN CHECK SVCS-PWQMP	\$6,326.98
		06/30/2014	0031237	PLAN CHECK SVCS-PWQMP	
		06/30/2014	0031554	PLAN CHECK SVCS-PWQMP	
Remit to: COLTON, CA					<u>FYTD:</u> \$34,924.35



City of Moreno Valley
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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
AILSHIE, STEVEN	221513	06/02/2014	ACCT 7011552-04	SOLAR INCENTIVE REBATE	\$10,482.00
Remit to: MORENO VALLEY, CA					FYTD: \$10,482.00
ALLIANT INSURANCE SERVICES	221610	06/16/2014	1/1/14-3/31/14	SPECIAL EVENT INSURANCE-POLICY# SEP41014	\$23,680.03
		06/16/2014	4/1/12-12/31/13	SPECIAL EVENT INSURANCE	
Remit to: NEWPORT BEACH, CA					FYTD: \$23,680.03
ALM, CHARLES	221582	06/09/2014	101	JOSHUA TREE BAND FOR CONCERT IN THE PARK-6/12/14	\$1,000.00
Remit to: ORANGE, CA					FYTD: \$1,000.00
ALTERNATIVES TO DOMESTIC VIOLENCE	12548	06/02/2014	NOV 2013	CDBG REIMBURSEMENT FOR DOMESTIC VIOLENCE SERVICES	\$5,102.58
		06/02/2014	FEB 2014	CDBG REIMBURSEMENT FOR DOMESTIC VIOLENCE SERVICES	
		06/02/2014	AUG 2013	CDBG REIMBURSEMENT FOR DOMESTIC VIOLENCE SERVICES	
		06/02/2014	JUL 2013	CDBG REIMBURSEMENT FOR DOMESTIC VIOLENCE SERVICES	
		06/02/2014	OCT 2013	CDBG REIMBURSEMENT FOR DOMESTIC VIOLENCE SERVICES	
		06/02/2014	SEP 2013	CDBG REIMBURSEMENT FOR DOMESTIC VIOLENCE SERVICES	
Remit to: RIVERSIDE, CA					FYTD: \$12,563.30
AMERICAN FORENSIC NURSES	12661	06/09/2014	64776	PHLEBOTOMY SERVICES	\$1,520.00
		06/09/2014	64798	PHLEBOTOMY SERVICES	
	12755	06/23/2014	64871	PHLEBOTOMY SERVICES	\$1,160.00
		06/23/2014	64849	PHLEBOTOMY SERVICES	
Remit to: PALM SPRINGS, CA					FYTD: \$47,090.76
AMERICAN TECHNOLOGIES, INC	221539	06/09/2014	6N66105178-01	WO# 14-0685 MFPC ABESTOS ABATEMENT	\$5,612.45

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Payment Register
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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: ORANCE, CA					FYTD: \$5,612.45
AMERICAN TOWERS	12662	06/09/2014	1700909	ANNUAL 12 MONTH TOWER LEASE	\$3,150.00
Remit to: CHARLOTTE, NC					FYTD: \$28,350.00
ANIMAL PEST MANAGEMENT SERVICES, INC.	12717	06/16/2014	126227	PEST CONTROL SVCS-GOLF COURSE	\$1,525.50
		06/16/2014	126108	PEST CONTROL SVCS-MARCH FIELD CNTR	
		06/16/2014	126105	PEST CONTROL SVCS-CITY PARKS	
		06/16/2014	126107	PEST CONTROL SVCS-MARB/CHILD CARE GRNDS/BALLFIELDS/EQUESTRIAN	
		06/16/2014	126210	PEST CONTROL SVCS-CFD #1	
		06/16/2014	126106	PEST CONTROL SVCS-SCE ESMNT/AQDCT/BIKEWAY	
Remit to: CHINO, CA					FYTD: \$20,496.50
ANSARI, AHMAD	221583	06/09/2014	6/16-6/18/14	TRAVEL PER DIEM-2014 APPA NATL. CONFERENCE & PUBLIC POWER EXPO	\$165.00
Remit to: CORONA, CA					FYTD: \$432.50
ARROWHEAD WATER	12549	06/02/2014	04C0032414377	WATER PURIF. UNIT RENTAL-PUBLIC SAFETY BLDG.	\$26.99
	12663	06/09/2014	04E0029115177	WATER PURIF. UNITS RENTAL-ANIMAL SHELTER	\$107.96
		06/09/2014	04E0029115359	WATER PURIF. UNIT RENTAL-CRC	
		06/09/2014	04E0029115201	WATER PURIF. UNIT RENTAL-SENIOR CENTER	
Remit to: LOUISVILLE, KY					FYTD: \$7,288.56
ASSESSOR-COUNTY CLERK RECORDER	221540	06/09/2014	12602	MAP COPY SERVICES	\$58.50
		06/09/2014	12556	MAP COPY SERVICES	



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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: RIVERSIDE, CA					FYTD: \$187.50
AT&T MOBILITY	221450	06/02/2014	872455379X050614	CELLULAR PHONE SERVICE	\$92.89
	221739	06/30/2014	872455379X060614	CELLULAR PHONE SVC-MCC	\$92.04
Remit to: CAROL STREAM, IL					FYTD: \$1,104.20
AT&T/MCI	221541	06/09/2014	5395313	LANDLINE PHONE SVC - GANG TASK FORCE	\$180.19
Remit to: CAROL STREAM, IL					FYTD: \$2,197.84
ATKINSON, ANDELSON, LOYA, RUUD & ROMO	221542	06/09/2014	451184	DEFENSE COSTS - EARLY VS. CITY	\$1,112.70
Remit to: CERRITOS, CA					FYTD: \$13,525.71
BACA, VICTORIA	221647	06/16/2014	6/20-6/22/14	TRAVEL PER DIEM-CHRYSLER/CLCI ELECTED OFFICIALS TRAINING ACADEMY	\$140.00
	221708	06/23/2014	6/26-6/27/14	TRAVEL PER DIEM-WRCOG GEN ASSEMBLY & EXEC COMM MEETING	\$106.50
Remit to: MORENO VALLEY, CA					FYTD: \$698.50
BACHER, GRACE	221451	06/02/2014	140601	RETIREE MED JUNE '14	\$208.36
Remit to: HEMET, CA					FYTD: \$2,782.74
BAKER, ERIC	221787	06/30/2014	R14-073255	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: MENIFEE, CA					FYTD: \$75.00
BARTEL ASSOCIATES, LLC	221674	06/23/2014	14-456	ACTUARIAL CONSULTING SERVICES	\$3,700.00
Remit to: SAN MATEO, CA					FYTD: \$13,150.00

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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
BAUDER , KRISTEN	221651	06/16/2014	R14-073723	AS REFUND-RET ADOPT,LIC,VACS	\$66.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$66.00
BAUTISTA, JOSEPH C.	12550	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: FONTANA, CA					<u>FYTD:</u> \$3,824.76
BAYER APPRAISALS	221514	06/02/2014	BL#21521-YR2014	REFUND OF OVERPAYMENT FOR BL#21521	\$53.13
	221675	06/23/2014	06182014	APPRAISALS ON NSP 3 PROPERTY-12669 GORHAM ST	\$350.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$53.13
BELMUDES, DEBRA	12551	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
BEMUS LANDSCAPE, INC.	221611	06/16/2014	263542	LANDSCAPE MAINT-FIRE STNS-MAY14	\$4,949.30
		06/16/2014	263541	LANDSCAPE MAINT-CITY HALL-MAY14	
		06/16/2014	263539	LANDSCAPE MAINT-VETERANS MEMORIAL-MAY14	
		06/16/2014	262065	LANDSCAPE MAINT-VETERANS MEMORIAL-APR14	
		06/16/2014	263540	LANDSCAPE MAINT-ANNEX 1-MAY14	
Remit to: SAN CLEMENTE, CA					<u>FYTD:</u> \$131,765.67
BENESYST	12719	06/16/2014	IN320822	COBRA ADMIN FEE-MAY14	\$602.16
		06/16/2014	IN305133	COBRA ADMIN FEE-APR14	
		06/16/2014	IN307511	FSA ADMIN FEES-JUN14	
Remit to: MINNEAPOLIS, MN					<u>FYTD:</u> \$6,338.14
BESTWORTH-ROMMEL, INC	221788	06/30/2014	BL#27760-YR2014	REFUND OF OVERPAYMENT FOR BL#27760	\$71.87



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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: ARLINGTON, WA					FYTD: \$71.87
BICKMORE RISK SERVICES & CONSULTING	12665	06/09/2014	BRS-0010562	ACTUARIAL REVIEW	\$2,250.00
	12798	06/30/2014	BRS-0010564	ACTUARIAL REVIEW OF THE SELF-INSURED GEN LIAB PROGRM	\$4,250.00
Remit to: SACRAMENTO, CA					FYTD: \$10,750.00
BIO-TOX LABORATORIES	221452	06/02/2014	28677	BLOOD TOXICOLOGY ANALYSIS	\$7,917.16
		06/02/2014	28676	BLOOD TOXICOLOGY ANALYSIS	
	221676	06/23/2014	28823	BLOOD TOXICOLOGY ANALYSIS	\$9,476.00
		06/23/2014	28824	BLOOD TOXICOLOGY ANALYSIS	
Remit to: RIVERSIDE, CA					FYTD: \$120,946.38
BMW MOTORCYCLES OF RIVERSIDE	12552	06/02/2014	6007785	SPECIALIZED LIGHTS FOR TRAFFIC MOTORCYCLES	\$2,569.69
		06/02/2014	6007442	MAINT & REPAIRS FOR NEW WARRANTY TRAFFIC MOTORCYCLES	
		06/02/2014	6007523	MAINT & REPAIRS FOR NEW TRAFFIC MOTORCYCLES	
	12756	06/23/2014	6007689	MAINT & REPAIRS FOR NEW TRAFFIC MOTORCYCLES	\$993.82
Remit to: RIVERSIDE, CA					FYTD: \$69,167.27
BOX SPRINGS MUTUAL WATER COMPANY	221612	06/16/2014	05302014	WATER USAGE ACCT#721-1 ZONE E-1	\$113.24
emit to: MORENO VALLEY, CA					FYTD: \$1,157.99
BRAUN BLAISING MCLAUGHLIN	221543	06/09/2014	14992	LEGAL SERVICES	\$1,597.48
	221613	06/16/2014	15060	LEGAL SVCS-SCE 2015 GEN RATE CASE (CASL)	\$10,232.66
emit to: SACRAMENTO, CA					FYTD: \$86,832.84

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
BROOKS, MARTIN J.	221515	06/02/2014	ACCT 7008040-05	SOLAR INCENTIVE REBATE	\$13,016.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$13,016.00
BROWN, SHERRY	12553	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$4,462.22
BUCKINGHAM, STAN	221453	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: TEMECULA, CA					<u>FYTD:</u> \$3,824.76
BUREAU VERITAS NORTH AMERICA, INC	12757	06/23/2014	1234323	PLAN REVIEW SVCS-FIRE PREV-MAY14	\$360.00
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$3,178.50
BURNS & MCDONNELL ENGINEERING COMPANY, INC	221677	06/23/2014	77878-3	COST OF SERVICE AND RATE DESIGN STUDY	\$8,736.00
Remit to: KANSAS CITY, MO					<u>FYTD:</u> \$35,229.56
BUTLER, EARNESTINE	221789	06/30/2014	14139129	CITATION GRANTED BY PD 14139129	\$31.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$31.00
CAIN, GREGORY	12554	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: TAMPA, FL					<u>FYTD:</u> \$3,824.76
CALGO VEBA CITY OF MORENO VALLEY	12555	06/02/2014	2014-00000369	4020 - EXEC VEBA*	\$1,775.00
	12720	06/16/2014	2014-00000382	4020 - EXEC VEBA*	\$7,945.00
	12799	06/30/2014	2014-00000397	4020 - EXEC VEBA*	\$2,202.61



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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: MORENO VALLEY, CA					FYTD: \$13,732.61
CALIFORNIA SHOPPING CART RETRIEVAL CORP.	12556	06/02/2014	150707	SHOPPING CART RETRIEVAL - APRIL 2014	\$1,800.00
	12800	06/30/2014	151064	SHOPPING CART RETRIVAL SVCS-MAY14	
Remit to: LOS ANGELES, CA					FYTD: \$28,800.00
CALIFORNIA UTILITIES EMERGENCY ASSOCIATION	221678	06/23/2014	1415031	CUEA ANNUAL MEMBERSHIP DUES FOR 2014/2015	\$500.00
Remit to: RANCHO CORDOVA, CA					FYTD: \$1,000.00
CALIFORNIA WATERSHED ENGINEERING CORP.	12666	06/09/2014	14292	PLAN CHECK SERVICES	\$3,333.33
Remit to: FULLERTON, CA					FYTD: \$32,001.08
CANNON, ANA M.	12557	06/02/2014	140601	RETIREE MED MAR-MAY'14 LLOYD SS & AETNA, MAR-APR'14 ANA SS, PAID	\$879.22
Remit to: HASLET, TX					FYTD: \$3,747.79
CARE ANIMAL HOSPITAL	221454	06/02/2014	177602	VET CARE SERVICE - DRE	\$138.26
	221679	06/23/2014	178022	VET CARE SVCS FOR K-9 DRE	\$183.71
Remit to: TEMECULA, CA					FYTD: \$855.82
CASTILLO, ADRIANA	221790	06/30/2014	1148795	REFUND FOR DROPPED CLASS	\$24.75
emit to: MORENO VALLEY, CA					FYTD: \$24.75
CASTILLO, ADRINA	221791	06/30/2014	1148796	REFUND FOR DROPPED CLASS	\$2.25
emit to: MORENO VALLEY, CA					FYTD: \$2.25

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
CASTILLO, ADRINAN	221792	06/30/2014	1148794	REFUND DROPPED CLASS	\$13.50
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$13.50
CASTLEBERRY, LAURIE	221516	06/02/2014	R14-072711	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: MENIFEE, CA					<u>FYTD:</u> \$75.00
CATHOLIC CHARITIES	12758	06/23/2014	APR 2014	CATHOLIC CHARITIES REIMB-CDBG	\$1,915.86
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$20,589.64
CAZARES, JUAN D.	221601	06/09/2014	MV3130314038	REFUND FOR CITATION OVERPAYMENT	\$246.00
Remit to: WHITTIER, CA					<u>FYTD:</u> \$246.00
CELLEBRITE USA, CORP	12667	06/09/2014	140084	UNIVERSAL FORENSIC EXTRACTION DEVICE & MAINT	\$12,166.00
Remit to: GLEN ROCK, NJ					<u>FYTD:</u> \$12,166.00
CEMEX	221680	06/23/2014	9428605549	PORTLAND CEMENT	\$1,216.32
		06/23/2014	9428496587	PORTLAND CEMENT	
		06/23/2014	9428517470	PORTLAND CEMENT	
Remit to: PASADENA, CA					<u>FYTD:</u> \$33,277.40
CENTRAL OCCUPATIONAL MEDICINE PROVIDERS	12558	06/02/2014	04CTY107-0327160	PRE-EMPLOYMENT PHYSICALS/DRUG TESTING	\$140.00
		12801	06/30/2014	04CTY107-0327763	PRE-EMPLOYMENT PHYSICAL/DRUG TESTING
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$5,884.14
CHANCY, CHIZURU	221740	06/30/2014	MAY-2014	INSTRUCTOR SERVICES-ADV. HULA/HAWAIIAN & TAHITIAN DANCE CLASSES	\$847.50



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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
CHANCY, CHIZURU	221740	06/30/2014	MAR-2014	INSTRUCTOR SERVICES-ADV HULA/HAWAIIAN & TAHITIAN DANCE	\$847.50
		06/30/2014	APR-2014	INSTRUCTOR SERVICES-ADV. HULA/HAWAIIAN & TAHITIAN DANCE CLASSES	
		06/30/2014	FEB-2014	INSTRUCTOR SERVICES-ADV. HULA/HAWAIIAN & TAHITIAN DANCE CLASSES	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$2,832.30
CHANDLER ASSET MANAGEMENT, INC	12668	06/09/2014	15060	INVESTMENT MANAGEMENT SERVICES - MAY 2014	\$6,881.00
Remit to: SAN DIEGO, CA					<u>FYTD:</u> \$92,722.00
CHAPMAN, STEVE	221455	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: REDLANDS, CA					<u>FYTD:</u> \$3,824.76
CHAPPELL, ISAAC	12559	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
CHINEDU-OBI, BLESSING	221716	06/23/2014	1146990	REFUND FOR CREDIT ON ACCOUNT	\$74.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$74.00
CHRISTY, RONDA J.	221517	06/02/2014	ACCT 7011286-04	SOLAR INCENTIVE REBATE	\$7,968.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$7,968.00
CHUNG, HAZEL	221592	06/09/2014	ACCT 7010557-05	SOLAR INCENTIVE REBATE	\$12,570.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$12,570.00
CHUNG, VINCENT	221518	06/02/2014	ACCT 7012767-04	SOLAR INCENTIVE REBATE	\$12,494.00

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$12,494.00
CINTAS CORPORATION	12669	06/09/2014	150290534	UNIFORM RENTAL SVC.-GOLF COURSE	\$382.72
		06/09/2014	150294156	UNIFORM RENTAL SVC.-PURCHASING	
		06/09/2014	150290522	UNIFORM RENTAL SVC.-PURCHASING	
		06/09/2014	150286972	UNIFORM RENTAL SVC.-ST. SIGNS/STRIPING	
		06/09/2014	150294155	UNIFORM RENTAL SVC.-PARK MAINT.	
		06/09/2014	150290523	UNIFORM RENTAL SVC.-TRAFFIC SIGNAL	
		06/09/2014	150297719	UNIFORM RENTAL SVC.-FACILITIES	
		06/09/2014	150286971	UNIFORM RENTAL SVC.-TRAFFIC SIGNAL	
		06/09/2014	150294168	UNIFORM RENTAL SVC.-GOLF COURSE	
		06/09/2014	150286970	UNIFORM RENTAL SVC.-PURCHASING	
		06/09/2014	150290524	UNIFORM RENTAL SVC.-ST. SIGNS/STRIPING	
		06/09/2014	150294162	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150290528	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150286976	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150286969	UNIFORM RENTAL SVC.-PARK MAINT.	
		06/09/2014	150272618	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150294167	UNIFORM RENTAL SVC.-FACILITIES	
		06/09/2014	150276211	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150279811	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150290533	UNIFORM RENTAL SVC.-FACILITIES	
		06/09/2014	150283384	UNIFORM RENTAL SVC.-CFD #1	
		06/09/2014	150290521	UNIFORM RENTAL SVC.-PARK MAINT.	



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CINTAS CORPORATION	12759	06/23/2014	150290532	UNIFORM RENTAL SVC.-CONCRETE MAINT.	\$388.08
		06/23/2014	150294163	UNIFORM RENTAL SVC.-ST. SWEEPING	
		06/23/2014	150294166	UNIFORM RENTAL SVC.-CONCRETE MAINT.	
		06/23/2014	150294159	UNIFORM RENTAL SVC.-GRAFFITI RMVL	
		06/23/2014	150290527	UNIFORM RENTAL SVC.-TREE MAINT.	
		06/23/2014	150290526	UNIFORM RENTAL SVC.-VEHICLE MAINT.	
		06/23/2014	150294164	UNIFORM RENTAL SVC.-DRAIN MAINT.	
		06/23/2014	150294161	UNIFORM RENTAL SVC.-TREE MAINT.	
		06/23/2014	150290525	UNIFORM RENTAL SVC.-GRAFFITI RMVL	
		06/23/2014	150290529	UNIFORM RENTAL SVC.-ST. SWEEPING	
		06/23/2014	150290531	UNIFORM RENTAL SVC.-STREET MAINT.	
		06/23/2014	150294165	UNIFORM RENTAL SVC.-STREET MAINT.	
		06/23/2014	150294160	UNIFORM RENTAL SVC.-VEHICLE MAINT.	
		06/23/2014	150290530	UNIFORM RENTAL SVC.-DRAIN MAINT.	

Remit to: ONTARIO, CA	<u>FYTD:</u>	\$17,066.02
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CITRUS BELT CHAPTER, I.C.C.	221614	06/16/2014	FY14/15	CLASS A MEMBERSHIP DUES-ALLEN BROCK	\$30.00
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Remit to: SAN BERNARDINO, CA	<u>FYTD:</u>	\$30.00
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CITY OF RIVERSIDE	221681	06/23/2014	00218923	COSTS FOR SIX SHARED TRAFFIC SIGNALS 12/29/12-6/29/13	\$9,228.57
		06/23/2014	00218927	COSTS FOR SIX SHARED TRAFFIC SIGNALS 6/30/13-12/30/13	

Remit to: RIVERSIDE, CA	<u>FYTD:</u>	\$9,228.57
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CIVIL SOURCE, INC.	12802	06/30/2014	1041-358-1C	PLAN CHECK SERVICES	\$1,495.00
		06/30/2014	1041-358-1D	PLAN CHECK SERVICES	

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Remit to: IRVINE, CA					<u>FYTD:</u> \$19,637.60
CLAUDIO, ANGELINA	221793	06/30/2014	1150003	REFUND ENTRY ERROR	\$23.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$23.00
COLONIAL SUPPLEMENTAL INSURANCE	221509	06/02/2014	7133069-0601517	SUPPLEMENTAL INSURANCE	\$5,822.34
Remit to: COLUMBIA, SC					<u>FYTD:</u> \$72,549.60
COMMUNITY HEALTH CHARITIES	221456	06/02/2014	2014-00000370	8725 - CH CHARITY	\$68.00
	221615	06/16/2014	2014-00000383	8725 - CH CHARITY	\$88.00
	221741	06/30/2014	2014-00000398	8725 - CH CHARITY	
Remit to: COSTA MESA, CA					<u>FYTD:</u> \$4,863.00
COMMUNITY NOW	12560	06/02/2014	1017	NEIGHBORHOODS/NEXTDOOR.COM CONSULTANTS	\$2,500.00
	12721	06/16/2014	1018	REFRESHMENTS FOR JUNE MOVAL NEIGHBORS GATHERING	\$200.00
	12760	06/23/2014	1019	PROF. CONSULTANT SVCS-SR2S PROGRAM	\$665.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$42,695.00
COMMUNITY WORKS DESIGN GROUP	12670	06/09/2014	10895	CONSULTING-SECURITY FENCE FIRE STATION 48 & 65	\$310.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$7,207.50
COMPETITIVE STRIDE	221742	06/30/2014	3174	SPORTS TROPHIES & PLAQUES	\$766.26
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$8,296.02
COMPRESSED AIR SPECIALTIES, INC	221682	06/23/2014	23776	COMPRESSED AIR MAINTENANCE	\$975.18



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Remit to: ANAHEIM, CA					FYTD: \$975.18
CONTINUING EDUCATION OF THE BAR	221458	06/02/2014	10270859	ADMINISTRATIVE MANDAMUS UPDATE	\$170.95
Remit to: OAKLAND, CA					FYTD: \$1,713.06
CONTRERAS, EVANGELINA	221794	06/30/2014	R14-074320	AS REFUND-ADOPTION,CHIP,LIC,VACS	\$65.00
Remit to: MORENO VALLEY, CA					FYTD: \$65.00
CORDOVA, LAURA A.	221459	06/02/2014	140601	RETIREE MED FEB-APR'14, PD JUNE '14	\$285.00
Remit to: PLAINVIEW, MN					FYTD: \$2,591.00
CORPUZ, LILIA	221670	06/16/2014	NV13-0011-25021	SETTLEMENT-PARTIAL REFUND OF ADMIN CITATION FEES	\$4,500.00
Remit to: TRACY, CA					FYTD: \$4,500.00
COSTCO	221460	06/02/2014	20579	MISC. SUPPLIES-EOC	\$85.50
	221547	06/09/2014	20645	VIZIO TELEVISION FOR FIRE STATION 65	\$962.66
	221743	06/30/2014	20608	SNACK SUPPLIES FOR SKATE PARK	\$5,181.16
		06/30/2014	20646	SNACK SUPPLIES FOR A CHILD'S PLACE	
		06/30/2014	20569	SNACK SUPPLIES FOR SKATE PARK	
		06/30/2014	20694	SNACK SUPPLIES FOR A CHILD'S PLACE	
		06/30/2014	20711	SNACK SUPPLIES FOR SKATE PARK	
emit to: MORENO VALLEY, CA					FYTD: \$25,838.06
COUNSELING TEAM, THE	221744	06/30/2014	23061	CONSULTING SERVICES-FIRE DEPT. COACHING SESSIONS	\$2,860.00
emit to: SAN BERNARDINO, CA					FYTD: \$61,518.75

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
COUNTRY SQUIRE ESTATES	221683	06/23/2014	MAY 2014	UUT REIMBURSEMENT MAY 2014	\$37.70
Remit to: ONTARIO, CA					FYTD: \$770.90
COUNTS UNLIMITED, INC.	12561	06/02/2014	14146	TRAFFIC DATA COUNTS COLLECTION	\$810.00
		06/02/2014	14145	TRAFFIC COUNTS DATA COLLECTION	
	12722	06/16/2014	13018	TRAFFIC COUNTS DATA COLLECTION	\$4,760.00
Remit to: CORONA, CA					FYTD: \$5,720.00
COUNTY OF RIVERSIDE	221548	06/09/2014	APR 2014	RECORDING FEES	\$98.00
		06/09/2014	MAR 2014	RECORDING FEES	
	221549	06/09/2014	9990170000-1404	VPN CONNECTION FOR CODE ENFORCEMENT STAFF	\$28.98
		06/09/2014	9990023000-1404	VPN CONNECTION FOR ADDTL. CODE ENFORCEMENT STAFF	
	221550	06/09/2014	JUNE 23-25, 2014	REGISTR. FEES-AUTO/PED/BIKE RECONSTR. TCI-C. LOUCKS & S. PEARSON	\$298.00
	221551	06/09/2014	9990085000-1404	RADIO TECHNICIAN SERVICES/PARTS FOR TRAFFIC MOTOR COMMUNICATIONS	\$88.89
		06/09/2014	9990085000-1403	RADIO TECHNICIAN SERVICES FOR PD TRAFFIC MOTOR COMMUNICATIONS	
Remit to: RIVERSIDE, CA					FYTD: \$1,165,940.16
COUNTY OF RIVERSIDE 1	221584	06/09/2014	PU0000003136	JANITORIAL SUPPLIES-SHERIFF STATION EXPLORERS	\$1,215.19
	221709	06/23/2014	PU0000003158	JANITORIAL SUPPLIES-SHERIFF STATION EXPLORERS	\$1,425.55
Remit to: MORENO VALLEY, CA					FYTD: \$12,444.86
COUNTY OF RIVERSIDE 4	221684	06/23/2014	CGECityMoVal0919	SUPERVISORY EXCELLENCE ACADEMY TRAINING-ALIA RODRIGUEZ	\$1,500.00
Remit to: RIVERSIDE, CA					FYTD: \$1,500.00



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COUNTY OF RIVERSIDE SHERIFF	221585	06/09/2014	SH0000023729	LAW ENFORCEMENT SERVICES/MILEAGE-JAG 2010 GRANT	\$19,807.30
		06/09/2014	SH0000023730	LAW ENFORCEMENT SERVICES/MILEAGE-JAG 2010 GRANT	
Remit to: MORENO VALLEY, CA					FYTD: \$32,223,858.46
CYCLERY USA - RIVERSIDE	221685	06/23/2014	050214145514	MAINT & REPAIRS-POP BICYCLES	\$338.68
		06/23/2014	050214145335	MAINT & REPAIRS-POP BICYCLES	
		06/23/2014	052213111306	MAINT & REPAIRS-POP BICYCLES	
		06/23/2014	052213104334	MAINT & REPAIRS-POP BICYCLES	
Remit to: RIVERSIDE, CA					FYTD: \$1,293.34
CYR, BRETT	221653	06/16/2014	R14-073726	AS REFUND-OVERPMT ON 3 YR LICENSE	\$7.00
Remit to: MORENO VALLEY, CA					FYTD: \$7.00
D & D SERVICES DBA D & D DISPOSAL, INC.	221747	06/30/2014	77301	DECEASED ANIMAL DISPOSAL SVCS-MAY14	\$745.00
Remit to: VALENCIA, CA					FYTD: \$9,685.00
DALE, KATHLEEN	12562	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
DANCEY, DION	221654	06/16/2014	R14-073595	AS REFUND-RET ADOPT,LIC,S/N DEP,CHIP	\$147.00
Remit to: MORENO VALLEY, CA					FYTD: \$147.00
DATA TICKET, INC.	12563	06/02/2014	52909	ADMINISTRATIVE CITATION PROCESSING	\$20,562.73
		06/02/2014	53315TPC	ADMINISTRATIVE CITATION PROCESSING	
		06/02/2014	53315	ADMINISTRATIVE CITATION PROCESSING	
		06/02/2014	52974	CITATION PROCESSING	

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DATA TICKET, INC.	12563	06/02/2014	52974TPC	CITATION PROCESSING	\$20,562.73
	12762	06/23/2014	53917	ADMIN CITATION PROCESSING-PD-APR14	\$829.04
	12804	06/30/2014	53926	THIRD PARTY COLLECTIONS-APR14	\$4,532.90
		06/30/2014	53505	ADMIN CITATION PROCESSING-APR14	
		06/30/2014	53915	ADMIN CITATION PROCESSING-B&S-APR14	
		06/30/2014	53914	ADMIN CITATION PROCESSING-APR14	
Remit to: NEWPORT BEACH, CA					FYTD: \$249,998.45
DATAQUICK CORPORATE HEADQUARTERS	221686	06/23/2014	B1-2292445	ONLINE SOFTWARE SUBSCRIPTION-POP UNIT-MAY14	\$130.50
Remit to: LOS ANGELES, CA					FYTD: \$1,566.00
DAVID TURCH & ASSOCIATES	221687	06/23/2014	MAY 2014	FEDERAL LEGISLATIVE ADVOCATE SERVICES MAY 1-30, 2014	\$4,166.67
Remit to: WASHINGTON, DC					FYTD: \$50,000.04
DAWSON, MICHELLE	221710	06/23/2014	6/30-7/1/14	TRAVEL PER DIEM-GONSALVES CLIENT LEGIS APPRECIATION DINNER	\$91.50
Remit to: RIVERSIDE, CA					FYTD: \$879.15
DE JOHNETTE, MICHELLE M	221827	06/30/2014	MAY-2014	INSTRUCTOR SERVICES-CHICAGO STYLE STEPPING	\$216.00
Remit to: MORENO VALLEY, CA					FYTD: \$216.00
DEAN, LYNDA	221795	06/30/2014	1150415	REFUND CANCELLED DUE TO LACK OF REGISTRATION	\$42.00
Remit to: MORENO VALLEY, CA					FYTD: \$42.00
DEBESSAI, SILVANA	221717	06/23/2014	1150942	REFUND YOUTH BASKETBALL LEAGUE	\$89.00



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Remit to: MORENO VALLEY, CA					FYTD: \$89.00
DEBINAIRE COMPANY	221748	06/30/2014	719022	BOILER MAINTENANCE-EOC-JUN14	\$140.00
Remit to: CORONA, CA					FYTD: \$2,806.04
DELTA DENTAL OF CALIFORNIA	12564	06/02/2014	BE000811922	EMPLOYEE DENTAL INSURANCE	\$10,903.47
Remit to: SAN FRANCISCO, CA					FYTD: \$125,691.56
DELTACARE USA	221510	06/02/2014	BE000812944	EMPLOYEE DENTAL INSURANCE	\$5,210.92
Remit to: DALLAS, TX					FYTD: \$61,739.10
DENNIS GRUBB & ASSOCIATES, LLC	12565	06/02/2014	1250	PLAN REVIEW SERVICES	\$4,285.00
	12671	06/09/2014	1253	PLAN REVIEW SERVICE	\$1,760.00
Remit to: MIRA LOMA, CA					FYTD: \$154,415.00
DEPARTMENT OF ENVIRONMENTAL HEALTH	221749	06/30/2014	JAN-MAR 2014	ENVIRONMENTAL HEALTH SERVICES	\$5,381.99
		06/30/2014	IN0200028	HEALTH PERMIT-GRAND VALLEY BALLROOM	
Remit to: RIVERSIDE, CA					FYTD: \$35,534.04
DEPARTMENT OF MOTOR VEHICLES	221462	06/02/2014	3306434	VEHICLE CODE BOOKS	\$54.89
Remit to: SACRAMENTO, CA					FYTD: \$109.78
DISABILITY ACCESS CONSULTANTS	12672	06/09/2014	14-155	ADA INSPECTION	\$1,500.00
Remit to: OROVILLE, CA					FYTD: \$46,260.00

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DMC DESIGN GROUP, INC	12805	06/30/2014	2014-016	CONSULTING - HEACOCK/SAN MICHELLE	\$2,571.00
Remit to: TERREBONNE, OR					<u>FYTD:</u> \$138,452.63
DORY, ALLEEN F.	221463	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: HEMET, CA					<u>FYTD:</u> \$3,211.98
DPSS	221519	06/02/2014	20140403CIT730	REFUND DEPOSIT PAID BY DPSS FOR 2/6/14 INTERAGENCY SYMPOSIUM	\$367.30
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$367.30
DRC	221796	06/30/2014	PA04-0131	RELEASE OF DAMAGE BOND	\$4,000.00
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$4,000.00
DUVAL, ROBERTA	221750	06/30/2014	JUN-2014	INSTRUCTOR SERVICES-CPR CLASS	\$504.00
Remit to: SUN CITY, CA					<u>FYTD:</u> \$2,786.20
E.R. BLOCK PLUMBING & HEATING, INC.	12566	06/02/2014	115082	ZONE M ID# 16 - ADD'L WORK	\$3,416.70
		06/02/2014	115084	ZONE D TRACT 19518 - ADD'L WORK	
		06/02/2014	115081	ZONE D TRACT 21113 ADD'L WORK	
		06/02/2014	115083	ZONE D TRACT 20859 - ADD'L WORK	
		06/02/2014	115176	BACKFLOW TEST	
	12673	06/09/2014	115132	BACKFLOW TEST	\$100.00
	12723	06/16/2014	115324	REPLACED BACKFLOW DEVICE-VETERAN'S MEMORIAL	\$660.00
	12763	06/23/2014	114934	REPLACED STOLEN BACKFLOW-ZONE D	\$1,305.36
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$41,454.60



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EAGLE AERIAL IMAGING	12806	06/30/2014	19412	WALL MURALS OF CITY AERIALS FOR CITY FACILITIES	\$12,270.46
Remit to: IRVINE, CA					FYTD: \$17,155.46
EASTERN MUNICIPAL WATER DISTRICT	221554	06/09/2014	MAY-14 6/9/14	WATER CHARGES	\$11,131.65
Remit to: PERRIS, CA					FYTD: \$1,780,335.88
EASTWOOD RANCH FOUNDATION RESCUE	221797	06/30/2014	R14-073132	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: LOS ANGELES, CA					FYTD: \$75.00
EGGERSTEN, ANNE	221465	06/02/2014	140601	RETIREE MED JUNE '14	\$208.36
Remit to: RANCHO MIRAGE, CA					FYTD: \$2,782.74
ELAM, STEPHEN	12567	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: TEMECULA, CA					FYTD: \$1,912.38
ELECTRONIC DESIGN SOLUTIONS, INC	221520	06/02/2014	BL#11201-YR2014	REFUND OF OVERPAYMENT FOR BL#11201	\$65.98
Remit to: CORONA, CA					FYTD: \$65.98
EMERGENT BATTERY TECHNOLOGIES, INC.	12568	06/02/2014	23457	BATTERY BACKUP SYSTEMS	\$518.40
Remit to: ANAHEIM, CA					FYTD: \$22,928.40
ENCO UTILITY SERVICES MORENO VALLEY LLC	12674	06/09/2014	0405-MTS1-SP107	ELECTRIC METER FEES	\$20,375.24
		06/09/2014	0406-TEMP MF-093	ELECTRIC METER FEE	
		06/09/2014	0406-TEMP MF-092	ELECTRIC METER FEES	

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ENCO UTILITY SERVICES MORENO VALLEY LLC	12674	06/09/2014	0405-MTS1-SP106	ELECTRIC METER FEES	\$20,375.24
		06/09/2014	0402-MF-01498A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01496A	SOLAR METER INSTALLATIONS	
		06/09/2014	0402-MF-01493	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01492A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01501A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01509A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01516A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01494A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01499A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01517A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01503A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01500A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01518A	SOLAR METER INSTALLATION	
		06/09/2014	0402-MF-01521A	SOLAR METER INSTALLATION	
	12764	06/23/2014	0402-MF-01515A	SOLAR METER INSTALLATION	\$1,422.00
		06/23/2014	0402-MF-01502A	SOLAR METER INSTALLATION	

Remit to: ANAHEIM, CA

FYTD: \$5,798,734.60

ENHANCED THE GIFT MINISTRIES

221593

06/09/2014

1148371

REFUND TOWNGATE RENTAL DEPOSIT

\$200.00

Remit to: MORENO VALLEY, CA

FYTD: \$200.00

ENNIS PAINT

12724

06/16/2014

265396

THERMOPLASTIC PAINT

\$3,628.80

Remit to: DALLAS, TX

FYTD: \$18,204.11



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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
ESGIL CORPORATION	12765	06/23/2014	04143829	PLAN CHECK SVCS-APR14	\$8,183.39
Remit to: SAN DIEGO, CA					FYTD: \$27,350.34
ESI ACQUISITION, INC.	12570	06/02/2014	INV11161	SOFTWARE MAINTENANCE AND SUPPORT	\$14,190.00
Remit to: AUGUSTA, GA					FYTD: \$45,732.00
EVANS ENGRAVING & AWARDS	12676	06/09/2014	51514-29	MARCO DT7C CLEAR SERVICE AWARDS	\$432.00
Remit to: MORENO VALLEY, CA					FYTD: \$3,033.79
EVERITT, DAVID	221466	06/02/2014	140601	RETIREE MED JUNE '14	\$175.97
Remit to: HEMET, CA					FYTD: \$3,715.21
EXCEL LANDSCAPE, INC	12571	06/02/2014	80608	LANDSCAPE MAINTENACE-ZONE 7MAY 2014	\$9,017.17
		06/02/2014	80612	LANDSCAPE MAINTENANCE NPDES/WQF-MAY 2014	
	12677	06/09/2014	80708	VANDALISM REPAIRS - SO# 306770 - WQF	\$140.65
		06/09/2014	80707	IRRIGATION REPAIRS - SO#306760 - ZONE 7	
		06/09/2014	80709	IRRIGATION REPAIRS - SO# 306768 & 306769 - WQF	
	12766	06/23/2014	79731	IRRIGATION REPAIRS-ZONE E7	\$854.58
		06/23/2014	79728	IRRIGATION REPAIRS-NPDES	
		06/23/2014	79727	IRRIGATION REPAIRS-ZONE E7	
		06/23/2014	79729	IRRIGATION REPAIRS-ZONE E7	
		06/23/2014	79730	IRRIGATION REPAIRS-NPDES	
	06/23/2014	79726	IRRIGATION REPAIRS-NPDES		
Remit to: CORONA, CA					FYTD: \$113,451.18

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
E-Z AUTOMATED SYSTEMS, INC	221553	06/09/2014	0012143-IN	WO# 13-1660 PSB-REPLACE PEDESTRIAN DOORS W/BI-FOLDING SLIDER	\$11,911.00
Remit to: CHINO, CA					<u>FYTD:</u> \$11,911.00
FAST SIGNS	221751	06/30/2014	70-34432	LETTER NAME PLATE FOR KRISTIN ARRINGTON	\$21.60
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,068.28
FEENSTRA, JOHN	12572	06/02/2014	140601	RETIREE MED JUNE '14	\$361.25
		06/02/2014	140601a	RETIREE MED APR '14 (MINUS PERS PD), PD JUNE '14	
Remit to: REDLANDS, CA					<u>FYTD:</u> \$4,147.82
FERDON, SHERIE	221521	06/02/2014	R14-073351	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
FIORILLO, ANTHONY	221718	06/23/2014	7013484-02	SOLAR INCENTIVE REBATE	\$13,568.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$13,568.00
FIRST AMERICAN CORE LOGIC, INC.	12679	06/09/2014	81154553	REAL QUEST WEB SERVICE - APRIL 2014	\$470.00
		06/09/2014	81154549	REAL QUEST WEB SERVICE - APRIL 2014	
	12725	06/16/2014	81173917	REAL QUEST WEB SVCS-MAY14 (IMAGING)	\$810.00
		06/16/2014	81154553 (BAL)	REAL QUEST WEB SVCS-APR14	
		06/16/2014	81154549 (BAL)	REAL QUEST WEB SVCS-APR14	
		06/16/2014	81173919	REAL QUEST WEB SVCS-MAY14 (ACCESS)	
Remit to: IRVINE, CA					<u>FYTD:</u> \$8,320.00
FIRST CHOICE SERVICES	12680	06/09/2014	545100	EMPLOYEE PAID COFFEE SERVICES	\$473.18



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FIRST CHOICE SERVICES	12680	06/09/2014	545104	EMPLOYEE PAID COFFEE SERVICE	\$473.18
		06/09/2014	545102	EMPLOYEE PAID COFFEE SERVICES	
		06/09/2014	545101	EMPLOYEE PAID COFFEE SERVICES	
		06/09/2014	545103	EMPLOYEE PAID COFFEE SERVICES	
Remit to: ONTARIO, CA					<u>FYTD:</u> \$8,280.64
FIRST INDUSTRIAL REALTY TRUST	221467	06/02/2014	2473451	RENT FOR PROPERTY LEASE-MV UTILITY	\$2,000.00
	221594	06/09/2014	REFUND-T&M ACCT.	REFUND REMAINDER OF FUNDS ON DEPOSIT-SAN MICHELLE LOGISTICS PROJ	\$18,956.20
	221616	06/16/2014	2478320	PROPERTY LEASE RENTAL-MV UTILITY-JUN14	\$500.00
Remit to: EL SEGUNDO, CA					<u>FYTD:</u> \$2,500.00
FITNESS 19 CA 155 11C	221752	06/30/2014	2014-00000399	8730 - GYM MEMBERSHIP*	\$143.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$2,136.50
FLINT, LORRAINE	221798	06/30/2014	R14-073599	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: LA MESA, CA					<u>FYTD:</u> \$75.00
FLORES, JAIME	221800	06/30/2014	R14-074462	AS REFUND-ADOPTION,CHIP,LIC,VACS	\$82.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$82.00
FLOREZ, LEE ANN	12573	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
emit to: MENIFEE, CA					<u>FYTD:</u> \$318.73
FONTES, KARLA	221801	06/30/2014	1148793	REFUND FOR DROPPED PROGRAM	\$20.00
emit to: MORENO VALLEY, CA					<u>FYTD:</u> \$20.00

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
FOOTHILL CHAPTER - I.C.C.	221468	06/02/2014	FY 2014-2015	FY 14-15 MEMBERSHIP DUES - CLASS 1 MEMBERSHIP	\$50.00
Remit to: FONTANA, CA					<u>FYTD:</u> \$50.00
FOSTER, NANCY A.	12574	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: GRASS VALLEY, CA					<u>FYTD:</u> \$3,824.76
FOSTER, ZACHARY F.	12575	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: GRASS VALLEY, CA					<u>FYTD:</u> \$3,824.76
FRANCE PUBLICATIONS, INC.	221753	06/30/2014	SB61152	ADVERTISING-SHOPPING CENTER BUSINESS	\$3,550.00
Remit to: ATLANTA, GA					<u>FYTD:</u> \$16,350.00
FRANCHISE TAX BOARD	221469	06/02/2014	2014-00000371	1015 - GARNISHMENT - CREDITOR %	\$226.50
	221617	06/16/2014	2014-00000384	1015 - GARNISHMENT - CREDITOR %	\$112.06
	221754	06/30/2014	2014-00000400	1015 - GARNISHMENT - CREDITOR %*	\$1,094.33
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$17,067.65
FRANCHISE TAX BOARD (1)	221711	06/23/2014	F/Y 2011-12	FORM 199 FILING FEE-VEBA TRUST	\$25.00
Remit to: RANCHO CORDOVA, CA					<u>FYTD:</u> \$45.00
FRANKLIN, L. C.	221712	06/23/2014	6/2-6/12/14	MILEAGE REIMBURSEMENT	\$345.52
		06/23/2014	5/1-5/29/14	MILEAGE REIMBURSEMENT	
Remit to: PERRIS, CA					<u>FYTD:</u> \$2,302.73
FRAZEE INDUSTRIES, INC	221618	06/16/2014	1508-2	GRAFFITI REMOVAL PRODUCTS	\$2,044.33
		06/16/2014	1961-3	GRAFFITI REMOVAL PRODUCTS	
		06/16/2014	0739-4	GRAFFITI REMOVAL PRODUCTS	



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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
FRAZEE INDUSTRIES, INC	221618	06/16/2014	2402-7	GRAFFITI REMOVAL PRODUCTS	\$2,044.33
Remit to: LOS ANGELES, CA					FYTD: \$13,318.51
FRITH-SMITH, JACLYN	221802	06/30/2014	R14-073274	AS REFUND-S/N AND RABIES DEPOSITS	\$95.00
Remit to: OAKHURST, CA					FYTD: \$95.00
FUSCOE ENGINEERING, INC	221470	06/02/2014	116483	ROUGH GRADING/DRAINAGE STUDY - PA12-0005 TM 36436	\$9,313.25
		06/02/2014	116482	FINAL MAP REVIEW - PA12-0005 TM 36436	
Remit to: IRVINE, CA					FYTD: \$21,249.99
G/M BUSINESS INTERIORS, INC.	221755	06/30/2014	0203232-IN	HUMANSCALE FURNITURE (FOOTREST)	\$93.91
Remit to: RIVERSIDE, CA					FYTD: \$120,985.95
GAGE, LESIA	221648	06/16/2014	SPRING 2014	TUITION REIMBURSEMENT	\$138.00
Remit to: EL MONTE, CA					FYTD: \$138.00
GAIL MATERIALS	221471	06/02/2014	75393	BALLFIELDS AND TRAIL IN CFD#1	\$1,021.42
Remit to: CORONA, CA					FYTD: \$1,947.50
GALLS INC., INLAND UNIFORM	12768	06/23/2014	BC0075925	REPLACEMENT UNIFORMS-POP UNIT	\$371.03
		06/23/2014	BC0073305	UNIFORMS FOR SET	
		06/23/2014	BC0073308	UNIFORMS FOR SET	
		06/23/2014	BC0076211	REPLACEMENT UNIFORMS-POP UNIT	
		06/23/2014	BC0080503	UNIFORMS FOR SET	
Remit to: PASADENA, CA					FYTD: \$2,873.45
GAMA, JOSE G.	221522	06/02/2014	ACCT 7009718-05	SOLAR INCENTIVE REBATE	\$7,482.00

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Remit to: MORENO VALLEY, CA					FYTD: \$7,482.00
GARCIA, JESSICA	221523	06/02/2014	ACCT 7008215-08	SOLAR INCENTIVE REBATE	\$3,221.00
Remit to: MORENO VALLEY, CA					FYTD: \$3,221.00
GARCIA, MANUEL	12576	06/02/2014	140601	RETIREE MED MAR-APR '14, PD JUNE '14	\$637.46
Remit to: CORONA, CA					FYTD: \$3,824.76
GARDNER COMPANY, INC.	221555	06/09/2014	54563-CM54563	HVAC OPTIMIZATION	\$1,450.00
		06/09/2014	54564-CM54564	HVAC OPTIMIZATION	
		06/09/2014	54566-CM54566	HVAC OPTIMIZATION	
		06/09/2014	54565-CM54565	HVAC OPTIMIZATION	
		06/09/2014	54567-CM54567	HVAC OPTIMIZATION	
Remit to: MURRIETA, CA					FYTD: \$45,940.88
GARMAR CARPET	221524	06/02/2014	BL#20059-YR2014	REFUND OF OVERPAYMENT FOR BL#20059	\$93.42
Remit to: MORENO VALLEY, CA					FYTD: \$93.42
GENERAL SECURITY SERVICES, INC.	12681	06/09/2014	177871	SECURITY SERVICES - LIBRARY	\$1,311.58
		06/09/2014	177870	SECURITY SERVICES - CITY HALL	
		06/09/2014	177779	SECURITY SERVICES - CITY HALL	
		06/09/2014	177714	SECURITY SERVICES - ELECTRIC UTILITY	
		06/09/2014	177780	SECURITY SERVICES - LIBRARY	
	12726	06/16/2014	177951	SECURITY SVCS-LIBRARY 6/1 & 6/6-6/7/14	\$1,162.01
		06/16/2014	177547	SECURITY SVCS-CRC SPECIAL EVENTS 5/3/14	



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GENERAL SECURITY SERVICES, INC.	12726	06/16/2014	176846	SECURITY SVCS-CRC 2/24-2/27/14	\$1,162.01
		06/16/2014	175974	SECURITY SVCS-CRC SPECIAL EVENTS 12/7/13	
		06/16/2014	177556	SECURITY SVCS-SENIOR CTR 5/3/14	
		06/16/2014	177949	SECURITY SVCS-CITY HALL 6/2-6/5/14	
	12769	06/23/2014	174887	SECURITY SVCS-ELECTRIC UTILITY 8/21 & 8/22/14	\$99.71
	12807	06/30/2014	177299	SECURITY SVCS-CRC 4/7-4/10/14	\$1,487.98
		06/30/2014	178068	SECURITY SVCS-CRC 6/16-6/19/14	
		06/30/2014	177707	SECURITY SVCS-CRC 5/19-5/22/14	
		06/30/2014	177708	SECURITY SVCS-TOWNGATE 5/24/14	
		06/30/2014	177822	SECURITY SVCS-TOWNGATE 5/28/14	
		06/30/2014	177715	SECURITY SVCS-SENIOR CTR 5/24/14	
		06/30/2014	178069	SECURITY SVCS-CRC SPECIAL EVENTS 6/21/14	
		06/30/2014	178079	SECURITY SVCS-CRC SPECIAL EVENTS 6/22/14	

Remit to: WILMINGTON, CA FYTD: \$62,243.49

GFOA-GOVERNMENT FINANCE OFFICERS ASSOC.	221756	06/30/2014	0187635S	ANNUAL SUBSCRIPTION TO TREASURY MGMT NEWSLETTER	\$55.00
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Remit to: CHICAGO, IL FYTD: \$635.00

GIBBS, GIDEN, LOCHER,TURNER, SENET & WITTBRODT LLP	12577	06/02/2014	223900-002	LEGAL SERVICES - EMPIRE LAND	\$1,099.47
		06/02/2014	223900-001	LEGAL SERVICES - NASON/CACTUS WIDENING	

Remit to: LOS ANGELES, CA FYTD: \$64,638.88

GIL, SANDY	221655	06/16/2014	R14-073409	AS REFUND-SPAY/NEUTER DEPOSIT	\$75.00
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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
GONG ENTERPRISES, INC.	221757	06/30/2014	7055	CONSULTANT PLAN CHECK SVCS/PA09-0004	\$1,780.00
		06/30/2014	7056	CONSULTANT PLAN CHECK SVCS/PA09-0004	
Remit to: HUNTINGTON BEACH, CA					<u>FYTD:</u> \$55,509.50
GONZALES, CECILIA	12578	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: CORONA, CA					<u>FYTD:</u> \$2,549.84
GOZDECKI, DAN	12727	06/16/2014	JUNE-2014	INSTRUCTOR SERVICES-YOUTH & ADULT KUNG FU CLASSES	\$513.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$7,371.00
GRAVES & KING, LLP	221556	06/09/2014	1404-0009459	DEFENSE COSTS - BOE VS. CITY	\$10,093.23
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$101,536.71
GREENSTONE MATERIALS	221472	06/02/2014	18405	DUMP FEES CONCRETE	\$682.00
		06/02/2014	18427	DUMP FEES CONCRETE	
Remit to: SAN JUAN CAPISTRANO, CA					<u>FYTD:</u> \$3,082.00
GREINES, MARTIN, STEIN & RICHLAND, LLP	12579	06/02/2014	59409	LEGAL SERVICES - M. MOBBS	\$13,801.62
	221689	06/23/2014	59473	LEGAL SVCS-M. MOBBS CASE	\$1,285.79
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$17,987.84
GRIFFIN, MARLENE C	12580	06/02/2014	140601	RETIREE MED JUNE '14	\$208.36
Remit to: GREEN VALLEY, AZ					<u>FYTD:</u> \$2,782.74



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GUILLAN, REBECCA S.	12581	06/02/2014	140601	RETIREE MED MAY '14, PD JUNE '14	\$310.44
Remit to: ADVANCE, NC					FYTD: \$3,622.26
GUTIERREZ, ROBERT	12582	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: LA VERNE, CA					FYTD: \$3,824.76
GUTIERREZ, YXSTIAN	221673	06/18/2014	6/19-6/20/14	TRAVEL PER DIEM-LCC COMMUNITY SVCS POLICY MEETING	\$106.75
Remit to: MORENO VALLEY, CA					FYTD: \$457.50
HAAKER EQUIPMENT	221758	06/30/2014	W33777	SUPPLIES & LABOR-ANIMAL SHELTER FLOOR SRUBBER	\$226.02
Remit to: LA VERNE, CA					FYTD: \$3,929.21
HALL, CLARK WILLIAM	221602	06/09/2014	MV3140218026	REFUND FOR CITATION OVERPAYMENT	\$115.00
Remit to: QUAIL VALLEY, CA					FYTD: \$115.00
HAMLIN, WILLIAM R.	12583	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: BEAUMONT, CA					FYTD: \$3,824.76
HANES, MARTIN D.	12584	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
HARDING, JOHN	221473	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: BANNING, CA					FYTD: \$3,824.76
HARDY & HARPER, INC.	12585	06/02/2014	40955	BRENTWOOD LANE CALL-OUT BID	\$10,800.00
Remit to: SANTA ANA, CA					FYTD: \$51,360.00

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HARPER, ZE VIA	221595	06/09/2014	1139377	REFUND FOR PICNIC SHLETER	\$37.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$37.00
HARRIS & ASSOCIATES	12682	06/09/2014	24779	CONSULTANT PLAN CHECK SERVICES-PM 33361-APR14	\$3,282.32
		06/09/2014	24780	CONSULTANT PLAN CHECK SERVICES-TM 36598-APR14	
	12808	06/30/2014	25103	CONSULTANT PLAN CHECK SVCS-PA13-0045/TM36598-MAY14	\$356.00
Remit to: CONCORD, CA					<u>FYTD:</u> \$53,837.82
HARTMANN, RICK	221474	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: SAN DIMAS, CA					<u>FYTD:</u> \$3,824.76
HATFIELD, CHARLES	12586	06/02/2014	140601	RETIREE MED JUNE '14	\$188.23
Remit to: LAS VEGAS, NV					<u>FYTD:</u> \$2,609.80
HEFFLEY, ROSS W.	12587	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: HEMET, CA					<u>FYTD:</u> \$3,824.76
HEIM, CHENOA	221803	06/30/2014	R14-073032	AS REFUND-RABIES AND S/N DEPOSIT	\$95.00
Remit to: CANYON LAKE, CA					<u>FYTD:</u> \$95.00
HEISTERBERG, ANTHONY	221475	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: ANZA, CA					<u>FYTD:</u> \$5,580.73
HERRICK, ROBERT D.	221476	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
HITCHCOCK, KRISTINA	221525	06/02/2014	ACCT 7011919-02	SOLAR INCENTIVE REBATE	\$11,372.00



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Remit to: MORENO VALLEY, CA					FYTD: \$11,372.00
HLP, INC.	12588	06/02/2014	9492	WEB LICENSING	\$23.45
	12809	06/30/2014	9571	WEB LICENSE FEE-MAY14	\$25.90
Remit to: LITTLETON, CO					FYTD: \$22,716.30
HOLT, ANITRA N	221477	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: CLERMONT, FL					FYTD: \$3,824.76
HONDA YAMAHA OF REDLANDS	12589	06/02/2014	36188	MAINT & REPAIRS - TRAFFIC MOTORCYCLES	\$2,921.98
		06/02/2014	36258	MAINT & REPAIRS - TRAFFIC MOTORCYCLES	
		06/02/2014	36521	MAINT & REPAIRS - TRAFFIC MOTORCYCLES	
		06/02/2014	36190	MAINT & REPAIS - TRAFFIC MOTORCYCLE	
		06/02/2014	36184	MAINT & REPAIRS - TRAFFIC MOTORCYCLES	
	221759	06/30/2014	36479	MAINT & REPAIRS-TRAFFIC MOTORCYCLE	\$3,406.13
		06/30/2014	36735	MAINT & REPAIRS-TRAFFIC DUI GENERATOR	
		06/30/2014	37638	MAINT & REPAIRS-TRAFFIC MOTORCYCLE	
		06/30/2014	37729	MAINT & REPAIRS-TRAFFIC MOTORCYCLE	
		06/30/2014	36794	MAINT & REPAIRS-TRAFFIC MOTORCYCLE	
Remit to: REDLANDS, CA					FYTD: \$13,771.48
HOUSER, EDITH E.	221478	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
emit to: MORENO VALLEY, CA					FYTD: \$3,824.76
HUA, JENNY,	221760	06/30/2014	JUN-2014	INSTRUCTOR SERVICES-DRAWING FOR KIDS CLASS	\$258.60

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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,980.60
HUGHES, JOSEPH	221526	06/02/2014	R14-073017	AS REFUND-S/N & RABIES DEPOSITS	\$95.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$95.00
HUNSAKER & ASSOCIATES IRVINE, INC	221619	06/16/2014	14040444	CONSULTING - CYCLE 2 SIDEWALK RAMPS	\$21,475.00
		06/16/2014	14040445	HUNSAKER & ASSOC. - CYCLE 3 ACCESS RAMPS	
		06/16/2014	14040443	SURVEY - CYCLE 1 CITYWIDE PAVEMENT	
	221761	06/30/2014	14040446	SURVEY - ALESSANDRO MEDIAN/INDIAN TO PERRIS	\$3,792.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$61,995.25
I ROOF	221527	06/02/2014	BL#27670-YR2014	REFUND OF OVERPAYMENT FOR BL#27670	\$68.00
Remit to: SANTA ANA HEIGHT, CA					<u>FYTD:</u> \$68.00
ICMA RETIREMENT CORP	12711	06/13/2014	2014-00000389	8030 - DEF COMP 457 - ICMA	\$9,249.93
	12791	06/27/2014	2014-00000406	8030 - DEF COMP 457 - ICMA	
Remit to: BALTIMORE, MD					<u>FYTD:</u> \$230,384.16
IL SORRENTO MOBILE PARK	221479	06/02/2014	4/11-5/12/14	UUT REIMBURSEMENT FOR APRIL-MAY 2014	\$68.72
	221690	06/23/2014	5/12-6/12/14	UUT REIMBURSEMENT 5-12-14 TO 6-12-14	\$80.06
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,108.92
ING USA ANNUITY & LIFE INSURANCE CO.	221762	06/30/2014	2014-00000401	8792 - ING - EMPLOYEE *	\$475.00
Remit to: DES MOINES, IA					<u>FYTD:</u> \$4,375.00



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INLAND EMPIRE PROPERTY SERVICE, INC	12728	06/16/2014	3192	WEED ABATEMENT SVCS-MARCH FIELD	\$4,085.00
	12770	06/23/2014	2014-01	HAZARD ABATEMENT SVCS 6/10-6/13/14	\$5,994.80
	12810	06/30/2014	3188	NUISANCE ABATEMENT SVCS-24214 JIMSON PL	\$2,642.50
		06/30/2014	3185	NUISANCE ABATEMENT SVCS-24378 WEBSTER AVE	
		06/30/2014	3189	NUISANCE ABATEMENT SVCS-25550 SAN THOMAS ST	
		06/30/2014	3190	NUISANCE ABATEMENT SVCS-24326 VIA VARGAS DR	
		06/30/2014	3183	NUISANCE ABATEMENT SVCS-11761 DAVIS ST	
		06/30/2014	3186	NUISANCE ABATEMENT SVCS-26014 CHATEAU CT	
	06/30/2014	3184	NUISANCE ABATEMENT SVCS-11785 LIVERPOOL LN		

Remit to: MORENO VALLEY, CA FYTD: \$97,947.63

INLAND PETROLEUM EQUIPMENT & REPAIR, INC	12729	06/16/2014	402680	FUEL TANK INSPECTION-CARB RULE 461 VAPOR RECOVERY TESTING	\$375.00
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Remit to: BLOOMINGTON, CA FYTD: \$14,206.80

INSIDE PLANTS, INC.	221763	06/30/2014	51264	INDOOR PLANTS MAINT.-JUN14	\$327.00
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Remit to: CORONA, CA FYTD: \$3,924.00

IRBY, WANDA	221804	06/30/2014	R14-073960	AS REFUND-S/N DEPOSIT	\$75.00
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Remit to: MORENO VALLEY, CA FYTD: \$75.00

IRON MOUNTAIN, INC	221557	06/09/2014	223952	OFF-SITE STORAGE	\$1,623.60
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Remit to: PASADENA, CA FYTD: \$5,930.43

IRONWORKER EMPLOYEE'S BENEFIT CORPORATION	221824	06/30/2014	RCT#366953	REFUND-STOP NOTICE FEE	\$10.00
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Remit to: PASADENA, CA					<u>FYTD:</u> \$10.00
J D H CONTRACTING	12730	06/16/2014	060814-01	REPAIR T-BAR CEILING-MFPCC	\$1,136.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$113,965.87
JACK HENRY & ASSOCIATES	221480	06/02/2014	1707705	PROFIT STARS MONTHLY SERVICE FEE	\$321.05
Remit to: MONETT, MO					<u>FYTD:</u> \$4,358.15
JANNEY & JANNEY ATTORNEY SVCS, INC.	221691	06/23/2014	00140533036	MONTHLY RETAINER-DELIVERY OF COURT FILINGS-JUN14	\$75.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$1,335.00
JEFF MCNEAL PRODUCTIONS, LLC	221620	06/16/2014	104 - BALANCE	BALANCE FOR MRS. JONES REVENGE CONCERT IN THE PARK-6/26/14	\$375.00
Remit to: TEMECULA, CA					<u>FYTD:</u> \$1,125.00
JENKINS, PAUL	12590	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: LAS VEGAS, NV					<u>FYTD:</u> \$2,868.57
JOBS AVAILABLE, INC.	221692	06/23/2014	1412025	ADVERTISING/RECRUITING-PLANNING DIV MGR	\$982.80
Remit to: MODESTO, CA					<u>FYTD:</u> \$1,236.30
JOE A. GONSALVES & SON	12591	06/02/2014	24480	LEGISLATIVE ADVOCACY SVC - JUNE 2014	\$3,045.00
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$39,225.00
JOHNSON & SEDLACK	221656	06/16/2014	PA11-0025	REFUND OF APPEAL FEE	\$750.00
Remit to: TEMECULA, CA					<u>FYTD:</u> \$750.00



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JOHNSON, ELLEN	221481	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,506.03
JOHNSON, TRACY	221764	06/30/2014	MAY-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	\$942.00
		06/30/2014	JUN-2014	INSTRUCTOR SERVICES-SHITO-RYU KARATE CLASS	
		06/30/2014	MAR-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	
		06/30/2014	APR-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	
Remit to: MORENO VALLEY, CA					FYTD: \$942.00
JONES, SAYLOR OLMOS	221805	06/30/2014	R14-074318	AS REFUND-ADOPT,CHIP,VACS	\$50.00
Remit to: RIVERSIDE, CA					FYTD: \$50.00
JONES, SUSAN	12592	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
JORRY KEITH	221586	06/09/2014	MAY-2014	INSTRUCTOR SERVICES-COMIC BOOK CREATION CLASS	\$120.00
Remit to: FONTANA, CA					FYTD: \$480.00
JTB SUPPLY CO., INC.	12593	06/02/2014	97619	BATTERY BACKUP SERVICE	\$16,837.20
		06/02/2014	97630	TRAFFIC SIGNAL MAINTENANCE SUPPLIES	
	12771	06/23/2014	97570	TRAFFIC SIGNAL MAINT SUPPLIES	\$891.00
emit to: ORANGE, CA					FYTD: \$55,397.52
KAISER PERMANENTE NFS	221596	06/09/2014	REFUNDS	REFUND T&M PROJECT DEPOSIT FOR IRIS MOB II & UNUSED PLAN CK FEES	\$17,936.81
emit to: CORONA, CA					FYTD: \$17,936.81

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KASHEFIPOUR, HOSSEIN	221587	06/09/2014	MAR-MAY 2014	MILEAGE REIMBURSEMENT	\$118.16
Remit to: RIVERSIDE, CA					FYTD: \$374.57
KB HOME	221597	06/09/2014	REFUND	REFUND OF FUNDS IN DORMANT DEPOSIT ACCOUNT	\$1,381.77
Remit to: POMONA, CA					FYTD: \$1,381.77
KEITH, BRITTANY	221719	06/23/2014	1146563	REFUND FOR CANCELLATION OF PICNIC SHELTER	\$125.00
Remit to: MORENO VALLEY, CA					FYTD: \$125.00
KENNEDY COMMUNICATIONS	12683	06/09/2014	11	CONSULTANT SERVICES FOR EDGEMONT WATER PROJECT-MAY14	\$1,000.00
Remit to: RANCHO CUCAMONGA, CA					FYTD: \$47,250.00
KEPLER, JANELLE	12811	06/30/2014	JUN-2014	INSTRUCTOR SERVICES-CHEERLEADING 101 CLASS	\$364.00
Remit to: RIVERSIDE, CA					FYTD: \$5,210.40
KING, MISTI E	221528	06/02/2014	ACCT 7009835-08	SOLAR INCENTIVE REBATE	\$6,476.00
Remit to: MORENO VALLEY, CA					FYTD: \$6,476.00
KING, PATRICIA A.	221482	06/02/2014	140601	RETIREE MED JUNE '14	\$188.23
Remit to: LAS VEGAS, NV					FYTD: \$2,393.82
KLEBER, KIM	221657	06/16/2014	R14-073503	AS REFUND-SPAY/NEUTER & RABIES DEPOSIT	\$95.00
Remit to: DEL MAR, CA					FYTD: \$95.00
KNOX COMPANY	221483	06/02/2014	INV00647515	KNOX MEDVAULT LOCKERS & WALL MOUNT AC ADAPTERS	\$3,142.80
Remit to: PHOENIX, AZ					FYTD: \$3,142.80



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KOLB, CHARLES E.	12594	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
KOLLAR, KYLE	12595	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
KRUEGER, KIMBERLEE	221588	06/09/2014	SPRING 2014	TUITION REIMBURSEMENT-PRINCIPLES OF DATABASE MGMT SYSTEMS COURSE	\$272.75
Remit to: TEMECULA, CA					FYTD: \$662.99
KUPSAK, STEVE	12596	06/02/2014	140601	RETIREE MED MAY '14, PD JUNE '14	\$206.96
Remit to: LAS VEGAS, NV					FYTD: \$2,538.71
KYLE, GARY M.	12597	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: PRESCOTT VALLEY, AZ					FYTD: \$3,824.76
LAFATA, JOSEPHINE	12598	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
LANCE, SOLL & LUNGHARD, LLP	221558	06/09/2014	10702	INTERIM AUDIT SERVICES	\$18,639.00
Remit to: BREA, CA					FYTD: \$97,399.00
LANGSTON, MARIAN	221720	06/23/2014	1145712	REFUND ELECTRICAL BOX INOPERABLE	\$35.00
Remit to: MORENO VALLEY, CA					FYTD: \$35.00
LAW OFFICE OF CHARISSE L. SMITH	221559	06/09/2014	1203	LEGAL SERVICES	\$166.50

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Remit to: RANCHO CUCAMONGA, CA					<u>FYTD:</u> \$3,132.80
LAW, TANISHA	221721	06/23/2014	1151712	REFUND FOR SUMMER YOUTH BASKETBALL LEAGUE	\$48.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$48.00
LEE, JERI	12812	06/30/2014	MAY-2014	INSTRUCTOR SERVICES-ZUMBA KIDS	\$228.00
		06/30/2014	JUN-2014	INSTRUCTOR SERVICES-ZUMBA KIDS	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,154.80
LEIGHTON CONSULTING, INC.	12684	06/09/2014	15119	CONSULTING - SR-60 NASON BRIDGE	\$3,015.34
	12731	06/16/2014	15512	CONSULTING - SR-60 NASON OVERCROSSING	\$1,233.22
	12813	06/30/2014	15171	CONSULTING - MV MASTER DRAINAGE LINE F	\$2,104.50
Remit to: IRVINE, CA					<u>FYTD:</u> \$149,979.49
LEIVAS, INC. DBA. LEIVAS LIGHTING	12685	06/09/2014	236576	LANDSCAPE LIGHTING MAINT-APR14	\$150.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$9,105.65
LEWIS, CAROLYN S.	12599	06/02/2014	140601	RETIREE MED JUNE '14	\$188.23
Remit to: MIDLAND, TX					<u>FYTD:</u> \$3,172.26
LIEBERT, CASSIDY, WHITMORE	221484	06/02/2014	180106	LEGAL SERVICES - M0140-00001	\$13,295.45
		06/02/2014	180107	LEGAL SERVICES - M0140-00013	
	221621	06/16/2014	4/10/14 WORKSHOP	TRAINING FEES FOR APRIL 10, 2014 WORKSHOPS	\$140.00
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$69,371.17



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LIGHTHOUSE SOCIAL SERVICE CENTER	12772	06/23/2014	3 - MAY 2014	CASE MANAGEMENT CONSULTANT-CDBG	\$943.66
Remit to: ALTA LOMA, CA					<u>FYTD:</u> \$5,118.30
LINDO, HERMINA G.	12600	06/02/2014	140601	RETIREE MED APR '14 (MED+TRICARE), PD JUNE '14	\$232.62
Remit to: TITUSVILLE, FL					<u>FYTD:</u> \$2,894.44
LOGAN, CHARLES	12601	06/02/2014	140601	RETIREE MED JUNE '14	\$188.23
Remit to: LAS VEGAS, NV					<u>FYTD:</u> \$2,284.06
LONGDYKE, DENNIS	12602	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: BEAUMONT, CA					<u>FYTD:</u> \$3,824.76
LONGS DRUG STORES CALIFORNIA, CVS CORPORATION	221806	06/30/2014	370855 370856	OVERPAYMENT FOR 14131057 14126047	\$64.00
Remit to: WOONSOCKET, RI					<u>FYTD:</u> \$64.00
LOPEZ, ROSALINA P.	221825	06/30/2014	C10535	REFUND-DISMISSED ADMIN CITATION	\$247.00
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$247.00
LOZANO SMITH, LLP	221622	06/16/2014	19582	GENERAL LEGAL MATTERS	\$7,045.26
		06/16/2014	19581	GENERAL LEGAL MATTERS THRU APR 30, 2014	
	221694	06/23/2014	20276	LEGAL SVCS-GENERAL MATTERS	\$2,477.15
Remit to: FRESNO, CA					<u>FYTD:</u> \$13,618.91
LUMLEY, ROBERT C.	12603	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76

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MACIAS, CARMEN	221658	06/16/2014	R14-071554	AS REFUND-S/N REFUNDS ON 2 ANIMALS	\$150.00
Remit to: QUAIL VALLEY, CA					<u>FYTD:</u> \$150.00
MADAHAPOLA, SHAMILA	221722	06/23/2014	1151463	REFUND FOR PIANO FOR KIDS	\$47.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$47.00
MALCOLM SMITH MOTORCYCLES, INC.	12686	06/09/2014	100139379	MAINT. & REPAIRS-TRAFFIC MOTORCYCLES	\$376.62
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$12,095.87
MANDELL MUNICIPAL COUNSELING	221560	06/09/2014	APR 2014	LEGAL SERVICES RE: CFD/LLD/LMD FORMATION	\$1,675.00
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$9,675.00
MARCH AVIATION GALLERY	12814	06/30/2014	13329	ENGRAVE PLATES/FITTING CHARGES-G. PRICE CITY COUNCIL PICTURES	\$129.60
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,238.92
MARCH JOINT POWERS AUTHORITY	221561	06/09/2014	0031313	GAS CHARGES-BLDG. 938-APR14	\$21,074.94
		06/09/2014	0031155	ENGINEERING - HEACOCK CHANNEL DESIGN	
		06/09/2014	0031309	GAS CHARGES-MFPCC BLDG. 823-APR14	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$339,090.33
MARISOL, ELIZALDE	221723	06/23/2014	1142926	REFUND FOR CLASS CANCELATION	\$47.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$47.00
MARKS, ROSALIA	221807	06/30/2014	R14-072752	AS REFUND-S/N DEPOSIT	\$75.00



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Remit to: SUN CITY, CA					FYTD: \$75.00
MARTIN, MELODY	221808	06/30/2014	1151980	REFUND DUE TO LACK OF REGISTRATION	\$62.00
Remit to: MORENO VALLEY, CA					FYTD: \$62.00
MATHIS, NOLAN	12604	06/02/2014	140601	RETIREE MED APR '14, PD JUNE '14	\$305.80
Remit to: JACKSON, KY					FYTD: \$3,608.80
MATIAROLLO, SANDRA	221659	06/16/2014	R14-073835	AS REFUND-RABIES DEPOSIT	\$20.00
Remit to: MORENO VALLEY, CA					FYTD: \$20.00
MAXINOSKI, SUE A.	12605	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: AVINGER, TX					FYTD: \$3,824.76
MCCAIN TRAFFIC SUPPLY	221562	06/09/2014	INV0174602	SUPPLIES - ITS DEPLOYMENT PHASE 1A	\$3,094.20
	221695	06/23/2014	INV0176239	333L CONTROLLER CABINETS FOR HEACOCK/KRAMERIA & PERRIS/RIVARD	\$23,980.33
		06/23/2014	INV0175782	TRAFFIC SIGNAL SUPPLIES	
Remit to: VISTA, CA					FYTD: \$106,731.17
MCGREGOR, WILLIAM	221660	06/16/2014	R14-072383	AS REFUND-RABIES DEPOSIT	\$20.00
Remit to: MORENO VALLEY, CA					FYTD: \$20.00
MCNEES, KATHRYN	221725	06/23/2014	1145686	REFUND FOR PICNIC SHELTER	\$268.00
Remit to: MORENO VALLEY, CA					FYTD: \$268.00
MEEKS, DANIEL	12815	06/30/2014	060514	SPORTS OFFICIATING SERVICES-SOFTBALL	\$231.00

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MEEKS, DANIEL	12815	06/30/2014	061214	SPORTS OFFICIATING SERVICES-SOFTBALL	\$231.00
		06/30/2014	052214	SPORTS OFFICIATING SERVICES-SOFTBALL	
		06/30/2014	050114	SPORTS OFFICIATING SERVICES-SOFTBALL	
Remit to: PERRIS, CA					<u>FYTD:</u> \$2,869.00
MENGISTU, YESHIALEM	221713	06/23/2014	6/2-6/13/14	MILEAGE REIMBURSEMENT	\$303.52
		06/23/2014	5/1-5/30/14	MILEAGE REIMBURSEMENT	
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,851.48
MERCHANTS LANDSCAPE SERVICES INC	12606	06/02/2014	42403	INSTALL 15 YARDS OF MULCH-ALESSANDRO MEDIAN	\$450.00
	12607	06/02/2014	42714	IRRIGATION REPAIRS FOR APR 2014-ZONE E-8	\$2,244.21
		06/02/2014	42753	ADDITIONAL TREE FOR ALESSANDRO MEDIAN-ZONE E-14	
Remit to: Santa Ana, CA					<u>FYTD:</u> \$317,660.08
MESSIN, LOUIS	12608	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: BULLHEAD CITY, AZ					<u>FYTD:</u> \$3,824.76
MEYERS, NAVE, RIBACK, SILVER & WILSON	221623	06/16/2014	2014040386	LEGAL SERVICES-FED SUBPOENAS-APR14	\$8,020.80
		06/16/2014	2014040385	LEGAL SERVICES-MJPA-APR14	
		06/16/2014	2014040384	LEGAL SERVICES-APR14	
Remit to: OAKLAND, CA					<u>FYTD:</u> \$380,445.81
MILES, ROBERT	12609	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,953.18



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MILLER, CINDY A.	221737	06/23/2014	07042014	REIMB-4TH OF JULY PARADE CANDIES FOR CITY COUNCIL & EXEC TEAM	\$937.05
Remit to: MORENO VALLEY, CA					FYTD: \$1,752.91
MINARD, MARK E.	12610	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: REDLANDS, CA					FYTD: \$3,824.76
MOHRY, MICHAEL	221603	06/09/2014	CITATIONS REFUND	REFUND OVERPAYMENT FOR CITATIONS MV1120326006 & MV1120813002	\$230.00
Remit to: LOS ANGELES, CA					FYTD: \$230.00
MOLLICA, MIKE	12611	06/02/2014	140601	RETIREE MED JUNE '14	\$401.42
Remit to: DUNNELLON, FL					FYTD: \$4,817.04
MONTGOMERY PLUMBING INC	221563	06/09/2014	052214	FURNISH & INSTALLATION OF WATER HEATERS AT MFPCC	\$9,772.10
		06/09/2014	052014	MFPCC-FURNISH & INSTALL NEW FAUCETS/RE-BUILD SLOAN FLUSH VALVES	
		06/09/2014	052114	INSTALL 100' NEW WATER MAIN/PIPES THRU BLDG. AT MFPCC	
Remit to: MORENO VALLEY, CA					FYTD: \$27,070.60
MORA, PATRICIA A.	12612	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
MORALES, KAREN R.	221485	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: PERRIS, CA					FYTD: \$2,549.84
MORENO VALLEY CITY EMPLOYEES ASSOC.	12712	06/13/2014	2014-00000390	8710 - MVCEA EMPLOYEE DUES	\$1,314.00

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MORENO VALLEY CITY EMPLOYEES ASSOC.	12792	06/27/2014	2014-00000407	8710 - MVCEA EMPLOYEE DUES	\$1,299.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$34,566.50
MORENO VALLEY HISPANIC CHAMBER OF COMMERCE	221661	06/16/2014	DEPOSIT RETURN	REFUND OF SECURITY DEPOSIT FOR RENTAL OF MOBILE STAGE ON 5/31/14	\$100.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$100.00
MORENO VALLEY UNIFIED SCHOOL DISTRICT	221809	06/30/2014	146974	RETURN OF SECURITY DEPOSIT-MOBILE STAGE	\$100.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$100.00
MORGAN, LISA A.	12613	06/02/2014	140601	RETIREE MED JUNE '14	\$276.50
Remit to: MENTONE, CA					<u>FYTD:</u> \$3,571.38
MORRIS, ANDREA	221529	06/02/2014	R14-071016	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
MR. CLEAN MAINTENANCE SYSTEMS	12816	06/30/2014	11302	PAINT TOUCH UP ON THE GYMNASIUM FLOOR	\$400.00
Remit to: COLTON, CA					<u>FYTD:</u> \$7,220.22
MRE STAR, LLC	221696	06/23/2014	2760	COMPLETE MRE MEALS	\$12,600.00
Remit to: ELLENTON, FL					<u>FYTD:</u> \$12,600.00
MTGL, INC	12817	06/30/2014	0049542	GEO CONSULTING - CACTUS WIDENING EB	\$6,788.00
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$20,075.00
MUNI-FED ENERGY, INC.	12614	06/02/2014	1045	E-SERIES EQUIPMENT LEASE-APR. 2014	\$4,257.15



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MUNI-FED ENERGY, INC.	12614	06/02/2014	1049	E-SERIES EQUIPMENT LEASE-MAY 2014	\$4,257.15
		06/02/2014	1052	E-SERIES EQUIPMENT LEASE-JUN. 2014	
		06/02/2014	1028	E-SERIES EQUIPMENT LEASE-FEB. 2014	
		06/02/2014	1039	E-SERIES EQUIPMENT LEASE-MAR. 2014	
Remit to: LONG BEACH, CA					<u>FYTD:</u> \$9,661.88
N P G CORPORATION	12773	06/23/2014	1112646	SEAL COAT & STRIPE VISTA LOMAS PARK PARKING LOT	\$3,747.00
Remit to: PERRIS, CA					<u>FYTD:</u> \$7,126.00
-103- NAMEKATA, DOUGLAS	221765	06/30/2014	MAR-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	\$670.80
		06/30/2014	MAY-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	
		06/30/2014	APR-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$670.80
NAMEKATA, JAMES	221766	06/30/2014	MAR-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	\$942.00
		06/30/2014	APR-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	
		06/30/2014	MAY-2014	INSTRUCTOR SERVICES - SHITO-RYU KARATE CLASS	
		06/30/2014	JUN-2014	INSTRUCTOR SERVICES-SHITO-RYU KARATE CLASS	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$942.00
NATIONWIDE RETIREMENT SOLUTIONS CP	12713	06/13/2014	2014-00000391	8010 - DEF COMP 457 - NATIONWIDE*	\$24,238.89
	12714	06/13/2014	2014-00000392	8020 - DEF COMP PST - NATIONWIDE	\$2,128.93
	12793	06/27/2014	2014-00000408	8010 - DEF COMP 457 - NATIONWIDE*	\$24,238.89
	12794	06/27/2014	2014-00000409	8020 - DEF COMP PST - NATIONWIDE	\$2,361.43

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Remit to: COLUMBUS, OH					<u>FYTD:</u> \$809,120.94
NAVARRETTE, RALPH	12615	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: RANCHO CUCAMONGA, CA					<u>FYTD:</u> \$1,953.18
NELSON, ROBERT	12616	06/02/2014	140601	RETIREE MED JUNE '14	\$208.36
Remit to: ONTARIO, CA					<u>FYTD:</u> \$2,782.74
NEUSTAEDTER, CRAIG S	221486	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: IRVINE, CA					<u>FYTD:</u> \$3,824.76
NEW WORLD SYSTEMS, CORP	12687	06/09/2014	035333	SW ESCROW ANNUAL ADMIN FEE	\$1,157.00
Remit to: TROY, MI					<u>FYTD:</u> \$271,283.10
NEXTECH SYSTEMS INC.	221487	06/02/2014	NEX14-55	RAPID FLASHING BEACON SYSTEM	\$6,699.52
Remit to: SANTA ANA, CA					<u>FYTD:</u> \$6,699.52
NGUYEN, JANET	221810	06/30/2014	R14-074583	AS REFUND-OVERPMT ON LIC/RABIES INVALID	\$19.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$19.00
NIEBURGER, JUDITH A.	221488	06/02/2014	140601	RETIREE MED JUNE '14	\$401.42
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$4,817.04
NIELSEN LLC, CLARITAS	221697	06/23/2014	2210680	ANNUAL RENEWAL FOR SITEREPORTS.COM LICENSE 5/20/14-5/19/15	\$1,095.00
Remit to: CHARLOTTE, NC					<u>FYTD:</u> \$1,595.00
NOBEL SYSTEMS	12818	06/30/2014	13285	MVU GIS DATA CONVERSION	\$7,920.00



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Remit to: SAN BERNARDINO, CA					FYTD: \$26,280.00
NOBLE AMERICAS ENERGY SOLUTIONS	12732	06/16/2014	611908	WHOLESALE POWER MAY 2014-RESOURCE ADEQUACY	\$22,850.01
Remit to: SAN DIEGO, CA					FYTD: \$3,051,454.31
NORMAN A. TRAUB ASSOCIATES	12733	06/16/2014	14041	INVESTIGATION SERVICES	\$2,278.53
Remit to: YORBA LINDA, CA					FYTD: \$11,241.96
NOSSAMAN, LLP.	221564	06/09/2014	426686	LEGAL DEFENSE SERVICES	\$13,357.00
Remit to: LOS ANGELES, CA					FYTD: \$39,732.69
OGWO, EDDIE	221662	06/16/2014	1150418	TOWNGATE RENTAL DEPOSIT REFUND	\$200.00
Remit to: MORENO VALLEY, CA					FYTD: \$200.00
OLIVER, JADEN	221726	06/23/2014	1151543	REFUND DUE TO LACK OF RESTRAINTS	\$62.00
Remit to: MORENO VALLEY, CA					FYTD: \$62.00
OPERATION SAFEHOUSE, INC.	12618	06/02/2014	APR 2014	REIMBURSEMENT FOR CDBG PROGRAM SERVICES	\$1,428.64
Remit to: RIVERSIDE, CA					FYTD: \$10,928.47
OPTIMAL PROPERTY, LLC	221530	06/02/2014	BL#26362-YR2014	REFUND OF OVERPAYMENT FOR BL#26362 ONLY ONE LICENSE NEEDED	\$496.00
Remit to: YORBA LINDA, CA					FYTD: \$496.00
ORELLANA, MARK	221727	06/23/2014	1143647	REFUND DEPOSIT FOR TAKE YOUR CITY PEACE MARCH	\$75.00
Remit to: MORENO VALLEY, CA					FYTD: \$75.00

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ORROCK, POPKA, FORTINO & BRISLIN	12619	06/02/2014	90-041 STMT 5	DEFENSE COSTS-M. DAVIS V. CITY OF M.V. CASE	\$2,066.75
	12689	06/09/2014	90-039 STMT 10	LEGAL DEFENSE COSTS-M. MOSLEY V. CITY CASE	\$4,886.21
		06/09/2014	90-037 STMT 12	LEGAL DEFENSE COSTS-O. RODRIGUEZ V. CITY CASE	
	221625	06/16/2014	90-040M STMT 7	LEGAL DEFENSE COSTS-WALDEN ENVIRONMENT V. CITY CASE	\$2,642.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$58,211.08
OVERLAND PACIFIC & CUTLER, INC.	12819	06/30/2014	1404030	CONSULTING - NASON/CACTUS TO FIR	\$4,200.00
Remit to: LONG BEACH, CA					<u>FYTD:</u> \$28,550.00
PACIFIC ALARM SERVICE, INC	12690	06/09/2014	R 102884	BURGLAR ALARM SYSTEM RENT/SVC/MONITORING-MVU SUBSTATION/JUN14	\$244.00
Remit to: BEAUMONT, CA					<u>FYTD:</u> \$9,971.00
PAINTING BY ZEB BODE	12775	06/23/2014	060414	PAINTING OF TOWNGATE COMMUNITY CENTER TOTS ROOM	\$850.00
Remit to: NORCO, CA					<u>FYTD:</u> \$67,114.50
PALACIO, JANET	221671	06/16/2014	REIMBURSEMENT	REIMB. FOR VALLEY KIDS CAMP FIELD TRIP-CORONA DEL MAR BEACH	\$100.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$100.00
PALMER-ROSS, KARON	221531	06/02/2014	ACCT 7009356-02	SOLAR INCENTIVE REBATE	\$11,688.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$11,688.00
PARADIGM ENERGY CONSULTING	12734	06/16/2014	MVU-05-2014	CONSULTING SERVICES RE: MV UTILITY 10-YR RESOURCE PLAN	\$1,950.00
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$49,274.98



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PARLANGE, PALMIRA	221728	06/23/2014	1146989	REFUND FOR PICNIC SHELTER	\$29.60
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$29.60
PARSONS BRINCKERHOFF, INC	12691	06/09/2014	AR 550815	SURVEY SERVICES - CACTUS AVE. WIDENING	\$8,981.43
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$51,910.51
PARSONS TRANSPORTATION GROUP, INC.	12776	06/23/2014	1405B238	CONSULTING - SR-60 MORENO BEACH IC	\$12,324.81
	12820	06/30/2014	1405B240	CONSULTANT - SR-60 NASON OVERCROSSING	\$11,035.98
Remit to: IRVINE, CA					<u>FYTD:</u> \$299,131.09
PATTERSON, ALFREY	221489	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,953.18
PAYNE, FREDERICA	221663	06/16/2014	R14-072985	AS REFUND-SPAY/NEUTER DEPOSIT	\$50.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$50.00
PEDLEY SQUARE VETERINARY CLINIC	12620	06/02/2014	APR-2014	VETERINARY SERVICES FOR MV ANIMAL SHELTER	\$9,594.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$119,155.28
PERRY, NORMA	12621	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: LOCKEFORD, CA					<u>FYTD:</u> \$3,824.76
PERS LONG TERM CARE PROGRAM	221490	06/02/2014	2014-00000372	4720 - PERS LONG TERM CARE	\$458.63
	221626	06/16/2014	2014-00000385	4720 - PERS LONG TERM CARE	
	221767	06/30/2014	2014-00000402	4720 - PERS LONG TERM CARE	

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Remit to: PASADENA, CA					<u>FYTD:</u> \$12,383.01
PERS RETIREMENT	12659	06/06/2014	P140509a	PERS RETIREMENT - CLASSIC	\$42.32
	12660	06/06/2014	P140509b	PERS RETIREMENT - PEPRA	\$11,338.05
	12716	06/10/2014	P140610	ADMIN FEE - AMENDMENT VALUATION, CALPERS	\$300.00
	12752	06/20/2014	P140523a	PERS RETIREMENT - CLASSIC	\$1,006.41
	12753	06/20/2014	P140523b	PERS RETIREMENT - PEPRA	\$11,668.44
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$5,791,275.57
PHAN, TINA T.	221532	06/02/2014	ACCT 7009908-04	SOLAR INCENTIVE REBATE	\$3,470.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,470.00
PHILLIPS, JOHN	221604	06/09/2014	CITATIONS REFUND	REFUND OVERPAYMENT- MV1110520037,2110729045,3111004005,3111018012	\$357.34
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$357.34
PIONEER CREDIT RECOVERY, INC	221491	06/02/2014	2014-00000373	1015 - GARNISHMENT - CREDITOR %	\$174.24
	221627	06/16/2014	2014-00000386	1015 - GARNISHMENT - CREDITOR %	\$215.88
	221768	06/30/2014	2014-00000403	1015 - GARNISHMENT - CREDITOR %	\$216.02
Remit to: ARCADE, NY					<u>FYTD:</u> \$2,655.81
PIP PRINTING	12692	06/09/2014	54854	PRINTING CIP14/15 BOOK - TABS AND COPIES	\$593.14
		06/09/2014	54862	PRINTING - CIP 14/15 PROPOSED BUDGET BOOK	
	12777	06/23/2014	54774	PRINTING SERVICES FOR EVENT FLYER	\$3,969.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$14,042.40
PIZZITOLA, JULIE	221811	06/30/2014	1152420	REFUND FOR PERMIT 26493 BARK FOR LIFE	\$98.00



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Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$98.00
PLUMMER, TED	221781	06/30/2014	601	SOUND SYSTEMS FOR JULY 4, 2014 PARADA	\$650.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$650.00
POUNDS, NANCY	12622	06/02/2014	140601	RETIREE MED MAY '14, PD JUNE '14	\$318.73
Remit to: BOISE, ID					<u>FYTD:</u> \$3,824.76
POWERS, KARA	221533	06/02/2014	ACCT 7008715-06	SOLAR INCENTIVE REBATE	\$9,312.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$9,312.00
PRICE, GEORGE E.	12623	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
	12785	06/23/2014	6/30-7/1/14	TRAVEL PER DIEM-GONSALVES CLIENT LEGIS APPRECIATION DINNER	\$91.50
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,916.26
PRN MED TRANSPORT, INC	221534	06/02/2014	BL#13390-YR2014	REFUND OF OVERPAYMENT FOR BL#13390 PAID TWICE	\$60.63
Remit to: TEMECULA, CA					<u>FYTD:</u> \$60.63
PRO VACUUM & JANITORIAL STORE	221628	06/16/2014	981	REPAIR OF FLOOR BURNISHER	\$115.15
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$115.15
PRUITT, CHERYL	221826	06/30/2014	MAY-2014/50030	INSTRUCTOR SERVICES-COMPUTERS FOR BEGINNERS	\$189.00
		06/30/2014	MAY-2014/50029	INSTRUCTOR SERVICES-COMPUTERS FOR BEGINNERS	\$189.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$189.00
PSOMAS	221698	06/23/2014	96732	CONSULTING - SR-60 NASON OVERCROSSING	\$814.14

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Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$164,083.45
PULLIAM, TRENT D.	12625	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MISSION VIEJO, CA					<u>FYTD:</u> \$3,824.76
PW ENHANCEMENT CENTER	12736	06/16/2014	3 - MAY 2014	CDBG PROGRAM REIMB.-COMMUNITY EMERGENCY OUTREACH PROGRAM	\$2,936.46
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$13,009.52
QUALITY CODE PUBLISHING, LLC	12693	06/09/2014	2014-183	SUPPLEMENT SERVICE TO THE MV MUNICIPAL CODE	\$1,639.90
Remit to: SEATTLE, WA					<u>FYTD:</u> \$5,813.22
QUALITY CONSERVATION SERVICES, INC.	221729	06/23/2014	B1401122	REFUND-CANCELLED PERMIT FEES	\$148.36
Remit to: MONTCLAIR, CA					<u>FYTD:</u> \$148.36
QUEZADA, ERIKA	221730	06/23/2014	1151807	REFUND ON RENTAL DEPOSIT CONTRACT 25427	\$300.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$300.00
QUIMTERO, VICTORIA	221731	06/23/2014	1141260	REFUND FOR GUITAR CLASS	\$47.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$47.00
RAMIREZ, ROBERTO	221605	06/09/2014	MV3130614081	REFUND FOR CITATION OVERPAYMENT	\$115.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$115.00
RAY-RAMIREZ, DARCY L.	221492	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$3,824.76



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RBF CONSULTING, INC.	12737	06/16/2014	876413	CONSULTING - MORENO MASTER DRAIN LINE F	\$422.77
Remit to: IRVINE, CA					FYTD: \$86,617.38
RENE'S	12787	06/23/2014	062414	MAYOR RECEPTION-6/24/14	\$137.00
Remit to: MORENO VALLEY, CA					FYTD: \$1,044.20
REPUBLIC MASTER CHEFS TEXTILE RENTAL SERVICE	12694	06/09/2014	11289587	LINENS RENTAL FOR CRC BANQUET ROOM	\$50.02
		06/09/2014	11295103	LINENS RENTAL FOR CRC BANQUET ROOM	
Remit to: LOS ANGELES, CA					FYTD: \$2,916.81
REYES, JULIE	221714	06/23/2014	6/30-7/1/14	TRAVEL PER DIEM-GONSALVES CLIENT LEGIS APPRECIATION DINNER	\$91.50
Remit to: MORENO VALLEY, CA					FYTD: \$91.50
REYNOSO, PABLO	221812	06/30/2014	7010107-02	SOLAR INCENTIVE REFUND	\$10,096.00
Remit to: MORENO VALLEY, CA					FYTD: \$10,096.00
RICHARD HEATH AND ASSOCIATES	12695	06/09/2014	MV-1403	ENERGY EFFICIENCY PROGRAM SERVICES FOR MV UTILITY-MAR 2014	\$3,323.47
		06/09/2014	MV-1401	ENERGY EFFICIENCY PROGRAM SERVICES FOR MV UTILITY-JAN 2014	
Remit to: FRESNO, CA					FYTD: \$18,538.84
RICHMOND AMERICAN HOMES	221598	06/09/2014	REFUND	REFUND OF FUNDS IN DORMANT DEPOSIT ACCOUNT	\$280.00
Remit to: IRVINE, CA					FYTD: \$280.00
RICHTER, HENRY L.	221769	06/30/2014	27	CONSULTING SVCS-FCC RADIO FREQUENCY FILINGS FOR REBANDING	\$735.00

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Remit to: ESCONDIDO, CA					<u>FYTD:</u> \$1,815.00
RICKS, JAMES	221493	06/02/2014	140601	RETIREE MED APRIL-MAY '14, PD JUNE '14	\$637.46
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$2,231.11
RIGHTWAY SITE SERVICES, INC.	221566	06/09/2014	48692	PORTABLE RESTROOM/SVC-COTTONWOOD GOLF COURSE	\$834.90
		06/09/2014	47325	PORTABLE RESTROOMS/SVC-EQUESTRIAN CENTER	
		06/09/2014	48693	PORTABLE RESTROOMS/SVC-EQUESTRIAN CENTER	
		06/09/2014	48694	PORTABLE RESTROOMS/SVC-MARCH MIDDLE SCHOOL	
	221629	06/16/2014	48858	PORTABLE TOILET ON WHEELS/SERVICE FOR M&O DIV.	\$203.68
Remit to: LAKE ELSINORE, CA					<u>FYTD:</u> \$9,097.15
RIVERSIDE COUNTY DEPARTMENT OF HEALTH	221770	06/30/2014	HS0000004506	RABIES TESTING @PUBLIC HEALTH LAB-MAY14	\$50.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$2,282.00
ROCHA, SARA L.	12626	06/02/2014	140601	RETIREE MED MAR-MAY'14 & JUNE-AUG'14 MEDI, PD JUNE '14	\$840.30
Remit to: QUEEN CREEK, AZ					<u>FYTD:</u> \$3,300.30
ROGERS, EUGENE	12627	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: PEBBLE BEACH, CA					<u>FYTD:</u> \$3,824.76
ROMAN , HENRY	221813	06/30/2014	1150088	RUFUND FOR FATHERS DAY WALK PERMIT 265602	\$75.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$75.00
ROSALES, DEBBIE	221589	06/09/2014	W01 2014	TUITION REIMBURSEMENT-CONTEXTS OF CONTEMP. BUSINESS COURSE	\$1,500.00



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Remit to: LAKE HAVASU CITY, AZ					<u>FYTD:</u> \$1,731.26
ROSS, DAVID T.	12628	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
ROSSON, LOUIS A.	12629	06/02/2014	140601	RETIREE MED JUNE '14	\$175.97
Remit to: PERRIS, CA					<u>FYTD:</u> \$3,157.54
RURUP, ALYSSA	221664	06/16/2014	R14-071274	AS REFUND-RABIES DEPOSIT	\$20.00
Remit to: MEAD VALLEY, CA					<u>FYTD:</u> \$20.00
RUSSO, JOHN	12630	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: RANCHO MIRAGE, CA					<u>FYTD:</u> \$1,953.18
SAFEWAY SIGN CO.	12631	06/02/2014	98291	TRAFFIC SIGNS, POSTS, HARDWARE	\$20,504.13
	12779	06/23/2014	98292	TRAFFIC SIGNS, POSTS, HARDWARE	\$604.59
Remit to: ADELANTO, CA					<u>FYTD:</u> \$39,251.96
SALVATION ARMY	221665	06/16/2014	1149766	CRC RENTAL REFUND DEPOSIT	\$200.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$200.00
SANDERS, CATHERINE	221732	06/23/2014	1145970	REFUND RENTAL DEPOSIT CONTRACT 25552	\$300.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$300.00
SANTIAGO, HAZEL	221599	06/09/2014	ACCT 7013756-02	SOLAR INCENTIVE REBATE	\$11,046.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$11,046.00

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SCHIEFELBEIN, LORI C.	221494	06/02/2014	140601	RETIREE MED MAY '14, PD JUNE '14	\$318.73
	221567	06/09/2014	MAY 2014	CONSULTANT SERVICES-ROTATIONAL TOW PROGRAM	\$646.25
Remit to: BULLHEAD CITY, AZ					<u>FYTD:</u> \$17,721.20
SCHUMAN, MICHAEL	12632	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: GARDNERVILLE, NV					<u>FYTD:</u> \$3,824.76
SCOTT FAZEKAS & ASSOCIATES, INC	221771	06/30/2014	17479	PLAN CHECK SERVICES FOR BLDG. & SAFETY DEPT.	\$13,884.87
Remit to: IRVINE, CA					<u>FYTD:</u> \$55,786.17
SCREENVISION	221772	06/30/2014	LOC_034844	CINEMA ADVERTISING FOR ANIMAL SERVICES	\$1,530.00
		06/30/2014	LOC_035970	CINEMA ADVERTISING FOR ANIMAL SERVICES	
Remit to: ROCHESTER, NY					<u>FYTD:</u> \$1,530.00
SECURITY LOCK & KEY	12696	06/09/2014	26558	KEYS FOR CITY HALL-PAYROLL OFFICE	\$61.61
Remit to: YUCAIPA, CA					<u>FYTD:</u> \$12,108.77
SHARRETT, SHARON K.	12633	06/02/2014	140601	RETIREE MED JUNE '14	\$175.97
Remit to: ONTARIO, CA					<u>FYTD:</u> \$2,096.04
SHELDON, STUART H.	12634	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: MURRIETA, CA					<u>FYTD:</u> \$2,987.64
SHELL OIL CO.	221700	06/23/2014	065124489406	FUEL PURCHASES-PD MOTORCYCLES	\$1,617.68
Remit to: COLUMBUS, OH					<u>FYTD:</u> \$16,313.38



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SHIPP, RONALD	221814	06/30/2014	R14-073167	AS REFUND-S/N DEPOSIT	\$75.00
Remit to: MORENO VALLEY, CA					FYTD: \$75.00
SIRE TECHNOLOGIES/HYLAND SOFTWARE	12635	06/02/2014	263341	CUSTOMIZATION TO IMAGE SERVER DISPLAY FOR VOTING MODULE PROJECT	\$1,350.00
Remit to: WESTLAKE, OH					FYTD: \$60,404.39
SKECHERS	221666	06/16/2014	MAY 2014	SOLAR INCENTIVE REBATE-ACCT# 7013669-01/29800 EUCALYPTUS, M.V.	\$7,750.13
Remit to: MANHATTAN BEACH, CA					FYTD: \$7,750.13
-115 SKY PUBLISHING	221631	06/16/2014	14_3_12	1/2 PAGE SHOPMOVAL AD IN YOUR VILLA MAGAZINE	\$857.00
	221701	06/23/2014	14_3_13	1/2 PAGE MAGAZINE AD - BOTTLES & CANS RECYCLING	\$1,700.00
		06/23/2014	14_3_14	1/2 PAGE MAGAZINE AD - USED OIL RECYCLING	
	221773	06/30/2014	14_3_15	FULL PAGE AD FOR ANIMAL SERVICES IN YOUR VILLA MAGAZINE	\$1,500.00
Remit to: MORENO VALLEY, CA					FYTD: \$59,553.00
SLAGERMAN, SUSAN A.	12636	06/02/2014	140601	RETIREE MED MAY '14, PD JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
SMARTLINK LLC	221600	06/09/2014	PA13-0040	REFUND 40% FOR CUP APPLICATION NO LONGER NEEDED	\$540.00
Remit to: IRVINE, CA					FYTD: \$540.00
SMITH, ODELL	221733	06/23/2014	1146192	REFUND FOR PEE WEE	\$29.00
Remit to: MORENO VALLEY, CA					FYTD: \$29.00
SMUS, PAULA	221495	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73

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Remit to: RIVERSIDE, CA					FYTD: \$2,868.57
SOCO GROUP, INC	12740	06/16/2014	0041403-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	\$20,367.83
		06/16/2014	0039149-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
		06/16/2014	0036443-IN	FUEL FOR CITY VEHICLES & EQUIPMENT	
Remit to: PERRIS, CA					FYTD: \$384,396.82
SOSA, HUGO	12698	06/09/2014	MAY-2014	INSTRUCTOR SERVICES-TRADITIONAL KARATEDO CLASS	\$450.00
Remit to: ELK GROVE, CA					FYTD: \$5,754.00
SOUTH COAST AIR QUALITY MGMT DISTRICT	221496	06/02/2014	2719788	AQMD "HOT SPOTS" PROGRAM FEE-FIRE ST. #99 (7/2013-6/2014)	\$237.88
		06/02/2014	2719832	AQMD "HOT SPOTS" PROGRAM FEE-CRC (7/2013-6/2014)	
Remit to: DIAMOND BAR, CA					FYTD: \$11,812.49
SOUTHERN CALIFORNIA EDISON 1	221497	06/02/2014	MAY-14 6/2/14	ELECTRICITY	\$1,881.77
	221568	06/09/2014	MAY-14 6/9/14	ELECTRICITY	\$4,429.98
	221703	06/23/2014	174805	UTILITY RELOCATION - HEMLOCK/GRAHAM - HEACOCK	\$1,667.25
	221774	06/30/2014	MAY-14 6/30/14	ELECTRICITY	\$22,052.66
		06/30/2014	JUN-14 6/30/14	ELECTRICITY	
Remit to: ROSEMEAD, CA					FYTD: \$3,427,919.14
SOUTHERN CALIFORNIA GAS CO.	221634	06/16/2014	MAY-2014	GAS CHARGES	\$2,801.15
Remit to: MONTEREY PARK, CA					FYTD: \$57,333.38
SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY	221704	06/23/2014	ASTORIA PROJECT	SHARED COST FOR JUNE ASTORIA PROJECT BILLING	\$35.24

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Remit to: GLENDORA, CA					<u>FYTD:</u> \$1,371.24
SPARKLETTS	12699	06/09/2014	7364551 052314	BOTTLED WATER/SVC-SUNNYMEAD ELEMENTARY "A CHILD'S PLACE"	\$30.48
Remit to: DALLAS, TX					<u>FYTD:</u> \$1,014.08
SPECK, GARY B.	12637	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
SPENCER, MARTHA	12638	06/02/2014	140601	RETIREE MED JUNE '14	\$179.21
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$1,953.18
SPRINT	12700	06/09/2014	634235346-045	CELLULAR PHONE SERVICE FOR PD SET	\$483.26
		06/09/2014	417544340-090	CELLULAR PHONE SERVICE FOR PD GTF	
	221570	06/09/2014	LCI-199216	CELLULAR TECH EXTRACTION & LOCATOR SVCS FOR PD INVESTIGATIONS	\$60.00
		06/09/2014	LCI-195697	CELLULAR TECH EXTRACTION & LOCATOR SVCS FOR PD SET	
Remit to: CAROL STREAM, IL					<u>FYTD:</u> \$5,465.19
STANDARD INSURANCE CO	221511	06/02/2014	140601	SUPPLEMENTAL INSURANCE	\$1,462.46
Remit to: PORTLAND, OR					<u>FYTD:</u> \$326,517.11
STANLEY CONVERGENT SECURITY SOLUTNS, INC	12639	06/02/2014	11277036	ALARM SYSTEM MONITORING SERVICES-EOC	\$110.00
	12742	06/16/2014	11346135	ACCESS CARDS-PCSC MODEL PC23/40	\$1,230.00
Remit to: PALATINE, IL					<u>FYTD:</u> \$42,937.00

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STATE BOARD OF EQUALIZATION 1	12790	06/25/2014	053114	SALES & USE TAX REPORT 5/1/14 TO 6/15/14	\$1,388.00
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$24,012.23
STATE DISBURSEMENT UNIT	12715	06/13/2014	2014-00000393	1005 - GARNISHMENT - CHILD SUPPORT*	\$2,332.25
	12795	06/27/2014	2014-00000410	1005 - GARNISHMENT - CHILD SUPPORT*	\$2,483.39
Remit to: WEST SACRAMENTO, CA					<u>FYTD:</u> \$56,032.75
STATE OF CALIF/DEPT OF INDUSTRIAL	221590	06/09/2014	E1182728SB	OSHA INSPECTION FEE-CONF. & RECREATION CENTER	\$125.00
Remit to: PASADENA, CA					<u>FYTD:</u> \$575.00
STATE OF CALIFORNIA DEPT. OF CONSUMER AF	221571	06/09/2014	CERT. E 15697	RENEWAL OF ELECTRICAL ENGINEER LICENSE FOR JOHN KERENYI	\$230.00
		06/09/2014	CERT. TR 1839	RENEWAL OF TRAFFIC ENGINEER LICENSE FOR JOHN KERENYI	
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$345.00
STATE OF CALIFORNIA DEPT. OF JUSTICE	221572	06/09/2014	035324	BLOOD ALCOHOL ANALYSIS SERVICES FOR PD	\$840.00
Remit to: SACRAMENTO, CA					<u>FYTD:</u> \$34,790.00
STENO SOLUTIONS TRANSCRIPTION SVCS., IN	12780	06/23/2014	42724	TRANSCRIPTION SERVICES FOR PD	\$3,287.04
Remit to: CORONA, CA					<u>FYTD:</u> \$28,690.40
STEWART, CLIFFORD	12640	06/02/2014	140601	RETIREE MED JUNE '14	\$188.23
Remit to: GLENDALE, AZ					<u>FYTD:</u> \$2,393.82



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STEWART, RICHARD A.	221715	06/23/2014	6/30-7/1/14	TRAVEL PER DIEM-GONSALVES CLIENT LEGIS APPRECIATION DINNER	\$91.50
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$521.85
STORLIE-SICKLES, ELIZABETH	12641	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$4,143.49
STRADLING, YOCCA, CARLSON & RAUTH	12781	06/23/2014	288556-0000	LEGAL SERVICES	\$1,557.96
		06/23/2014	288258-0000	LEGAL SERVICES	
Remit to: NEWPORT BEACH, CA					<u>FYTD:</u> \$64,594.44
STRICKLER ASSOCIATION, THE	12743	06/16/2014	6100	CONSULTANT SERVICES FOR CDBG & NSP PROJECTS	\$3,670.00
		06/16/2014	6300	CONSULTANT SERVICES FOR HOME & NSP PROJECTS	
	12782	06/23/2014	6400	CONSULTANT SERVICES FOR CDBG, HOME & NSP PROJECTS	\$2,725.00
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$17,138.75
STRICKLER, JOHN W.	12642	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: SAN BERNARDINO, CA					<u>FYTD:</u> \$3,824.76
STURTZ, LORRAINE A.	221606	06/09/2014	MV4130329011	REFUND FOR CITATION OVERPAYMENT	\$115.00
Remit to: HESPERIA, CA					<u>FYTD:</u> \$115.00
SULLY- MILLER CONTRACTING CO., INC.	221635	06/16/2014	15-SMC	CONSTRUCTION - CACTUS/NASON IMPROVEMENT	\$19,132.00
Remit to: BREA, CA					<u>FYTD:</u> \$78,398.76
SUNNYMEAD ACE HARDWARE	221573	06/09/2014	56305	MISC. SUPPLIES FOR FIRE STATION 6	\$346.70

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SUNNYMEAD ACE HARDWARE	221573	06/09/2014	56357	MISC. SUPPLIES FOR PD	\$346.70
		06/09/2014	56434	MISC. SUPPLIES FOR FIRE STATION 6	
		06/09/2014	56426	MISC. SUPPLIES FOR FIRE STATION 48	
		06/09/2014	56340	MISC. SUPPLIES FOR FIRE STATION 6	
		06/09/2014	56344	MISC. SUPPLIES FOR FIRE STATION 6	
		06/09/2014	56215	MISC. SUPPLIES FOR FIRE STATION 48	
		06/09/2014	56386	MISC. SUPPLIES FOR FIRE STATION 2	
	06/09/2014	56364	MISC. SUPPLIES FOR FIRE STATION		
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$2,587.73
SUNNYMEAD ANIMAL HOSPITAL	221574	06/09/2014	263733	VETERINARY SERVICES FOR PATROL K-9 OZZI	\$304.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$304.00
SUPERIOR TOWING, INC.	221672	06/16/2014	ACCOUNT REFUND	REFUND OF DEPOSIT ACCT. BALANCE-TERMINATED SVCS WITH CITY 5/7/14	\$192.03
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$192.03
SUPREME TRUCK BODIES, INC.	221498	06/02/2014	2748083	REMOVE & REPLACE ENTIRE FLOOR ON FLATBED #106338-00	\$2,385.17
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$2,385.17
TAX COMPLIANCE SERVICES	221499	06/02/2014	2013-2014 STMT10	UUT AUDIT & CONSULTING SERVICES	\$5,000.00
Remit to: THOUSAND OAKS, CA					<u>FYTD:</u> \$67,500.00
TAYLOR'S APPLIANCE	221575	06/09/2014	J89575	OVEN IGNITORS AND BURNER TUBES-PARTS & LABOR-FOR FIRE ST. #2	\$323.09
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$2,048.89



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TENASKA ENERGY, INC	12643	06/02/2014	1342-APR-14-01	RESOURCE ADEQUACY	\$4,980.00
	12744	06/16/2014	1342-MAY-14-01	RESOURCE ADEQUACY	\$2,490.00
Remit to: OMAHA, NE					FYTD: \$977,984.80
TERELL, JOHN C.	221512	06/02/2014	HOTEL REIMB.	REIMBURSE ICSC LODGING EXPENSES 5/17-5/20/14	\$302.95
Remit to: REDLANDS, CA					FYTD: \$728.95
TERRACE OP, MONARCH	221815	06/30/2014	CIT14150079	OVERPAYMENT FOR FALSE ALARM 14150079	\$23.40
Remit to: MORENO VALLEY, CA					FYTD: \$23.40
THACKER, THOMAS	221607	06/09/2014	MV1140114007	CITATION REFUND-VIOLATION DISMISSED	\$41.00
Remit to: MORENO VALLEY, CA					FYTD: \$41.00
THE BARKING LOT RESCUE	221667	06/16/2014	R14-069065	AS REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: EL CAJON, CA					FYTD: \$75.00
THE LONG RUN - EXPERIENCE THE EAGLES	221782	06/30/2014	502	FULL PAYMENT FOR BAND PERFORMANCE ON JULY 4 2014	\$2,750.00
Remit to: BURBANK, CA					FYTD: \$5,500.00
THERMAL COMBUSTION INNOVATORS	221500	06/02/2014	124483	BIOHAZARDOUS MEDICAL WASTE PICKUP FROM ANIMAL SHELTER	\$72.70
	221636	06/16/2014	125652	BIOHAZARDOUS MEDICAL WASTE PICKUP FROM ANIMAL SHELTER	\$88.46
Remit to: COLTON, CA					FYTD: \$977.95
THOMPSON COBURN LLP	12745	06/16/2014	3040682	LEGAL SERVICES FOR MVU RE: RELIABILITY STANDARDS COMPLIANCE	\$1,011.71

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THOMPSON COBURN LLP	12745	06/16/2014	3042557	LEGAL SERVICES FOR MVU RE: NERC COMPLIANCE	\$1,011.71
Remit to: WASHINGTON, DC					<u>FYTD:</u> \$5,505.36
TIA, QUIN	221816	06/30/2014	1151982	REFUND DUE TO LACK OF REGISTRATION	\$62.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$62.00
TIME WARNER CABLE	221637	06/16/2014	031518001 6/1/14	CABLE TV SERVICE FOR COTTONWOOD GOLF COURSE	\$61.91
Remit to: PITTSBURGH, PA					<u>FYTD:</u> \$8,147.17
TIME WARNER CABLE 2	221705	06/23/2014	6/5/14 STMT	CABLE/BROADBAND SVC-FS #58 TRAINING ROOM-ACCT# 8448400551506863	\$596.19
	221775	06/30/2014	0940303 5/12/14	CABLE SERVICE 4/13-5/12/14	\$56.87
Remit to: CITY OF INDUSTRY, CA					<u>FYTD:</u> \$2,432.06
TR DESIGN GROUP, INC.	12783	06/23/2014	1936-rev	CONSULTING - TRANSPORTATION MGMT CENTER	\$9,065.34
		06/23/2014	1958	CONSULTING - TRANSPORTATION MGMT CENTER	
		06/23/2014	1935	CONSULTING - TRANSPORTATION MGMT CENTER	
		06/23/2014	1957-rev	CONSULTING - TRANSPORTATION MGMT CENTER	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$108,770.94
TRAINING CAMP	221576	06/09/2014	053014kk	14-DAY MCSE DATA PLATFORM-SQL SERVER TRAINING CAMP- KIM KRUEGER	\$8,995.00
Remit to: TREVOSE, PA					<u>FYTD:</u> \$8,995.00
TRAMMELL, SILVIA	221735	06/23/2014	1150805	REFUND FPR VALLEY KIDS CAMP	\$97.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$97.00



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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
TRUGREEN LANDCARE	12746	06/16/2014	7726755	LANDSCAPE EXTRA WORK ALONG NASON ST. IN CENTER ISLAND	\$575.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$243,356.61
TTG ENGINEERS	221577	06/09/2014	89563	CONSULTING - CIVIC CENTER EXTERIOR	\$3,680.00
Remit to: PASADENA, CA					<u>FYTD:</u> \$36,464.23
UC REGENTS - GOVT'L & COMMUNITY RELATION	221650	06/16/2014	6/25/14 CUC	CUC BREAKFAST/MEETING ATTENDANCE FOR MAYOR PRO TEM VICTORIA BACA	\$22.00
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$91.00
UNDERGROUND SERVICE ALERT	12644	06/02/2014	420140453 (a)	DIGALERT TICKETS SUBSCRIPTION SERVICE	\$354.00
		06/02/2014	420140453 (d)	DIGALERT TICKETS SUBSCRIPTION SERVICE	
		06/02/2014	420140453 (b)	DIGALERT TICKETS SUBSCRIPTION SERVICE	
		06/02/2014	420140453 (c)	DIGALERT TICKETS SUBSCRIPTION SERVICE	
Remit to: CORONA, CA					<u>FYTD:</u> \$4,305.00
UNION BANK OF CALIFORNIA 1	221578	06/09/2014	864275	INVESTMENT SAFEKEEPING SERVICES	\$291.67
Remit to: SAN DIEGO, CA					<u>FYTD:</u> \$3,568.70
UNITED ROTARY BRUSH CORP	12747	06/16/2014	279600	STREET SWEEPER BROOM KITS/RECONDITIONING	\$5,362.36
		06/16/2014	279681	STREET SWEEPER REPAIR PARTS	
		06/16/2014	279543	STREET SWEEPER BROOM KITS/RECONDITIONING	
		06/16/2014	279917	STREET SWEEPER BROOM KITS/RECONDITIONING	
		06/16/2014	279739	STREET SWEEPER BROOM KITS/RECONDITIONING	
		06/16/2014	279978	STREET SWEEPER BROOM KITS/RECONDITIONING	
Remit to: KANSAS CITY, MO					<u>FYTD:</u> \$45,442.58

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City of Moreno Valley
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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
UNITED SITE SERVICES OF CA, INC.	12645	06/02/2014	114-1961988	FENCE RENTAL AT ANIMAL SHELTER	\$213.30
		06/02/2014	114-2024159	FENCE RENTAL AT ANIMAL SHELTER	
Remit to: EL MONTE, CA					<u>FYTD:</u> \$1,386.45
UNITED STATES TREASURY - 4	221501	06/02/2014	2014-00000374	1001 - GARNISHMENT - IRS TAX LEVY	\$230.91
	221638	06/16/2014	2014-00000387	1001 - GARNISHMENT - IRS TAX LEVY	\$50.38
	221776	06/30/2014	2014-00000404	1001 - GARNISHMENT - IRS TAX LEVY	
Remit to: FRESNO, CA					<u>FYTD:</u> \$1,532.84
UNITED WAY OF INLAND VALLEYS	221502	06/02/2014	2014-00000375	8720 - UNITED WAY	\$279.00
	221639	06/16/2014	2014-00000388	8720 - UNITED WAY	\$344.00
	221777	06/30/2014	2014-00000405	8720 - UNITED WAY	
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$10,436.00
URIBE, JOY K.	221784	06/30/2014	07042014	START UP CHANGE FOR JULY 4TH FESTIVAL ENTRY BOOTHS FUNDS	\$5,000.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$5,000.00
US IMMIGRATION LAW OFFICE	221817	06/30/2014	BL#23559-YR2014	REFUND OF OVERPAYMENT FOR BL#23559	\$87.17
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$87.17
VACATE TERMITES & PEST ELIMINATION COMPANY	12702	06/09/2014	49534	PEST CONTROL SERVICE-FIRE ST. #58	\$1,260.00
		06/09/2014	49729	PEST CONTROL SERVICE-FIRE ST. #91	
		06/09/2014	49740	PEST CONTROL SERVICE-TRANSP. TRAILER	
		06/09/2014	49527	PEST CONTROL SERVICE-FIRE ST. #48	
		06/09/2014	49536	PEST CONTROL SERVICE-FIRE ST. #2	



**City of Moreno Valley
Payment Register
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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
VACATE TERMITE & PEST ELIMINATION COMPANY	12702	06/09/2014	49510	PEST CONTROL SERVICE-FIRE ST. #65	\$1,260.00
		06/09/2014	49727	PEST CONTROL SERVICE-GOLF COURSE PRO SHOP	
		06/09/2014	49529	PEST CONTROL SERVICE-FIRE ST. #99	
		06/09/2014	49532	PEST CONTROL SERVICE-LIBRARY	
		06/09/2014	49531	PEST CONTROL SERVICE-FIRE ST. #6	
		06/09/2014	49730	PEST CONTROL SERVICE-CITY HALL	
		06/09/2014	49737	PEST CONTROL SERVICE-ANIMAL SHELTER	
		06/09/2014	49731	PEST CONTROL SERVICE-CONFERENCE & REC CTR.	
		06/09/2014	49739	PEST CONTROL SERVICE-MARCH FIELD PARK COMM. CTR.	
		06/09/2014	49732	PEST CONTROL SERVICE-CITY YARD	
		06/09/2014	49530	PEST CONTROL SERVICE-UTILITY FIELD OFFICE	
		06/09/2014	49736	PEST CONTROL SERVICE-ANNEX 1 BLDG.	
		06/09/2014	49535	PEST CONTROL SERVICE-SENIOR CENTER	
		06/09/2014	49733	PEST CONTROL SERVICE-PUBLIC SAFETY BLDG.	
		06/09/2014	49738	PEST CONTROL SERVICE-MARCH FIELD ASES BLDG.	
		06/09/2014	49734	PEST CONTROL SERVICE-EOC	
		06/09/2014	49528	PEST CONTROL SERVICE-TOWNGATE COMM. CTR.	

Remit to: MORENO VALLEY, CA	FYTD:	\$19,920.00
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VAL VERDE UNIFIED SCHOOL DISTRICT	221778	06/30/2014	H2531	YOUTH SPORTS UNIFORMS	\$250.00
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emit to: PERRIS, CA	FYTD:	\$10,668.83
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VARGAS, ALFONSO	221668	06/16/2014	1150425	TOWNGATE RENTAL DEPOSIT REFUND	\$200.00
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<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$200.00
VASQUEZ, CAROL	221503	06/02/2014	140601	RETIREE MED APR '14, PD JUNE '14	\$318.73
Remit to: RIALTO, CA					<u>FYTD:</u> \$3,824.76
VAVRINEK, TRINE, DAY & CO., LLP	221640	06/16/2014	0105522-IN	SERVICES REGARDING ASES PROGRAM COMPLIANCE ANALYSIS	\$12,502.00
Remit to: RANCHO CUCAMONGA, CA					<u>FYTD:</u> \$27,257.00
VERIZON	221641	06/16/2014	EQN6913105-14148	BACKBONE COMMUNICATION CHARGES	\$586.05
Remit to: TRENTON, NJ					<u>FYTD:</u> \$10,752.31
VERIZON CALIFORNIA	221504	06/02/2014	1258220327MAY-14	FIOS SERVICES FOR FIRE STATION 99	\$115.91
	221706	06/23/2014	951 UH2-7052 JUN	PHONE CHARGES-ERC/APRIL-JUNE 2014	\$1,888.82
Remit to: DALLAS, TX					<u>FYTD:</u> \$9,756.58
VERIZON WIRELESS	221579	06/09/2014	9725049586	CELLULAR SERVICE FOR PD TICKET WRITERS	\$159.60
Remit to: DALLAS, TX					<u>FYTD:</u> \$1,909.80
VICTOR MEDICAL CO	221779	06/30/2014	3510162	ANIMAL MEDICAL SUPPLIES/VACCINES	\$1,730.01
Remit to: LAKE FOREST, CA					<u>FYTD:</u> \$29,023.91
VIDACARE CORPORATION	221642	06/16/2014	134642	EZ-IO NEEDLE SETS-FIRE ST. #2	\$4,172.53
Remit to: SHAVANO PARK, TX					<u>FYTD:</u> \$4,172.53
VIDEO VISION	221535	06/02/2014	BL#14123-YR2014	REFUND OF OVERPAYMENT FOR BL#14123	\$79.56
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$79.56



City of Moreno Valley
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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
VIGIL, ERNEST	12646	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					FYTD: \$3,824.76
VINCENT, CLARENCE	221505	06/02/2014	140601	RETIREE MED APR-MAY '14 MED, PD JUNE '14	\$615.64
Remit to: MORENO VALLEY, CA					FYTD: \$2,495.29
VISION SERVICE PLAN	12704	06/09/2014	140601	EMPLOYEE VISION INSURANCE	\$4,091.83
Remit to: SAN FRANCISCO, CA					FYTD: \$46,573.07
VISTA PAINT CORPORATION	12647	06/02/2014	2014-386736-00	TRAFFIC PAINT	\$10,856.16
Remit to: FULLERTON, CA					FYTD: \$66,635.63
VULCAN MATERIALS CO, INC.	221643	06/16/2014	70351982	ASPHALTIC MATERIALS	\$1,274.28
		06/16/2014	70351981	ASPHALTIC MATERIALS	
		06/16/2014	70364897	ASPHALTIC MATERIALS	
		06/16/2014	70362675	ASPHALTIC MATERIALS	
		06/16/2014	70354512	ASPHALTIC MATERIALS	
		06/16/2014	70368270	ASPHALTIC MATERIALS	
		06/16/2014	70360116	ASPHALTIC MATERIALS	
		06/16/2014	70360115	ASPHALTIC MATERIALS	
		06/16/2014	70368269	ASPHALTIC MATERIALS	
		06/16/2014	70356940	ASPHALTIC MATERIALS	
	221707	06/23/2014	70371834	ASPHALTIC MATERIALS	\$430.44
		06/23/2014	70375065	ASPHALTIC MATERIALS	
		06/23/2014	70375066	ASPHALTIC MATERIALS	
		06/23/2014	70378477	ASPHALTIC MATERIALS	

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City of Moreno Valley
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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$33,583.03
WAGGONER JR., GLENN C.	12648	06/02/2014	140601	RETIREE MED APR '14, PD JUNE '14	\$318.73
Remit to: RIVERSIDE, CA					<u>FYTD:</u> \$3,824.76
WAGNER, GARY D.	12649	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
WAGNER, MARIANNE K	12650	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,824.76
WAGY, CARYLON	221506	06/02/2014	140601	RETIREE MED APR '14 (MED & DENTAL), PD JUNE '14	\$314.37
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$3,062.70
WARREN, STEPHEN	221819	06/30/2014	R14-071857	AS REFUND-RABIES DEPOSIT	\$20.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$20.00
WATER, LOUISE	221820	06/30/2014	1149712	REFUND FOR PICNIC SHELTER RESERVATION	\$64.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$64.00
WELLS FARGO CORPORATE TRUST	221580	06/09/2014	1063896	ANNUAL TRUSTEE FEE FOR 2007 LRB 4/26/14-4/25/15	\$2,000.00
Remit to: MINNEAPOLIS, MN					<u>FYTD:</u> \$9,532,840.68
WENNER, MICHELLE	221669	06/16/2014	R14-073318	AS REFUND-SPAY/NEUTER DEPOSIT	\$75.00
Remit to: MENIFEE, CA					<u>FYTD:</u> \$75.00
WEST PAYMENT CENTER	221581	06/09/2014	829517885	AUTO TRACK SERVICES FOR PD INVESTIGATIONS	\$746.51



**City of Moreno Valley
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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: CAROL STREAM, IL					<u>FYTD:</u> \$15,785.05
WEST, LINDA	221821	06/30/2014	R14-072770	AS REFUND-RABIES DEPOSIT	\$20.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$20.00
WESTAMERICA COMMUNICATIONS	221644	06/16/2014	245905	LDM CONVERSION #10 WINDOW ENVELOPE PRINTING	\$5,532.18
		06/16/2014	245906	LDM CONVERSION LETTERS PRINTING SERVICES	
Remit to: LAKE FOREST, CA					<u>FYTD:</u> \$5,532.18
WIBERG, CHRISTOPHER	221507	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$3,824.76
WIELIN, RONALD A.	12651	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: BANNING, CA					<u>FYTD:</u> \$3,824.76
WILLDAN ENGINEERING	12748	06/16/2014	002-14360	PLAN CHECK & INSPECTION SERVICES FOR BLDG. & SAFETY DEPT.	\$17,138.00
	12823	06/30/2014	02210942	CONSULTING - CIVIC CENTER EXTERIOR	\$515.00
Remit to: ANAHEIM, CA					<u>FYTD:</u> \$639,121.40
WILLDAN FINANCIAL SERVICES	12652	06/02/2014	010-24237	CONSULTING SERVICES-ZONE E LLD/LMD FORMATION	\$4,190.00
		06/02/2014	010-24248	CONSULTING SERVICES-CFD 2014-01 FORMATION	
		06/02/2014	010-24236	CONSULTING SERVICES-ZONE B LLD/LMD FORMATION	
Remit to: TEMECULA, CA					<u>FYTD:</u> \$61,840.00
WILLIS, ROBERT H	221780	06/30/2014	050114	SPORTS OFFICIATING SERVICES-SOFTBALL	\$231.00
		06/30/2014	060514	SPORTS OFFICIATING SERVICES-SOFTBALL	

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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
WILLIS, ROBERT H	221780	06/30/2014	061214	SPORTS OFFICIATING SERVICES-SOFTBALL	\$231.00
		06/30/2014	052214	SPORTS OFFICIATING SERVICES-SOFTBALL	
Remit to: PERRIS, CA					<u>FYTD:</u> \$3,830.00
WILSON-BEILKE, DENESE	221508	06/02/2014	140601	RETIREE MED JUNE '14	\$318.73
Remit to: GLENDORA, CA					<u>FYTD:</u> \$4,780.95
WRIGHT, ROLAND	221536	06/02/2014	ACCT 7008182-02	SOLAR INCENTIVE REBATE	\$6,374.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$6,374.00
WURM'S JANITORIAL SERVICES, INC.	12653	06/02/2014	23105	UPHOLSTERY CLEANING OF CHAIRS AT LIBRARY	\$612.81
		06/02/2014	23087	JANITORIAL SERVICES-EMP. RESOURCE CTR.	
	12705	06/09/2014	23101	SPECIAL CLEANINGS FOR APR. EVENT RENTALS AT CRC	\$2,720.00
	12784	06/23/2014	23157	JANITORIAL SERVICES-PD SATELLITE OFFICE/SUNNYMEAD RANCH PKWY	\$432.82
		06/23/2014	23151	JANITORIAL SERVICES-GANG TASK FORCE OFFICE	
		06/23/2014	23158	JANITORIAL SERVICES-PD SATELLITE OFFICE/SUNNYMEAD BLVD.	
Remit to: CORONA, CA					<u>FYTD:</u> \$297,979.98
YAMASHITA, JULIA J.	12654	06/02/2014	140601	RETIREE MED APR '14, PD JUNE '14	\$318.73
Remit to: HIDDEN VALLEY LAKE, CA					<u>FYTD:</u> \$2,216.63
YASUL, AMY	221822	06/30/2014	1151944	REFUND DUE TO LACK OF REGISTRATION	\$62.00
Remit to: MORENO VALLEY, CA					<u>FYTD:</u> \$62.00
YOST, DO, BRIAN	221823	06/30/2014	BL#13252-YR2014	REFUND OF OVERPAYMENT FOR BL#13252	\$94.39



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CHECKS UNDER \$25,000

<u>Vendor Name</u>	<u>Check/EFT Number</u>	<u>Payment Date</u>	<u>Inv Number</u>	<u>Invoice Description</u>	<u>Payment Amount</u>
Remit to: CORONA, CA					<u>FYTD:</u> \$94.39
YOUNG , RICHARD	221591	06/09/2014	102	GOLD RUSH COUNTRY BAND FOR CONCERT IN THE PARK-6/19/14	\$1,500.00
Remit to: LOS ANGELES, CA					<u>FYTD:</u> \$1,500.00
TOTAL CHECKS UNDER \$25,000					\$1,443,294.40
GRAND TOTAL					\$18,341,897.32

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: ADOPT RESOLUTION NO. 2014-69 AUTHORIZING THE CITY ENGINEER TO ACCEPT COMPLETED CONSTRUCTION PROJECTS AS COMPLETE AND TO PROVIDE FOR ALL NECESSARY FOLLOW-UP TO CLOSE OUT PROJECTS

RECOMMENDED ACTION

Recommendation:

1. Adopt Resolution No. 2014-69. A Resolution of the City Council of the City of Moreno Valley, California, authorizing the City Engineer to accept completed construction projects as complete, accept the improvements into the City's maintained system, sign the Notice of Completion, authorize the filing of the Notice of Completion with the County Recorder's Office, and authorize the timely release of the contractor's retention payment, if no claims are filed against the project.

SUMMARY

This report recommends adoption of the proposed Resolution which will authorize the City Engineer to close out construction projects in a timely manner. With this authorization, the City Engineer will be able to formally accept the project into the City's maintained system, file the Notice of Completion with the County Recorder's Office and release the contractor's retention payment in a timely manner to meet legal requirements. Failure to act in a timely manner can result in valid claims from the contractor and other financial repercussions.

DISCUSSION

Each year the City Council approves the Capital Improvement Plan (CIP) Budget for the timely repair, replacement and new construction of public infrastructure to meet the

demands of a growing community. The approved FY14/15 CIP Budget is approximately \$55 Million and consists of approximately 85 fully and partially funded projects. The implementation process of such public infrastructure projects is primarily defined in the State of California Public Contract Codes (PCC) and supplemented by the Streets and Highway Code, Business and Professions Code, Civil, Government and Labor Codes.

In order to ensure compliance with all the applicable Codes, the City's legal consulting firm, Gibbs, Giden, Locher, Turner, Senet & Wittbrodt, LLC (GGLTSW) periodically reviews the City's public projects contracting documents to ensure it is current with the applicable laws and requirements. During a recent update, GGLTSW recommended that the City Council delegate in writing, by approving a Resolution, the authority of the City Engineer to accept projects as complete on behalf of the City and provide for all necessary follow-up to close-out projects. This Resolution removes any ambiguity as to who is authorized to closeout a project on behalf of the City. Currently, there are not any clear, explicit statements contained within the City's Municipal Code or any other City documents which grants this authority to the City Engineer.

Under current practices, staff recommends that City Council grant the authority to close out projects to the City Engineer upon bid award on each individual project. Providing this authority to the City Engineer by adopting this resolution will update Moreno Valley's process to conform with industry best practices, expedite acceptance of completed construction projects and bring them into the City's maintained system, ensure timely filing of the Notice of Completion with the County Recorder's Office, and support timely release of the contractor's retention payment to meet legal requirements.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the timely and expeditious close-out of projects within prescribed timelines. Staff recommends this course of action.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative could potentially delay filing notices of completion and thereby extend the period funds are held in retention. Public Contract Code 7107(c) requires the release of retention within 60 days after completion of the work.*

FISCAL IMPACT

This resolution will not result in any additional cost to the City, but potentially could result in a savings in time for staff.

CITY COUNCIL GOALS

Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment 1: Proposed Resolution

Prepared By:
Angelica Davis
Management Analyst

Department Head Approval
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

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RESOLUTION NO. 2014-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO ACCEPT COMPLETED CONSTRUCTION PROJECTS AS COMPLETE, ACCEPT THE IMPROVEMENTS INTO THE CITY'S MAINTAINED SYSTEM, SIGN THE NOTICE OF COMPLETION, AUTHORIZE THE FILING OF THE NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE, AND AUTHORIZE THE TIMELY RELEASE OF THE CONTRACTOR'S RETENTION PAYMENT, IF NO CLAIMS ARE FILED AGAINST THE PROJECT

WHEREAS, the City constructs public improvements to provide for a safer and more pleasant environment for residents and visitors to the City of Moreno Valley, it is in the City's best interest to accept the City's public improvements into the City's maintained system; and

WHEREAS, after construction of the public improvements are complete, the City will file the Notice of Completion with the County Recorder's office, this limits the timeline for subcontractors and suppliers to file Stop Payment Notices down to 30 days, after which it is no longer effective, per Civil Code, Section 9356; and

WHEREAS, in accordance with Civil Code, Section 7107, the City is required to release the retention held from a contractor within 60 days after the date of completion; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Authorize the City Engineer to accept completed construction projects as complete.
2. Authorize the City Engineer to accept the improvements into the City's maintained system.
3. Authorize the City Engineer to sign the Notice of Completion.
4. Authorize the City Engineer to file the Notice of Completion with the County Recorder's Office.
5. Authorize the City Engineer to release the Contractor's retention payment, if no claims are filed against the project.

1
Resolution No. 2014-69
Date Adopted: August 26, 2014

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2014-69²
Date Adopted: August 26, 2014

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. 2014-69 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

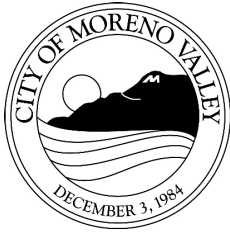
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2014-69³
Date Adopted: August 26, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO MAMCO, INC. DBA ALABBASI CONSTRUCTION, FOR THE DELPHINIUM AVENUE SIDEWALK IMPROVEMENTS PROJECT NO. 801 0051 70 77

RECOMMENDED ACTION

Recommendations:

1. Award the construction contract to Mamco, Inc. dba Alabbasi Construction, 16810 Van Buren Blvd. Suite 200, Riverside, the lowest responsible bidder, for the Delphinium Avenue Sidewalk Improvements.
2. Authorize the City Manager to execute a contract with Mamco, Inc. dba Alabbasi Construction.
3. Authorize the issuance of a Purchase Order to Mamco, Inc. dba Alabbasi Construction, for the amount of \$239,878.80 (\$199,899.00 bid amount plus 20% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with Mamco, Inc. dba Alabbasi Construction up to, but not exceeding, the 20% contingency amount of \$39,979.80, subject to the approval of the City Attorney.

SUMMARY

This report recommends approval of a contract with Mamco, Inc. dba Alabbasi Construction, to construct the sidewalk improvements on the north side of Delphinium Avenue from 600 feet west to 590 feet east of Perris Boulevard. This project will provide a continuous sidewalk for the north side of Delphinium Ave from east to west of Perris Boulevard to enhance safety for students walking to and from Chaparral Hills Elementary School and Badger Springs Middle School. This project is funded by Measure A and state grants under the Safe Routes to School (SR2S) Grant Program (Fund 2001) and has been approved in the Fiscal Year 2014/2015 Capital Improvement Plan (CIP).

DISCUSSION

This project will provide sidewalk and other related street improvements for the north side of Delphinium Avenue from approximately 600 feet west of Perris Boulevard to 590 feet east of Perris Boulevard where improvements do not currently exist. The project includes the construction of curb, gutter, sidewalk, asphalt concrete pavement extension to join new curbs, driveway approaches, installation of street lights, and re-establishment of traffic striping.

In March 2012, the City submitted a grant application for the SR2S program to obtain funds for improving walking routes and enhancing safety for students travelling to and from Chaparral Hills Elementary School and Badger Springs Middle School. In June 2012, the City received the grant award notice in the amount of \$416,700 for the design and construction of the Delphinium Avenue Sidewalk Improvements. In accordance with the City Council approved Resolution No. 2011-43, the Public Works Director/City Engineer executed the Program Supplement Agreement with the Department of Transportation on March 21, 2013 to finalize the acceptance of the SR2S grant for this project.

The Planning Division of the Community and Economic Development Department determined on January 23, 2013 that this project qualifies for a Class I Categorical Exemption as defined in both Section 15301c of the California Environmental Quality Act (CEQA) and Section 4.6b of the City's rules and procedures for implementation of CEQA.

The design and bid documents were completed in May 2014 by in house engineering staff as a cost savings solution for the City. In June 2014, the project was advertised for construction bids. Formal bidding procedures have been followed in conformance with the Public Contract Code. The City Clerk opened bids on July 16, 2014, and eight (8) bids were received as follows:

<u>CONTRACTORS</u>	<u>Verified Bid Amounts</u>
1. Mamco, Inc. dba Alabbasi Construction, Riverside	\$199,899.00
2. Hillcrest Contracting, Corona.....	\$221,020.00
3. CLS Constructors, Inc., Grand Terrace.....	\$221,192.00
4. Martinez Concrete, Inc., Azusa.....	\$222,125.00
5. Southwest Construction Co, Inc., Fallbrook	\$254,180.00
6. C.S. Legacy Construction, Inc., Pomona.....	\$276,471.00
7. El Camino Const. & Eng. Corp., Long Beach.....	\$354,825.00
8. Vido Samarzich, Inc., Alta Loma.....	\$369,590.00

The lowest responsible bidder was determined by comparing the cumulative total for all bid items, as stipulated in the Bidding Documents. Staff has reviewed the bid by Mamco, Inc. dba Alabbasi Construction and finds it to be the lowest responsible bidder in possession of a valid license and bid bond. No outstanding issues were identified through review of the references submitted by Mamco, Inc. dba Alabbasi Construction in their bid.

Following the bid opening, staff reviewed the bids and available funding, and is recommending the award of the construction contract and issuance of a Purchase Order to Mamco, Inc. dba Alabbasi Construction for \$239,878.80 which includes a 20% contingency.

The contingency of 20% of the bid amount (\$39,979.80) is recommended to account for any latent or unforeseen circumstances encountered during construction. Unforeseen conditions may include unsuitable soils or hazardous wastes which need to be properly processed and removed. There also may be other conflicting appurtenances that will have to be addressed during grading and excavating of the roadways.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the timely construction of the Delphinium Avenue Sidewalk Improvements from 600 feet west to 590 feet east of Perris Boulevard.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will result in delaying the timely construction of the project and prohibit the City from receiving the SR2S grant reimbursement.*

FISCAL IMPACT

This project is included in the Fiscal Year 2014/2015 Capital Improvement Plan Budget and will be financed by Measure A/SR2S Grant Fund (Fund 2001). There is no impact to the General Fund. Once constructed, sidewalk maintenance costs over a 50 year period are estimated to average approximately \$5,400 per six foot sidewalk mile, per

year. Maintenance costs are typically funded by Measure A or Gas Tax monies that the City receives on an annual basis.

ADOPTED BUDGET FISCAL YEAR 2014-2015:

Measure A/SR2S Grant	
(Account No. 2001-70-77-80001) (Project No. 801 0051 70 77)	\$400,000
Total Available Funds.....	\$400,000

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction Costs (including contingency)	\$250,000
Construction Survey Services	\$17,000
Construction Geotechnical Services.....	\$15,000
Project Management and Inspection*	\$25,000
Total Estimated Construction Related Costs*	\$307,000

** Project Management and Inspection will be provided by City Staff*

ANTICIPATED PROJECT SCHEDULE:

Start Construction.....	October 2014
Anticipated Completion of Construction	January 2015

CITY COUNCIL GOALS

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

The City has created and implemented a SR2S educational program with public outreach to inform the public about this project and other activities such as Walk School Buses and Parent Paths to promote walking and bicycling to schools. Prior to construction starting, all utilities, adjacent property owners, business owners, law enforcement, fire department, and other emergency services responders in the area will be notified of the construction.

ATTACHMENTS

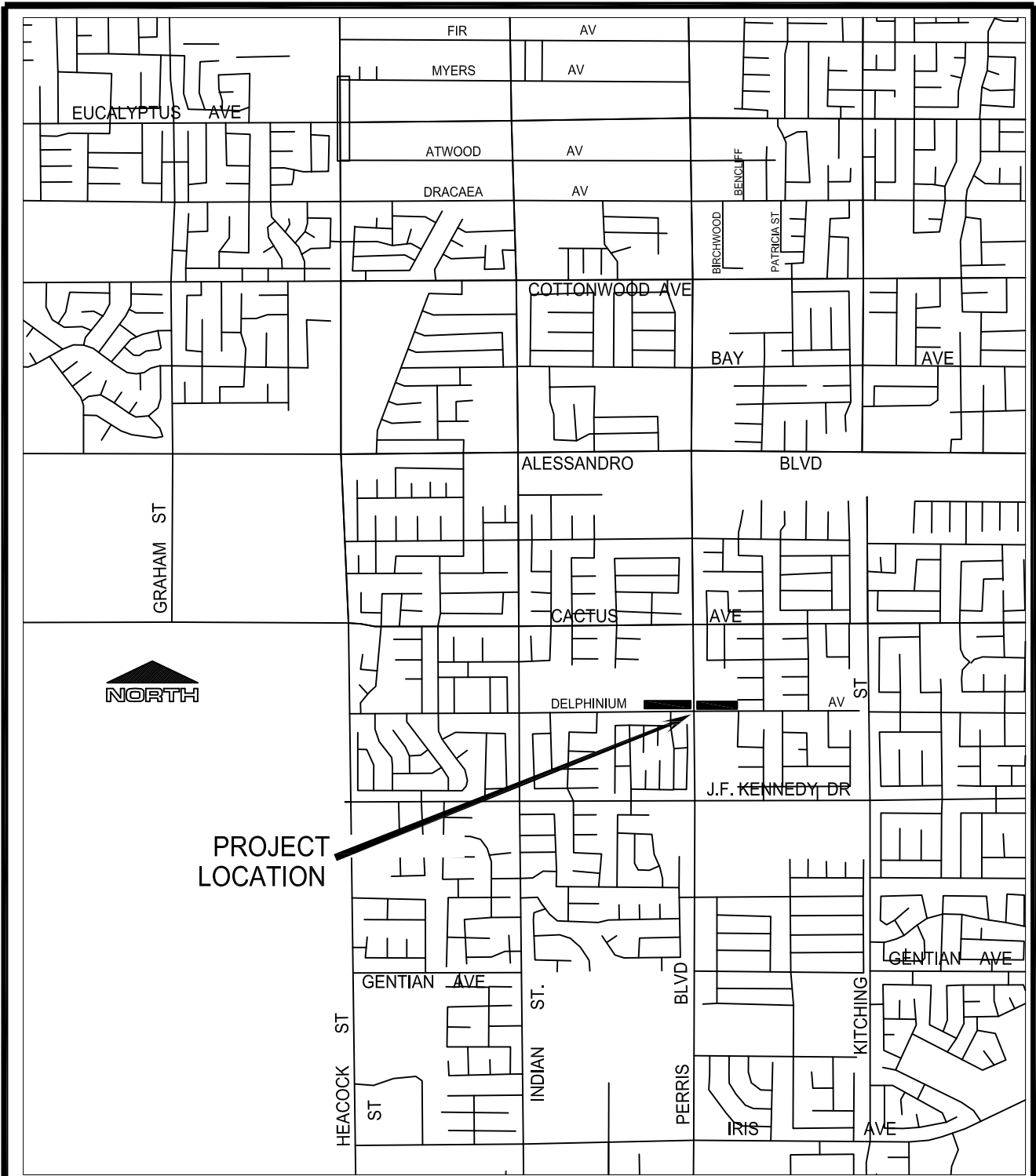
- Attachment 1 - Location Map
- Attachment 2 - Agreement with Mamco, Inc. dba Alabbasi Construction, Project No. 801 0051 70 77

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

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LOCATION MAP

Public Works Department
 Capital Projects Division

ATTACHMENT 1

**DELPHINIUM AVENUE
 SIDEWALK IMPROVEMENTS**

FROM 600 FT WEST TO 590 FEET EAST OF PERRIS BLVD.

PROJECT NO. 801 0051 70 77

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Agreement No. _____

AGREEMENT

PROJECT NO. 801 0051 70 77

DELPHINIUM AVENUE SIDEWALK IMPROVEMENTS

North Side of Delphinium Avenue from 600 feet West to 590 feet East of Perris Boulevard

THIS Agreement, effective as of the date signed by the City of Moreno Valley by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Mamco, Inc, dba Alabbasi Construction**, hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. CONTRACT DOCUMENTS. The Contract Documents consist of the following, which are incorporated herein by this reference:

- A. Governmental approvals, including, but not limited to, permits required for the Work
- B. Any and all Contract Change Orders issued after execution of this Agreement
- C. This Agreement
- D. Addenda issued prior to the opening of the Bids
- E. City Special Provisions, including the General Provisions and Technical Provisions
- F. Standard Specifications for Public Works Construction ("Greenbook") – latest edition in effect at the Bid Deadline, as modified by the City Special Provisions
- G. Reference Specifications/Reference Documents other than those listed in paragraph 2, below
- H. Project Plans
- I. City Standard Plans
- J. Caltrans Standard Plans
- K. The bound Bidding Documents
- L. Contractor's Certificates of Insurance and Additional Insured Endorsements
- M. Contractor's Bidder's Proposal and Subcontractor Listing

In the event of conflict between any of the Contract Documents, the provisions placing a more stringent requirement on the Contractor shall prevail. The Contractor shall provide the better quality or greater quantity of Work and/or materials unless otherwise directed by City in writing. In the event none of the Contract Documents place a more stringent requirement or greater burden on the Contractor, the controlling provision shall be that which is found in the document with higher precedence in accordance with the above order of precedence.

2. REFERENCE DOCUMENTS. The following Reference Documents are not considered Contract Documents and are made available to the Contractor for informational purposes:

- A. None

3. SCOPE OF WORK. The Contractor shall perform and provide all materials, tools, equipment, labor, and services necessary to complete the Work described in the Contract

Documents, except as otherwise provided in the Plans, Standard Specifications, or City Special Provisions to be the responsibility of others.

4. PAYMENT.

4.1. **Contract Price and Basis for Payment.** In consideration for the Contractor's full, complete, timely, and faithful performance of the Work required by the Contract Documents, the City shall pay Contractor for the actual quantity of Work required under the Bid Items awarded by the City performed in accordance with the lump sum prices and unit prices for Bid Items and Alternate Bid Items, if any, set forth in the Bidder's Proposal submitted with the Bid. The sum of the unit prices and lump sum prices for the Bid Items awarded by the City is **One Hundred, Ninety-Nine Thousand, Eight Hundred Ninety-Nine Dollars (\$199,899.00)** ("Contract Price"). It is understood and agreed that the quantities set forth in the Bidder's Proposal for which unit prices are fixed are estimates only and that City will pay and Contractor will accept, as full payment for these items of work, the unit prices set forth in the Bidder's Proposal multiplied by the actual number of units performed, constructed, or completed as directed by the City Engineer.

4.2. **Payment Procedures.** Based upon applications for payment submitted by the Contractor to the City, the City shall make payments to the Contractor in accordance with Article 9 of the Standard Specifications, as modified by Article 9 of the City Special Provisions.

5. CONTRACT TIME.

A. Initial Notice to Proceed. After the Agreement has been fully executed by the Contractor and the City, the City shall issue the "Notice to Proceed to Fulfill Preconstruction Requirements." The date specified in the Notice to Proceed to Fulfill Preconstruction Requirements constitutes the date of commencement of the Contract Time of **sixty (60) Working Days**. The Contract Time includes the time necessary to fulfill preconstruction requirements, and to complete construction of the Project (except as adjusted by subsequent Change Orders).

The Notice to Proceed to Fulfill Preconstruction Requirements shall further specify that Contractor must complete the preconstruction requirements within **ten (10) Working Days** after the date of commencement of the Contract Time; this duration is part of the Contract Time.

Critical preconstruction requirements include, but are not limited to, the following:

- Submitting and obtaining approval of Traffic Control Plans
- Submitting and obtaining approval of the Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Plan (WPCP)
- Submitting and obtaining approval of critical required submittals
- Installation of the approved Project Identification Sign
- Obtaining an approved no fee Encroachment Permit
- Mix designs for AC, PCC, Radar Speed Feedback Sign, and striping materials
- Notifying all agencies, utilities, residents, etc., as outlined in the Bidding Documents

If the City's issuance of a Notice to Proceed to Fulfill Preconstruction Requirements is delayed due to Contractor's failure to return the fully executed Agreement and insurance and bond documents within ten (10) Working Days after Contract award, then Contractor agrees to the deduction of one (1) Working Day from the number of days to complete the Project for every Working Day of delay in the City's receipt of said documents. This right is in addition to and does

not affect the City's right to demand forfeiture of Contractor's Bid Security if Contractor persistently delays in providing the required documentation.

B. Notice to Proceed with Construction. After all preconstruction requirements are met in accordance with the Notice to Proceed to Fulfill Preconstruction Requirements the City shall issue the "Notice to Proceed with Construction," at which time the Contractor shall diligently prosecute the Work, including corrective items of Work, day to day thereafter, within the remaining Contract Time.

6. LIQUIDATED DAMAGES

6.1. Liquidated Damages. The Contractor and City (collectively, the "Parties") have agreed to liquidate damages with respect to Contractor's failure to fulfill the preconstruction requirements, and/or failure to complete the Work within the Contract Time. The Parties intend for the liquidated damages set forth herein to apply to this Contract as set forth in Government Code Section 53069.85. Contractor acknowledges and agrees that the liquidated damages are intended to compensate the City solely for Contractor's failure to meet the deadline for completion of the Work and will not excuse Contractor from liability from any other breach, including any failure of the Work to conform to the requirements of the Contract Documents.

In the event that Contractor fails to fulfill the preconstruction requirements and/or fails to complete the Work within the Contract Time, Contractor agrees to pay the City **\$500.00 per Calendar day** that completion of the Work is delayed beyond the Contract Time, as adjusted by Contract Change Orders. The Contractor will not be assessed liquidated damages for delays occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

The Contractor and City acknowledge and agree that the foregoing liquidated damages have been set based on an evaluation of damages that the City will incur in the event of late completion of the Work. The Contractor and City acknowledge and agree that the amount of such damages are impossible to ascertain as of the date of execution hereof and have agreed to such liquidated damages to fix the City's damages and to avoid later disputes. It is understood and agreed by Contractor that liquidated damages payable pursuant to this Agreement are not a penalty and that such amounts are not manifestly unreasonable under the circumstances existing as of the date of execution of this Agreement.

It is further mutually agreed that the City will have the right to deduct liquidated damages against progress payments or retainage and that the City will issue a Change Order or Construction Change Directive and reduce the Contract Price accordingly. In the event the remaining unpaid Contract Price is insufficient to cover the full amount of liquidated damages, Contractor shall pay the difference to the City.

6.2. Any work completed by the Contractor after the issuance of a Stop Work Notice by the City shall be rejected and/or removed and replaced as specified in Section 2-11 of the Special Provisions.

6.3. Owner is Exempt from Liability for Early Completion Delay Damages. While the Contractor may schedule completion of all of the Work, or portions thereof, earlier than the Contract Time, the Owner is exempt from liability for and the Contractor will not be entitled to an adjustment of the Contract Sum or to any additional costs, damages, including, but not limited to, claims for extended general conditions costs, home office overhead, jobsite overhead, and management or administrative costs, or compensation whatsoever, for use of float time or for Contractor's inability to

complete the Work earlier than the Contract Time for any reason whatsoever, including but not limited to, delay cause by Owner or other Excusable Compensable Delay. See Section 6-6 of the Standard Specifications and City Special Provisions regarding compensation for delays.

7. INSURANCE.

7.1. **General.** The Contractor shall procure and maintain at its sole expense and throughout the term of this Agreement, any extension thereof, Commercial General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described herein.

7.2. **Additional Insured Endorsements.** The Contractor shall cause the insurance required by the Contract Document to include the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives as an additional insureds. For the Commercial General Liability coverage, said parties shall be named as additional insureds utilizing either:

1. Insurance Services Office ("ISO") Additional Insured endorsement CG 20 10 (11/85); or
2. ISO Additional Insured endorsement CG 20 10 (10/01) and Additional Insured Completed Operations endorsement CG 20 37 (10/01); or
3. substitute endorsements providing equivalent coverage, approved by the City.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. The coverage shall contain no special limitations on the scope of protection afforded to such additional insureds. Coverage for such additional insureds does not extend to liability to the extent prohibited by Insurance Code Section 11580.4.

7.3. **Waivers of Subrogation.** All policies of insurance required by the Contract Documents shall include or be endorsed to provide a waiver by the insurers of any rights of recovery or subrogation that the insurers may have at any time against the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives.

7.4. **Primary Coverage.** All policies and endorsements shall stipulate that the Contractor's (and the Subcontractors') insurance coverage shall be primary insurance as respects the City of Moreno Valley, the City Council and each member thereof, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and their respective officials, employees, commission members, officers, directors, agents, employees, volunteers and representatives, and shall be excess of the Contractor's (and its Subcontractors') insurance and shall not contribute with it.

7.5. **Coverage Applies Separately to Each Insured and Additional Insured.** Coverage shall state that the Contractor's (and its Subcontractors') insurance shall apply separately to each insured or additional insured against whom claim is made or suit is brought, except with respect to

the limits of the insurer's liability. Coverage shall apply to any claim or suit brought by an additional insured against a named insured or other insured.

7.6. **Self-Insurance.** Any self-insurance (including deductibles or self-insured retention in excess of \$50,000) in lieu of liability insurance must be declared by Contractor and approved by the City in writing prior to execution of the Agreement. The City's approval of self-insurance, if any, is within the City's sole discretion and is subject to the following conditions:

1. Contractor must, at all times during the term of the Agreement and for a period of at least **one (1)** year after completion of the Project, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions, maintain and upon Owner's reasonable request provide evidence of:
 - (a) Contractor's "net worth" (defined as "total assets" [defined as all items of value owned by the Contractor including tangible items such as cash, land, personal property and equipment and intangible items such as copyrights and business goodwill]) minus total outside liabilities must be reflected in a financial statement for the prior fiscal year reflecting sufficient income and budget for Contractor to afford at least one loss in an amount equal to the amount of self-insurance;
 - (b) financial statements showing that Contractor has funds set aside/budgeted to finance the self-insured fund (i.e., Contractor has a program that fulfills functions that a primary insurer would fill; and
 - (c) a claims procedure that identifies how a claim is supposed to be tendered to reach the financing provided by the self-insured fund.
2. If at any time after such self-insurance has been approved Contractor fails to meet the financial thresholds or otherwise fails to comply with the provisions set forth in this Paragraph 7, at the option of the City:
 - (a) the Contractor shall immediately obtain and thereafter maintain the third party insurance required under this Paragraph 7 and otherwise on the terms required above; or
 - (b) the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or
 - (c) the Contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

7.7. **Insurer Financial Rating.** Insurance companies providing insurance hereunder shall be rated A-VII or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

7.8. **Notices to City of Cancellation or Changes.** Each insurance policy described in this Paragraph 7 shall contain a provision or be endorsed to state that coverage will not be cancelled

without **thirty (30) days'** prior written notice by certified or registered mail to the City (this obligation may be satisfied in the alternative by requiring such notice to be provided by Contractor's insurance broker and set forth on its Certificate of Insurance provided to the City), except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. If an insurance carrier cancels any policy or elects not to renew any policy required to be maintained by Contractor pursuant to the Contract Documents, Contractor agrees to give written notice to the City at the address indicated on the first page of the Agreement. Contractor agrees to provide the same notice of cancellation and non-renewal to the City that is required by such policy(ies) to be provided to the First Named Insured under such policy(ies). Contractor shall provide confirmation that the required policies have been renewed not less than seven (7) days prior to the expiration of existing coverages and shall deliver renewal or replacement policies, certificates and endorsements to the City Clerk within fourteen (14) days of the expiration of existing coverages. Contractor agrees that upon receipt of any notice of cancellation or alteration of the policies, Contractor shall procure within five (5) days, other policies of insurance similar in all respects to the policy or policies to be cancelled or altered. Contractor shall furnish to the City Clerk copies of any endorsements that are subsequently issued amending coverage or limits within fourteen (14) days of the amendment.

7.9. Commercial General Liability. Coverage shall be written on an ISO Commercial General Liability "occurrence" form CG 00 01 (10/01 or later edition) or equivalent form approved by the City for coverage on an occurrence basis. The insurance shall cover liability, including, but not limited to, that arising from premises operations, stop gap liability, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The policy shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 (11/85). Coverage shall contain no contractors' limitation or other endorsement limiting the scope of coverage for liability arising from pollution, explosion, collapse, or underground (x, c, u) property damage. Contractor shall provide Products/Completed Operations coverage to be maintained continuously for a minimum of **one (1) year** after Final Acceptance of the Work, and any extension of the one-year correction guarantee period in accordance with Section 6-8.1 of the City Special Provisions.

Contractor shall maintain Commercial General Liability insurance with the following minimum limits: \$1,000,000 per occurrence / \$2,000,000 aggregate / \$2,000,000 products-completed operations.

7.10. Business Automobile Liability. Coverage shall be written on ISO form CA 00 01 (12/93 or later edition) or a substitute form providing equivalent coverage for owned, hired, leased and non-owned vehicles, whether scheduled or not, with \$1,000,000 combined single limit per accident for bodily injury and property damage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

7.11. Workers' Compensation. Contractor shall comply with the applicable sections of the California Labor Code concerning workers' compensation for injuries on the job. Compliance is accomplished in one of the following manners:

1. Provide copy of permissive self-insurance certificate approved by the State of California; or
2. Secure and maintain in force a policy of workers' compensation insurance with statutory limits and Employer's Liability Insurance with a minimal limit of **\$1,000,000** per accident; or
3. Provide a "waiver" form certifying that no employees subject to the Labor Code's Workers' Compensation provision will be used in performance of this Contract.

7.12. **Subcontractors' Insurance.** The Contractor shall include all Subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each Subcontractor. All coverages for Subcontractors shall be subject to all of the requirements stated herein.

8. **BONDS.** The Contractor shall furnish a satisfactory Performance Bond meeting all statutory requirements of the State of California on the form provided by the City. The bond shall be furnished as a guarantee of the faithful performance of the requirements of the Contract Documents as may be amended from time to time, including, but not limited to, liability for delays and damages (both direct and consequential) to the City and the City's Separate Contractors and consultants, warranties, guarantees, and indemnity obligations, in an amount that shall remain equal to one hundred percent (100%) of the Contract Price.

The Contractor shall furnish a satisfactory Labor and Materials Payment Bond meeting all statutory requirements of the State of California on the form provided by the City in an amount that shall remain equal to one hundred percent (100%) of the Contract Price to secure payment of all claims, demands, stop notices, or charges of the State of California, of material suppliers, mechanics, or laborers employed by the Contractor or by any Subcontractor, or any person, firm, or entity eligible to file a stop notice with respect to the Work.

All bonds shall be executed by a California-admitted surety insurer. Bonds issued by a California-admitted surety insurer listed on the latest version of the U.S Department of Treasury Circular 570 shall be deemed accepted unless specifically rejected by the City. Bonds issued by sureties not listed in Treasury Circular 570 must be accompanied by all documents enumerated in California Code of Civil Procedure Section 995.660(a). The bonds shall bear the same date as the Contract. The attorney-in-fact who executes the required bonds on behalf of the surety shall affix thereto a certified and current copy of the power of attorney. In the event of changes that increase the Contract Price, the amount of each bond shall be deemed to increase and at all times remain equal to the Contract Price. The signatures shall be acknowledged by a notary public. Every bond must display the surety's bond number and incorporate the Contract for construction of the Work by reference. The terms of the bonds shall provide that the surety agrees that no change, extension of time, alteration, or modification of the Contract Documents or the Work to be performed thereunder shall in any way affect its obligations and shall waive notice of any such change, extension of time, alteration, or modification of the Contract Documents. The surety further agrees that it is obligated under the bonds to any successor, grantee, or assignee of the City.

Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract, the Contractor shall promptly furnish a copy of the bonds or shall authorize a copy to be furnished.

Should any bond become insufficient, or should any of the sureties, in the opinion of the City, become non-responsible or unacceptable, the Contractor shall, within ten (10) Calendar Days after receiving notice from the City, provide written documentation to the Satisfaction of the City that Contractor has secured new or additional sureties for the bonds; otherwise the Contractor shall be in default of the Contract. No further payments shall be deemed due or will be made under Contract until a new surety(ies) qualifies and is accepted by the City.

Contractor agrees that the Labor and Materials Payment Bond and Faithful Performance Bond attached to this Agreement are for reference purposes only, and shall not be considered a part of this Agreement. Contractor further agrees that said bonds are separate obligations of the

Contractor and its surety, and that any attorney's fee provision contained in any payment bond or performance bond shall not apply to this Agreement. In the event there is any litigation between the parties arising from the breach of this Agreement, each party will bear its own attorneys' fees in the litigation.

9. RECORDS. The Contractor and its Subcontractors shall maintain and keep books, payrolls, invoices of materials, and Project records current, and shall record all transactions pertaining to the Contract in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, Riverside County, the State of California, the Federal Government, and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for at least three (3) years after Final Acceptance.

10. INDEMNIFICATION.

10.1. **General.** To the fullest extent permitted by law, the Contractor assumes liability for and agrees, at the Contractor's sole cost and expense, to promptly and fully indemnify, protect, hold harmless and defend (even if the allegations are false, fraudulent, or groundless), the City of Moreno Valley, its City Council, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), and all of their respective officials, officers, directors, employees, commission members, representatives and agents ("Indemnitees"), from and against any and all claims, allegations, actions, suits, arbitrations, administrative proceedings, regulatory proceedings, or other legal proceeds, causes of action, demands, costs, judgments, liens, stop notices, penalties, liabilities, damages, losses, anticipated losses of revenues, and expenses (including, but not limited to, any fees of accountants, attorneys, experts or other professionals, or investigation expenses), or losses of any kind or nature whatsoever, whether actual, threatened or alleged, arising out of, resulting from, or in any way (either directly or indirectly), related to the Work, the Project or any breach of the Contract by Contractor or any of its officers, agents, employees, Subcontractors, Sub-subcontractors, or any person performing any of the Work, pursuant to a direct or indirect contract with the Contractor ("Indemnity Claims"). Such Indemnity Claims include, but are not limited to, claims for:

- A. Any activity on or use of the City's premises or facilities;
- B. Any liability incurred due to Contractor acting outside the scope of its authority pursuant to the Contract, whether or not caused in part by an Indemnified Party;
- C. The failure of Contractor or the Work to comply with any Applicable Law, permit or orders;
- D. Any misrepresentation, misstatement or omission with respect to any statement made in the Contract Documents or any document furnished by the Contractor in connection therewith;
- E. Any breach of any duty, obligation or requirement under the Contract Documents, including, but not limited to any breach of Contractor's warranties, representations or agreements set forth in the Contract Documents;
- F. Any failure to coordinate the Work with City's Separate Contractors;
- G. Any failure to provide notice to any party as required under the Contract Documents;
- H. Any failure to act in such a manner as to protect the Project from loss, cost, expense or liability;

- I. Bodily or personal injury, emotional injury, sickness or disease, or death at any time to any persons including without limitation employees of Contractor;
- J. Damage or injury to real property or personal property, equipment and materials (including, but without limitation, property under the care and custody of the Contractor or the City) sustained by any person or persons (including, but not limited to, companies, corporations, utility company or property owner, Contractor and its employees or agents, and members of the general public);
- K. Any liability imposed by Applicable Law including, but not limited to criminal or civil fines or penalties;
- L. Any dangerous, hazardous, unsafe or defective condition of, in or on the Site, of any nature whatsoever, which may exist by reason of any act, omission, neglect, or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors;
- M. Any operation conducted upon or any use or occupation of the Site by Contractor, its officers, agents, employees, or Subcontractors under or pursuant to the provisions of the Contract or otherwise;
- N. Any acts, errors, omission or negligence of Contractor, its officers, agents, employees, or Subcontractors;
- O. Infringement of any patent rights, licenses, copyrights or intellectual property which may be brought against the Contractor or Owner arising out of Contractor's Work, for which the Contractor is responsible; and
- P. Any and all claims against the City seeking compensation for labor performed or materials used or furnished to be used in the Work or alleged to have been furnished on the Project, including all incidental or consequential damages resulting to the City from such claims.

10.2. **Effect of Indemnitees' Active Negligence.** Contractor's obligations to indemnify and hold the Indemnitees harmless exclude only such portion of any Indemnity Claim which is attributable to the active negligence or willful misconduct of the Indemnitee, provided such active negligence or willful misconduct is determined by agreement of the parties or by findings of a court of competent jurisdiction. In instances where an Indemnitee's active negligence accounts for only a percentage of the liability for the Indemnity Claim involved, the obligation of Contractor will be for that entire percentage of liability for the Indemnity Claim not attributable to the active negligence or willful misconduct of the Indemnitee(s). Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph 11. Subject to the limits set forth herein, the Contractor, at its own expense, shall satisfy any resulting judgment that may be rendered against any Indemnitee resulting from an Indemnity Claim. The Indemnitees shall be consulted with regard to any proposed settlement.

10.3. **Independent Defense Obligation.** The duty of the Contractor to indemnify and hold harmless the Indemnitees includes the separate and independent duty to defend the Indemnitees, which duty arises immediately upon receipt by Contractor of the tender of any Indemnity Claim from an Indemnitee. The Contractor's obligation to defend the Indemnitee(s) shall be at Contractor's sole expense, and not be excused because of the Contractor's inability to evaluate liability or because the Contractor evaluates liability and determines that the Contractor is not liable. This duty to defend shall apply whether or not an Indemnity Claim has merit or is meritless, or which involves claims or allegations that any or all of the Indemnitees were actively, passively, or concurrently negligent, or which otherwise asserts that the Indemnitees are responsible, in whole or in part, for any Indemnity Claim. The Contractor shall respond within thirty (30) Calendar Days to the tender of

any Indemnity Claim for defense and/or indemnity by an Indemnitee, unless the Indemnitee agrees in writing to an extension of this time. The defense provided to the Indemnitees by Contractor shall be by well qualified, adequately insured and experienced legal counsel acceptable to the City.

10.4. Intent of Parties Regarding Scope of Indemnity. It is the intent of the parties that the Contractor and its Subcontractors of all tiers shall provide the Indemnitees with the broadest defense and indemnity permitted by Applicable Law. In the event that any of the defense, indemnity or hold harmless provisions in the Contract Documents are found to be ambiguous, or in conflict with one another, it is the parties' intent that the broadest and most expansive interpretation in favor of providing defense and/or indemnity to the Indemnitees be given effect.

10.5. Waiver of Indemnity Rights Against Indemnitees. With respect to third party claims against the Contractor, to the fullest extent permitted by law, the Contractor waives any and all rights to any type of express or implied indemnity against the Indemnitees.

10.6. Subcontractor Requirements. In addition to the requirements set forth hereinabove, Contractor shall ensure, by written subcontract agreement, that each of Contractor's Subcontractors of every tier shall protect, defend, indemnify and hold harmless the Indemnitees with respect to Indemnity Claims arising out of, in connection with, or in any way related to each such Subcontractors' Work on the Project in the same manner in which Contractor is required to protect, defend, indemnify and hold the Indemnitees harmless. In the event Contractor fails to obtain such defense and indemnity obligations from others as required herein, Contractor agrees to be fully responsible to the Indemnitees according to the terms of this Paragraph 11.

10.7. No Limitation or Waiver of Rights. Contractor's obligations under this Paragraph 11 are in addition to any other rights or remedies which the Indemnitees may have under the law or under the Contract Documents. Contractor's indemnification and defense obligations set forth in this Paragraph 11 are separate and independent from the insurance provisions set forth in the Contract Documents, and do not limit, in any way, the applicability, scope, or obligations set forth in such insurance provisions. The purchase of insurance by the Contractor with respect to the obligations required herein shall in no event be construed as fulfillment or discharge of such obligations. In any and all claims against the Indemnitees by any employee of the Contractor, any Subcontractor, any supplier of the Contractor or Subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the obligations under this Paragraph 11 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any Subcontractor or any supplier of either of them, under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. Failure of the City to monitor compliance with these requirements imposes no additional obligations on the City and will in no way act as a waiver of any rights hereunder.

10.8. Withholding to Secure Obligations. In the event an Indemnity Claim arises prior to final payment to Contractor, the City may, in its sole discretion, reserve, retain or apply any monies due Contractor for the purpose of resolving such Indemnity Claims; provided, however, the City may release such funds if the Contractor provides the City with reasonable assurances of protection of the Indemnitees' interests. The City shall, in its sole discretion, determine whether such assurances are reasonable.

10.9. Survival of Indemnity Obligations. Contractor's obligations under this Paragraph 11 are binding on Contractor's and its Subcontractors' successors, heirs and assigns and shall survive the completion of the Work or termination of the Contractor's performance of the Work.

11. SUCCESSORS AND ASSIGNS. The Parties bind themselves, their heirs, executors, administrators, successors and assigns the covenants, agreements and obligations contained in the Contract Documents. The Contractor shall not, either voluntarily or by action of law, assign any right or obligation of the Contractor under the Contract Documents without prior written consent of the City.

(SIGNATURE PAGE FOLLOWS)

CITY OF MORENO VALLEY, Municipal Corporation

Mamco, Inc dba Alabbasi
Construction

BY: _____
City Manager

License No./
Classification: _____

DATE: _____

Expiration Date: _____

Federal I.D. No.: _____

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:

City Attorney

Date
RECOMMENDED FOR APPROVAL:

Public Works Director/City Engineer

Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

SIGNING INSTRUCTIONS TO THE CONTRACTOR:

Signature(s) must be accompanied by a completed notary certificate of acknowledgement attached hereto. A general partner must sign on behalf of a partnership. **Two (2)** corporate officers must sign on behalf of a corporation unless the corporation has a corporate resolution that allows one person to sign on behalf of the corporation; if applicable, said resolution must be attached hereto. The corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information

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- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

(Title)

- Partner (s)
- Attorney-in-Fact
- Other _____

CONTRACTOR'S BONDS

PREMIUM \$ _____

**FAITHFUL PERFORMANCE BOND
(100% of Total Contract Price)**

PROJECT NO. 801 0051 70 77

**DELPHINIUM AVENUE SIDEWALK IMPROVEMENTS
North Side of Delphinium Avenue from 600 feet West to 590 feet East of Perris Boulevard**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Mamco, Inc dba Alabbasi Construction**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City of Moreno Valley, and identified as **Project No. 801 0051 70 77**, and all Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and _____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Documents and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

Contractor and Surety agree that this Faithful Performance Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Faithful Performance Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Faithful Performance Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Documents or to the Work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Documents or to the Work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____

Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California
County of _____

On _____ before me, _____
(Here insert name and title of the officer)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION
INSTRUCTIONS FOR COMPLETING THIS FORM

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DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information

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 - ∨ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

(Title)

- Partner (s)
- Attorney-in-Fact
- Other _____

BOND NO. _____

PREMIUM \$ _____

**LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)**

PROJECT NO. 801 0051 70 77

DELPHINIUM AVENUE SIDEWALK IMPROVEMENTS

North Side of Delphinium Avenue from 600 feet West to 590 feet East of Perris Boulevard

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Mamco, Inc dba Alabbasi Construction**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City of Moreno Valley, and identified as **Project No. 801 0051 70 77**, and Contract Documents are hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Documents is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

Contractor and Surety agree that this Labor and Materials Payment Bond shall not be considered a part of the Agreement between Contractor and the City ("Agreement"). Contractor and Surety further agree that this Labor and Materials Payment Bond is a separate obligation of the Contractor and its Surety, and that any attorneys' fee provision contained in this Labor and Materials Payment Bond shall not apply to the Agreement. In the event there is any litigation between the parties arising from the breach of the Agreement, each party will bear its own attorneys' fees in the litigation.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

PAYMENT BOND
00602-1

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____

Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by a California admitted surety insurer (CCP 995.311).
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact.
- The bond shall include an attached Notary Certificate for the Bidder.
- The bond shall include an attached original Power of Attorney only authorizing the Attorney-in-Fact to act for the Surety.
- The bond shall include the address at which the Principal (Bidder) and Surety may be served with notices, papers and other documents.
- The Bidder's and Surety's corporate seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

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 - ∨ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ∨ Indicate title or type of attached document, number of pages and date.
 - ∨ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND
SIGNATURE PAGE

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information

CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

(Title)

- Partner (s)
- Attorney-in-Fact
- Other _____



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH PARSONS BRINCKERHOFF, PROJECT NO. 801 0001 70 77

RECOMMENDED ACTION

Recommendations:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Parsons Brinckerhoff (PB) to provide temporary project management services to the Capital Projects Division of the Public Works Department.
2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with PB.
3. Authorize an increase in the Purchase Order to PB in the amount of \$158,000, when the "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

SUMMARY

This report recommends approval of a contract amendment with PB for on-going temporary project management services to supplement the Capital Projects Division staff due to the extended leave of absence of one of the senior level staff engineers. Staff recommends an increase in the Purchase Order with PB in the amount of \$158,000. This amount will afford the City up to 33 additional work weeks of temporary project management services with an effective hourly rate of \$120 per hour.

DISCUSSION

In late March 2014, one of the Capital Projects Division's senior level staff engineers responsible for managing several capital improvement projects went on an extended leave of absence. In order to maintain timely progress of the capital improvement projects under the staff engineer's purview, the Division issued a Request for Proposal to approximately 180 consultants in its database for temporary project management services. Thirteen proposals were received in mid April 2014. After a detail review of the proposals and reference checks, PB was determine to be the top ranking firm to provide the needed project management services. The "Agreement for Professional Consultant Services" with PB was executed by the City Manager on May 6, 2014, for \$98,000.

The affected staff engineer is still on leave of unknown duration at this time. The current agreement will be fully expended by mid-September 2014. Due to the need to maintain the timely progress of the affected projects and in concert with the recent City Council approval of the FY14/15 Capital Improvement Plan budget, the PB contract requires an amendment in the amount of \$158,000 to continue the temporary project management services for an additional 33 work weeks. The amendment to the agreement will extend the contract expiration date to June 2015. As soon as the assigned city staff member is able to resume the normal work duties, PB's contract can be terminated with 10 working days' notice.

PB staff has successfully worked on the Perris Boulevard Improvements, Alessandro Median Improvements, Citywide Pavement Resurfacing and Cycle 3 and 4 Pedestrian Enhancement projects. PB staff will continue to work on these projects and other tasks, as assigned, to facilitate the timely design and construction of budgeted capital improvement projects.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will facilitate the timely completion of budgeted capital improvement projects.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the completion and closeout of several budgeted capital improvement projects.*

FISCAL IMPACT

The "Agreement for Professional Consultant Services" with PB will be fully expended sometime in mid-September 2014. This first amendment to the agreement will increase the Purchase Order by \$158,000. Sufficient funds are available in the Perris Boulevard / Ironwood Avenue to Manzanita Avenue project budget (GL Account No. 3003-70-77-80001, Project No. 801 0024 70 77-3003) to encumber the increase to the purchase order. As costs for projects other than Perris Boulevard / Ironwood Avenue to

Manzanita Avenue are incurred, the expenditures will be transferred to the capital projects for which services were performed. There is no impact to the General Fund.

BUDGET FOR CONSTRUCTION:

Perris Boulevard Widening (Project No. 801 0024 70 77)	
Measure A/SLPP Grant (Account No. 2001-70-77-80001).....	\$1,000,000
TUMF Commitment (Account No. 3003-70-77-80001).....	\$4,500,000
DIF Traffic Signals (Account No. 3302-70-77-80001).....	\$227,000
TRIP Capital Projects (Account No. 3411-70-77-80001).....	\$200,000
Total Available Funds	\$5,927,000

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction Related Costs	\$5,662,000
Existing Agreement for Temporary Consultant Project Management Services...	\$98,000
New Amendment for Temporary Consultant Project Management Services.....	\$158,000
Total Estimated Construction Related Costs*	\$5,918,000

PROJECT SCHEDULE

Completed Construction.....October 2015

CITY COUNCIL GOALS

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley’s future.

ATTACHMENTS

Attachment 1: First Amendment to Agreement for Professional Consultant Services

Attachment 2: Original Agreement for Professional Consultant Services

Prepared By:
Stephanie Cuff
Management Assistant

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

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FIRST AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES

This First Amendment to Agreement is by and between the City of Moreno Valley, a municipal corporation, hereinafter referred to as "City," and **Parsons Brinckerhoff, Inc.**, a New York corporation, hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated May 6, 2014.

Whereas, the Consultant is providing professional consultant services for capital improvement project management.

Whereas, it is desirable to amend the Agreement to continue the scope of the work to be performed by the Consultant for an extended period of time as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT

1.1 The Agreement termination of December 30, 2014 is extended by this Amendment to June 30, 2015, unless the termination date is further extended by an Amendment to the agreement.

1.2 Exhibit "B" to the Agreement is hereby amended by continuing the scope of work for an extended period by providing the same Professional Consultant Services for "capital improvement project management full time (per City work schedule and City PM direction)".

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 801 0001 70 77**

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal in the amount of \$158,000.00

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$158,000.00 at a lump sum \$4,800 per week in consideration of the Consultant's performance of the work.

1.5 The total "Not to Exceed" fee for this contract is \$256,000.00 (\$98,000.00 for the original Agreement plus \$158,000.00 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 801 0001 70 77**

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

Parsons Brinckerhoff, Inc.

BY: _____
City Manager

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

<p><u>INTERNAL USE ONLY</u></p> <p>APPROVED AS TO LEGAL FORM:</p> <p>_____ City Attorney</p> <p>_____ Date</p> <p>RECOMMENDED FOR APPROVAL:</p> <p>_____ Department Head <i>(if contract exceeds \$15,000)</i></p> <p>_____ Date</p>
--

BY: _____

TITLE: _____
(Corporate Secretary)

Date

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**AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES
TO
SUPPLEMENT CAPITAL PROJECTS DIVISION STAFFING NEEDS
(PROJECT NUMBER 801 0001 70 77 3411)**

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Parsons Brinckerhoff a (California corporation, partnership, sole ownership) hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the professional work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project, and hereby represents that it desires to and is professionally and legally capable of performing the services called for by this Agreement;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as Capital Improvement Project Management.

Project No. 801 0001 70 77 3411.

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Request for Proposal shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$98,000 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule as stated in the Notice to Proceed.

7. This Agreement shall be effective from effective date and shall continue in full force and effect date through December 30, 2014, subject to any earlier termination in accordance with this Agreement. The services of Consultant shall be completed in a sequence assuring expeditious completion, but in any event, all such services shall be completed prior to expiration of this Agreement.

8. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

9. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

10. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

11. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement.

12. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

13. To the extent required by controlling federal, state and local law, Consultant shall not employ discriminatory practices in the provision of services, employment of personnel, or in any other respect on the basis of race, religious creed, color, national origin, ancestry, physical

disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Subject to the foregoing and during the performance of this Agreement, Consultant agrees as follows:

(a) Consultant will comply with all applicable laws and regulations providing that no person shall, on the grounds of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity made possible by or resulting from this Agreement.

(b) Consultant will not discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Consultant shall ensure that applicants are employed, and the employees are treated during employment, without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Such requirement shall apply to Consultant's employment practices including, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this nondiscrimination clause.

(c) Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant in pursuit hereof, state that all qualified applicants will receive consideration for employment without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era.

(d) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall cause each subcontractor to also comply with the requirements of this Section 13.

14. To the furthest extent allowed by law (including California Civil Code section 2782.8 if applicable), Consultant shall indemnify, hold harmless and defend the City, the Moreno Valley Community Services District ("CSD"), the Moreno Valley Housing Authority ("Housing Authority") and each of their officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of Consultant, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to indemnify, hold harmless and defend City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

This section shall survive termination or expiration of this Agreement.

15. Insurance.

(a) Throughout the life of this Agreement, Consultant shall pay for and maintain in full force and effect all insurance as required in **Exhibit E** or as may be authorized in writing by the City Manager or his/her designee at any time and in his/her sole discretion.

(b) If at any time during the life of the Agreement or any extension, Consultant or any of its subcontractors fail to maintain any required insurance in full force and effect, all services and work under this Agreement shall be discontinued immediately, and all payments due or that become due to Consultant shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City pursuant to this section shall in any way relieve Consultant of its responsibilities under this Agreement. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by City that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.

(c) The fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Consultant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Consultant, its principals, officers, agents, employees, persons under the supervision of Consultant, vendors, suppliers, invitees, consultants, sub-consultants,

subcontractors, or anyone employed directly or indirectly by any of them.

(d) Upon request of City, Consultant shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

(e) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to provide insurance protection in favor of City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of this section, except that any required certificates and applicable endorsements shall be on file with Consultant and City prior to the commencement of any services by the subcontractor.

16. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Deputy Public Works Director/Assistant City Engineer, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) This Agreement shall terminate without any liability of City to Consultant upon the earlier of: (i) Consultant's filing for protection under the federal bankruptcy laws, or any bankruptcy petition or petition for receiver commenced by a third party against Consultant; (ii) 10 calendar days prior written notice with or without cause by City to Consultant; (iii) City's non-appropriation of funds sufficient to meet its obligations hereunder during any City fiscal year of this Agreement, or insufficient funding for the Project; or (iv) expiration of this Agreement. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Consultant shall not be paid for any work or services performed or costs incurred which reasonably could have been avoided.

(b) In the event of termination due to failure of Consultant to satisfactorily perform in accordance with the terms of this Agreement, City may withhold an amount that would

otherwise be payable as an offset to, but not in excess of, City's damages caused by such failure. In no event shall any payment by City pursuant to this Agreement constitute a waiver by City of any breach of this Agreement which may then exist on the part of Consultant, nor shall such payment impair or prejudice any remedy available to City with respect to the breach.

(c) Upon any breach of this Agreement by Consultant, City may (i) exercise any right, remedy (in contract, law or equity), or privilege which may be available to it under applicable laws of the State of California or any other applicable law; (ii) proceed by appropriate court action to enforce the terms of the Agreement; and/or (iii) recover all direct, indirect, consequential, economic and incidental damages for the breach of the Agreement. If it is determined that City improperly terminated this Agreement for default, such termination shall be deemed a termination for convenience.

(d) Consultant shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of Consultant and without its fault or negligence such as, acts of God or the public enemy, acts of City in its contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. Consultant shall notify City in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, and shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to Administrator of the cessation of such occurrence.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

22. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. (a) Consultant shall comply, and require its subcontractors to comply, with all

applicable (i) professional canons and requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code Section 1090 et. seq., the California Political Reform Act (California Government Code Section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations Section 18700 et. seq.). At any time, upon written request of City, Consultant shall provide a written opinion of its legal counsel and that of any subcontractor that, after a due diligent inquiry, Consultant and the respective subcontractor(s) are in full compliance with all laws and regulations. Consultant shall take, and require its subcontractors to take, reasonable steps to avoid any appearance of a conflict of interest. Upon discovery of any facts giving rise to the appearance of a conflict of interest, Consultant shall immediately notify City of these facts in writing.

(b) In performing the work or services to be provided hereunder, Consultant shall not employ or retain the services of any person while such person either is employed by City or is a member of any City council, commission, board, committee, or similar City body. This requirement may be waived in writing by the City Manager, if no actual or potential conflict is involved.

(c) Consultant represents and warrants that it has not paid or agreed to pay any compensation, contingent or otherwise, direct or indirect, to solicit or procure this Agreement or any rights/benefits hereunder.

(d) Neither Consultant, nor any of Consultant's subcontractors performing any services on this Project, shall bid for, assist anyone in the preparation of a bid for, or perform any services pursuant to, any other contract in connection with this Project unless fully

disclosed to and approved by the City Manager, in advance and in writing. Consultant and any of its subcontractors shall have no interest, direct or indirect, in any other contract with a third party in connection with this Project unless such interest is in accordance with all applicable law and fully disclosed to and approved by the City Manager, in advance and in writing. Notwithstanding any approval given by the City Manager under this provision, Consultant shall remain responsible for complying with Section 25(a), above.

(e) If Consultant should subcontract all or any portion of the work to be performed or services to be provided under this Agreement, Consultant shall include the provisions of this Section 25 in each subcontract and require its subcontractors to comply therewith.

(f) This Section 25 shall survive expiration or termination of this Agreement.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

EXHIBIT A

REQUEST FOR PROPOSAL

**PROFESSIONAL CONSULTANT SERVICES
TO
SUPPLEMENT CAPITAL PROJECTS DIVISION STAFFING NEEDS
(PROJECT NUMBER 801 0001 70 77 3411)**

I. INVITATION

You are hereby invited to submit a Proposal for Professional Consultant Services to supplement Capital Projects Division staffing needs. Due to the unanticipated leave of absence by City staff for unknown duration, this service is needed as soon as possible for approximately three to four months and possibly longer. Specifically, the City is looking for an AutoCAD drafter to assist with street improvement plan preparation and a seasoned Project Manager to help manage several active capital improvement projects.

The City anticipates making a decision within one week of the proposal submittal deadline of 1 pm on April 17, 2014. The process of executing the agreement between both parties may take up to an additional three weeks.

II. REFERENCE DOCUMENTATION

Please refer to the City's website (www.moreno-valley.ca.us) for a copy of the City's Capital Improvement Plan budget to obtain a flavor for the types of projects that the City will need assistance from a project management stand point.

III. PROJECT BUDGET

The City of Moreno Valley will fund the services with available funds in the Capital Improvement Project budget.

IV. SCOPE OF SERVICES

A. AutoCAD Drafting Services

The designated drafter under the general direction of City staff shall be responsible for assisting with various drafting needs related to street improvement plans. An engineering technician with knowledge of simple design expertise in laying out street improvement plans would be preferred. The expectation at this time is that this individual would at least spend two full work days per week at City Hall to assist with various drafting needs. A temporary office cubicle will be provided to this individual at City Hall.

B. Project Management Consultant Services

The designated Consultant Project Manager, under the general direction of the Capital Projects Division Manager, shall be responsible for overseeing all aspects of a series of projects from conception to close-out (“cradle to grave” scenario). Typically, a project manager is assigned anywhere from approximately three to ten projects to manage individually depending on the complexity of the projects. Although, the City is considering hiring one project manager at this time to manage street improvement projects (asphalt paving, street construction, sidewalk, traffic signal, retaining wall, bridges, grading, striping, drainage, street lights, water, sewer, miscellaneous landscape, etc.), the Consultant may propose more than one project manager for consideration including those that may be experienced in public building project design and construction. It is preferred that the proposed individual will have extensive City or similar local agency experience as the individual will be expected to work independently with minimum oversight from City staff and be familiar with the details of managing all of the phases described below.

Due to the City’s current work furlough program, the maximum work hours at City Hall are limited to 36 hours per week Monday through Thursday. Priority selection will be given to an experienced project manager that are accessible and available to work at City Hall based on the current workload. During the construction phase of a project, the project manager must be flexible enough to provide as needed project management coverage on Fridays as well as the contractor will likely be working Monday – Friday. The project manager must have the appropriate equipment and vehicle to perform the necessary tasks at all times. A temporary office cubicle will be provided to this individual at City Hall.

B1. Project Management Services during Design Phase

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend design kick-off meeting with all stakeholders.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports monthly or as deemed required.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required.
9. Prepare all submittals to Caltrans Local Assistance in accordance with the



RFP for
**Professional Consultant Services to
Supplement Capital Projects Division
Staffing Needs**



**PARSONS
BRINCKERHOFF**

April 16, 2014

Mr. Prem Kumar, PE,
Deputy Public Works Director/ Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

RE: Professional Consultant Services, Capitol Project Division Staffing Needs

Dear Mr. Kumar:

As you know, the City of Moreno Valley (City) is requesting proposals to supplement the Capitol Projects Division's staffing needs for the next few months. The City is looking for an AutoCAD drafter to assist with street improvement plan preparation and a seasoned project manager to help manage several active capital improvement projects (CIP). The City's CIP in place contains your plan for infrastructure improvements to bring lasting benefits and enhance the quality of life for your residents and visitors. Parsons Brinckerhoff submits this proposal with the intent to support the City's efforts and provide staff augmentation services.

We have assembled our best team of local experts in project management and AutoCadd design. Our proposed project managers, **George Harvilla, PE and Ron Sklepko, PE, LEED AP**, are experienced in overseeing all aspects of projects from conception to close-out and are able to handle multiple projects at once. Our proposed AutoCAD drafters, **Dennis Rodriguez, Marge Furiscal, PE and Bowen Yang**, are all knowledgeable in drafting street improvement plans.

All Parsons Brinckerhoff staff proposed are located in our Inland Empire office, just 25 minutes from the City. With a local staff more than 90, we are the largest engineering consultant in the Inland Empire, and have a total strength of 382 technical professionals in Southern California. All proposed staff are available and accessible to focus and perform the tasks described in the request for proposals (RFP). All proposed staff will be present at City Hall, as required, to complete tasks when needed.

Going forward, I will be the City's point of contact during the proposal evaluation process. Feel free to contact me with any questions by phone, (909) 888-1106, or by e-mail, SawyerD@pbworld.com. Our team is excited about the opportunity to continue working with the City, now ranked one of the fastest growing in the nation.

Sincerely,
Parsons Brinckerhoff, Inc.



Douglas B. Sawyer
Senior Vice President/Inland Empire Area

Experience

Parsons Brinckerhoff

For more than a century, **Parsons Brinckerhoff, Inc. (Parsons Brinckerhoff)** - a local and national leader in developing and operating infrastructure - has earned a distinguished reputation for technical expertise in the areas of transportation, environment, energy, power, community development, public works and water. Serving the Inland Empire for more than 55 years, the firm's experience includes a wide range of staff augmentation design and construction management (CM) services, with multiple cities and agencies in Riverside and San Bernardino counties, including the City of Moreno Valley (City) and the cities of Highland, Fontana, Corona, and Chino.

Parsons Brinckerhoff offers the City a trusted advisor and technically proven team that can respond to all of your staffing needs. Our local staff of 90 professionals and Southern California staff totaling 382 include the full spectrum of engineering and project management professionals with on-point experience in the Inland Empire.

Experience

Our team's qualifications include a successful track record in Riverside County and the Inland Empire that spans 55 years, and a portfolio of civil engineering design projects and tasks completed to our clients' satisfaction. We have worked for nearly every major regional public agency, the City, Riverside County Transportation Commission (RCTC), Caltrans and dozens of other cities. Parsons Brinckerhoff's high rate of repeat clients is testimony to the quality of our work, our teaming selections, and our professional and support staff. The following projects included staff augmentation as a part of the contract.

City of Corona On-call Services | Corona, California

Parsons Brinckerhoff is currently providing a variety of project-specific and on-call consulting services to the city of Corona since 2010, **including two full-time staff members working at the city of Corona to augment staffing needs in their public works and development groups. Furthermore, we are providing a half-time engineer for office engineer on a major CM project.** The staff onsite assist with the preparation of bids, prepare reports, updates, notice to proceed (NTPs), requests for information (RIFs) and requests for qualifications (RFQs).

City of Chino Staff Augmentation Services | Chino, California

Parsons Brinckerhoff is currently **providing a project manager to assist the city of Chino** onsite 2-3 days a week to manage land development projects. The project manager is responsible for managing 5-10 projects at a time with minimal oversight from the city of Chino. The project manager is responsible for all aspects of the projects from conception to close-out including preparing the bids, agreements and purchase orders, preparing report updates, funding reports, NTPs, RIFs and RFQs.

Staff Augmentation

Parsons Brinckerhoff is currently providing project management and staff engineers at the following cities.

- City of Corona
- City of Chino

Parsons Brinckerhoff has previously provided staff augmentation for the following cities:

- City of Fontana
- City of Highland

LAPM and other Caltrans requirements, as required.

10. Prepare reimbursement requests and invoices to Caltrans and other funding agencies.
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and Purchase Orders.
13. Coordinate with and prepare inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups.
16. Prepare annual Capital Improvement Program (CIP) budget update.
17. Prepare annual project estimate and budget for project (City Green Sheet).
18. Issue all necessary Notices to Proceed (NTP).
19. Review and process all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and arrange for an independent and timely plan check review, either through in-house appropriate experienced staff or outside sub-consultant, including, but not limited to Project Report, Project Summary Memorandum, Geotechnical Report, Traffic Study, Environmental Documents, 35% Plans, 65%, 95%, 100% and Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, and all documents related to right-of-way acquisition.
26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the

documents that the Consultant shall be responsible to provide in the course of the work:

- a. Various City Council Staff Reports.
 - b. Utility correspondence letters and e-mails.
 - c. Federal, State and local correspondence.
 - d. Federal, State and local documentation required for the project.
 - e. Right-of-way related documents and correspondence.
 - f. Necessary communication and reports to the funding agencies.
27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claim avoidance emphasis.
 28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.
 29. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.
 30. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated.

B2. Project Management Services during Advertising, Bidding and Construction Contract Award Phases

The Project Manager shall be responsible for coordinating the advertising for construction bids, shall provide support during bidding and attend the bid opening of the project according to the California Public Contract Code for applicable municipal agencies. The required Project Management Consultant Services shall include, but not be limited to:

1. Prepare and coordinate to have bid notices advertised and posted at various trade publications and on the City's website.
2. Prepare bid packages.
3. Ensure current information is posted on the City's website regarding the project and bid package for prospective bidders to download.
4. Maintain plan holder's list.
5. Schedule and conduct pre-bid meetings, if held.
6. Conduct pre-bid site visits if needed.
7. Provide responses to bidders' questions.
8. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process. The Consultant shall prepare or assist in the preparation of addenda.
9. Be available to answer questions regarding the Technical Provisions, the design drawings or conflicts in the specifications.

10. Attend the construction bid opening at the City Clerk's Office. Evaluate and check all bids per established contract law.
11. Evaluate and post bid results.
12. Check references and licenses of bidders.
13. Review insurance, bonding, and other required documents.
14. Select lowest, responsive, responsible, and qualified bidder.
15. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.
16. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.
17. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

B3. Project Management Services during Construction and Project Close-out Phases

Provide Resident Engineer oversight on local, state and federally funded projects. These activities include, but not limited to the following:

1. Administer the contract (general contract administration and oversight of project)
2. Daily project field review and documentation of construction activities (daily reports and digital photo of significant issues and milestones)
3. Monitor Contractor's daily labor force for compliance with state & federal labor laws
4. Field verification of traffic control procedures and consistency with approved Traffic Control Plan
5. Conduct progress meetings and prepare meeting minutes (gauge project health)
6. Coordinate with agencies and different stake holders to ensure smooth progress of construction activities
7. Monitor project schedule
8. Verify quantities and assuring quality control
9. Field observations of site safety
10. Maintain complete and accurate project records compliant with Caltrans manual

11. Review and recommend approval/disapproval of monthly progress pay estimates
12. Verify NPDES and SWPPP compliance
13. Process submittal of RFI weekly statement of working days, change orders and progress payments
14. Coordinate punchlist and as-builts
15. Ensure that materials and completed work comply with plans, specifications and design criteria
16. Implement security procedures
17. Coordinate survey and material testing
18. Process control documents, submittals, RFI, weekly statement of working days, change orders, work change directives
19. Compliance with Caltrans encroachment permit requirements, if required
20. Coordinate Project closeout activities which include staff report, Notice of Completion, release of retention, warranty walk, archiving documents, GASB 34, etc.

V. CONSULTANT'S PROPOSAL

Three (3) copies (one of the copies will be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk) of your Proposal shall be submitted no later than **1:00 p.m., April 17, 2014**, addressed to Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Prem Kumar, Deputy Public Works Director/Assistant City Engineer.

The Consultant's Proposal focused on the individuals being proposed for the work described herein should include:

- a. Identify the key staff, qualifications and experience to perform the work described herein.
- b. Identify key staff's availability to conduct the work and ability to perform the applicable work at City Hall.
- c. And shall be no more than 15 pages, excluding a cover letter of up to two pages, dividers, and certificates.

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

- A. The Consultant shall be required to comply with all federal, state, and local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.
- B. The Consultant is required to submit certified payrolls weekly. This applies to all applicable field personnel working on the project. In accordance with Section 1771.5 (b) (5) of the California Labor Code, the City will withhold payments when the payroll records are delinquent or inadequate.

VII. FEDERAL EMPLOYEE BENEFIT

No member of, or delegate to, the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of the Agreement to the said project or to any benefit to arise from the same.

The Consultant shall complete and include the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and "Disclosure of Lobbying Activities" forms with the Proposal.

VIII. PAYMENT TO CONSULTANT

- A. Consultant services are based on agreed upon hourly rate for a specific individual and an overall "Not-to-Exceed Fixed Fee" will be requested.
- B. Progress payments shall be based on agreed upon hourly rate for the hours of work performed. Monthly invoices will specifically identify job title, person-hours, and costs incurred.
- C. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."
- D. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.
- E. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services." This sample Agreement is attached. The Consultant must be able to execute this Agreement without any requested changes or modification. Please review this

Agreement carefully before providing a proposal for the work described herein.

- F. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

IX. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving ten (10) days written notice to the Consultant of such termination and specifying the effective date thereof. All finished or unfinished drawings, maps, documents, field notes and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

X. INDEPENDENT CONTRACTOR

The Consultant's relationship to the City in the performance of the Consultant's services for this project is that of an independent Contractor. The personnel performing said Surveying Services shall at all times be under the Consultant's exclusive direction and control and shall be employees of the Consultant and not employees of the City. The Consultant shall pay all wages, salaries and other amounts due his employees in connection with the performance of said work shall be responsible for all employee reports and obligations, including but not necessarily restricted to, social security, income tax withholding, unemployment compensation, and Workers' Compensation.

XI. CONTRACT

The Consultant must be able to execute the "Agreement for Professional Consultant Services" (sample attached) without any requested changes or modifications. Please review this Agreement carefully before providing a proposal for the work described herein. Once the agreement is executed, the City will issue a Purchase Order and Notice to Proceed.

The Political Reform Act and the City's Conflict of Interest Code require that consultants be considered as potential filers of Statements of Economic Interest. Consultants, as defined by Section 18701, may be required to file an Economic Interest Statement (Form 700) within 30 days of signing a Consultant Agreement with the City, on an annual basis thereafter if the contract is still in place, and within 30 days of completion of the contract.

XII. GENERAL CONDITIONS

- A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

The City shall not, in any event, be liable for any pre-contractual expenses incurred by the Consultant.

- B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).
- C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XIII. SELECTION CRITERIA

The Consultant's key personnel proposed for this work may be invited to a selection interview. The Proposals will be rated/ranked according to the following criteria:

- A. Experience of Key Personnel (60 points) – Clear demonstrated ability to perform the tasks as described in this document, familiarity with state and federal procedures, local municipal project management experience and favorable references preferably with municipal agencies.
- B. Availability and Accessibility (40 points) – The availability of the key personnel to focus and perform the tasks as described herein and be present at City Hall to conduct the applicable tasks when needed.

SR 60/Nason Street Interchange | Moreno Valley, California

Parsons Brinckerhoff was contracted by the City to provide full engineering services on the important SR 60/Nason Street Interchange. The project expanded the capacity of the existing interchange and increased its efficiency by widening Nason Street to four lanes between Fir and Elder streets. Parsons Brinckerhoff initially provided the project approval/ environmental document (PA/ED). Later, we completed full plans, specifications and cost estimates (PS&E), bidding assistance and engineering services during construction.

- Construction of this \$15 million project started in January, 2011 and was completed in October, 2012
- Our team worked closely with the City and Caltrans for the reviews, updates and approvals of the documents through the various phases

Heacock Avenue Widening | Moreno Valley, California

As the design firm for this project, Parsons Brinckerhoff also played an integral role in the right-of-way (ROW) acquisition process for five residential properties for the City. The firm designed driveways, curb and gutters, sidewalks and street widening along 500 feet of roadway, and assisted local property owners on multiple occasions with driveway modifications to accommodate changing roadway conditions during construction.

City of Highland On-call Services | Highland, California

Parsons Brinckerhoff has provided a variety of project-specific and on-call consulting services to the city of Highland since 2003, **including the full-time presence of a staff member (who has been supporting the city for six years) on site.** Engineering design support services have included:

- **Hillview Neighborhood:** 4,000 linear feet (LF) of neighborhood street improvement and storm drain project, including coordination with local utilities and private residences. Civil engineering support included ROW acquisition assistance involving property owner negotiations, agreement preparation, easement plats and legal descriptions, and processing for recording
- **Greenspot Road:** 7,000-LF, six-lane arterial street improvement project from SR 210 to Boulder Avenue, including a raised median, 60-inch storm drain and associated utilities. Multiple agency coordination included Caltrans, East Valley Water District, Southern California Gas Company, Southern California Edison, and Verizon, among others.
- **East Highlands Village;** 3,000 LF of neighborhood street improvements including utility coordination and private residence coordination. Environmental permits were processed through the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB) for storm drain crossing. ROW acquisitions include property owner negotiations, preparation of agreements, easement plats and legal descriptions, and processing for recording.



Parsons Brinckerhoff provided engineering design for new paving and lighting along Greenspot Road.

Key Staff Qualifications

Key Staff

The City is requesting proposals to supplement the Capitol Projects Division's staffing needs for the next few months. The City is looking for an AutoCAD drafter to assist with street improvement plan preparation and a seasoned project manager to help manage several active capital improvement projects.

Parsons Brinckerhoff is proposing two seasoned project managers with experience managing multiple active capital improvement projects, George Harvilla, PE and Ron Sklepko, PE, LEED AP. George Harvilla is an experienced project manager who worked directly for the City of Fontana as an extension of their staff to complete their Robert W. Weddle Capital Improvement Program. Ron Sklepko has more than 36 years of experience in the planning, design, and management of public works improvements and land development projects for government agencies and private developers.

Parsons Brinckerhoff is proposing three different levels of AutoCAD drafters for the City, Dennis Rodriguez, Marge Furiscal, and Bowen Yang. Dennis is an experienced AutoCAD manager with 21 years of experience. Marge is a mid-level AutoCAD drafter with 13 years of experience with Parsons Brinckerhoff. Bowen is a recent graduate with more than a year of AutoCAD experience. All proposed AutoCAD drafters have experience with street improvement plan preparation.

Proposed Project Managers

George Harvilla, PE

- 32 years of experience
- Staff augmentation for the City of Fontana

Ron Sklepko, PE

- 36 years of experience
- Worked on several projects in the City of Moreno Valley, including the World Logistics Center project

Proposed AutoCAD Drafters

Dennis Rodriguez

- AutoCAD manager
- 21 years of experience

Marge Furiscal

- Experienced AutoCAD drafter
- 31 years of experience

Bowen Yang

- AutoCAD drafter
- 1 year of experience

Availability and Accessibility

All staff proposed are based in the San Bernardino office, located just 25 minutes from City Hall. All staff are immediately available to meet the workload and schedule as described in the RFP. Our proposed project managers are local Riverside residents, living within 15 minutes of the City. All Parsons Brinckerhoff's staff are available and accessible for these assignments.

George Harvilla, PE

PROJECT MANAGER

George Harvilla is a civil engineer and senior project manager with more than 32 years of experience in program management, project management, construction management, quality management, and highway/street design. He has managed projects through design, pre-construction, construction and post-construction. He has extensive knowledge of managing street improvement projects including intersection design, freeway design, storm drain design, signing layout, sidewalks, grading, water, sewer and construction sequencing. He has also performed construction management for numerous construction projects and has been responsible for many aspects of contract administration.

Fontana Program Management, Fontana, California: program manager for the Robert W. Weddle Capital Improvement Program, which met the City of Fontana’s most critical infrastructure improvement needs. The program designed and constructed much needed storm drains and sewer mainline projects, major arterial roadway widening and reconstruction projects, freeway interchange reconstruction and new construction projects, and grade separation construction projects. For the I-10/Cypress OC, I-10/Citrus Interchange, and the I-15/Duncan Canyon Interchange, supervised engineering consultants who prepared Project Study Report (PSRs), Project Reports (PRs), and PS&Es. George managed the Summit Avenue Street and Storm Drain project and the South Highland sewer project, which improved the city’s infrastructure to accommodate residential and commercial development. Working as a representative of the City of Fontana, he provided oversight of design engineers, environmental consultants, construction managers, and contractors.

- Prepared bidding schedules, managed the bidding process, awarded contracts, and checked contractors’ schedules
- Conducted PDT meetings and coordinated meetings with the public
- Prepared City Council reports
- Coordinated with Caltrans for interchange projects
- Issued NTPs and written RFPs
- Verified NPDES and SWPPP compliance

Greenspot Road, Highland, California: resident engineer of this \$9 million project which widens Greenspot Road from four lanes to six lanes for over a mile, with a raised median. The project included a 72” storm drain under the SR 210 Freeway. George ran the pre-construction conference and informal partnering session. George worked with the City of Highland, contractor, and designer to solve construction-related problems, track RFIs, responses to RFIs, and submittals, and reviewed and approved the contractor’s change orders and invoices for the client. George also supervised two field inspectors.

Downtown Façade Renovations, Fontana, California: construction manager of two separate phases to renovate the facades of numerous downtown businesses. George ran and documented the weekly project and safety meetings. He worked with the city of Fontana, contractor, and architect to solve construction-related problems, tracks

HIGHLIGHTS

- Locally known for ability to guide projects from conception to close-out
- Expertise in key areas such as project design, public bidding, and construction
- Construction Manager for several local projects including Greenspot Road in the City of Highland

Firm

Parsons Brinckerhoff

Years of Experience

32

Education

BS, Civil Engineering

Professional Registrations

Civil Engineer: California, 1991 (#C047368); Texas, 1988 (#64825)

Professional Affiliations

American Society of Civil Engineers

RFIs, responses to RFIs, and submittals, and reviews and approves the contractor's change orders and invoices for the client. George also supervised a field inspector.

SR 30, Segment 5, Rancho Cucamonga, California: project manager of a 1.7 mile long addition to the SR 30 freeway. SR 30 has eight lanes, a diamond interchange at Day Creek Boulevard, and an undercrossing at Rochester Avenue in the city of Rancho Cucamonga. George responded to RFIs from the contractor and oversaw the preparation of the as-built drawings.

SR 125, San Diego County, California: project manager for preliminary engineering of a new 10 mile tollway which is part of the San Diego Regional Outer Loop. This project was one of four privatization projects authorized by the California Assembly. George supervised a staff of five preparing plans, quantities, and exhibits. He coordinated with officials from Caltrans, the County of San Diego, the city of Chula Vista, the city of San Diego, and numerous consultants. He was principle author of the 200-page Project Report. George also wrote a technical report which summarizes the alignment alternatives and performed a value engineering evaluation. He was also responsible for the conceptual design of a five-legged freeway-to-freeway interchange.

Foothill Boulevard, Rancho Cucamonga, California: lead civil engineer for the widening of Foothill Boulevard (a part of historic Route 66) from Grove Avenue to Vineyard Avenue. Wrote the project report and performed preliminary engineering. This project involved widening the roadway from four lanes to six lanes and constructing a new trail overcrossing. Several new signalized intersections will be constructed.

Mid-Coast Corridor Transit Project, San Diego, California: design quality assurance and quality control (QA/QC) manager for this \$1.5B project. George monitors the performance of the design team and verifies compliance with the Design QA/QC Plan, which George edited. He also supervises consultants' quality programs and provides quality training, audits, and performs plan review.

Center Stage Theater Renovation, Fontana, California: construction manager of the renovation of a historic art-deco theater in downtown Fontana. George ran and documented the weekly project and safety meetings. He worked with the city of Fontana, contractor, and architect to solve construction-related problems, track RFIs, response to RFIs, and submittals, and reviewed and approved the contractor's change orders and invoices for the client. George also supervised a field inspector.

Pacific Electric Trail, Fontana, California: construction manager of several trail segments totaling over a mile built on an abandoned railroad corridor. The project included a concrete trail, landscaping, and lighting. Supervised an inspector and tracked the contractor's submittals, RFIs, change orders, and invoices. George led the weekly progress meetings.

Pacific Electric Freight Depot Renovation, Fontana, California: construction manager of the renovation of a historic railroad depot in downtown Fontana. George ran and documented the weekly project and safety meetings. He worked with the city of Fontana, contractor, and architect to solve construction-related problems, track RFIs, responses to RFIs, and submittals, and reviewed and approved the contractor's change orders and invoices for the client. George also supervised a field inspector.

Civic Center Park, Fontana, California: construction manager of a $\frac{3}{4}$ mile-long trail and park built on an abandoned railroad corridor. The project included a concrete trail, three elaborate fountains, walls, utility relocation, and the relocation of two buildings. Supervised an inspector and tracked the contractor's submittals, requests for information, change orders, and invoices. This project won awards from the American Society of Civil Engineers and the California Downtown Association. He prepared the application packets for the awards.

Ron Sklepko, PE, LEED AP

PROJECT MANAGER

Ron Sklepko, PE, LEED AP, has more than 36 years of experience in the planning, design, and management of public works improvements and land development projects for municipalities and private developers. Ron has developed a reputation of excellence in project management by maintaining good control over his projects; being thorough in research and design; and producing a set of plans and specifications that clearly conveys the intent of construction. At Parsons Brinckerhoff, he led the design team for a \$120 million dollar utility and roadway project at Twentynine Palms Marine Corps Air Ground Combat Center to facilitate the expansion of the Base. He is currently working on a traffic impact analysis for the proposed World Logistics Center in Moreno Valley for Highland Fairview. This project consists of 2,600 acres of logistics high-cube warehousing with up to 41.6 million square feet of space. In the past, Ron was the civil engineer and project manager for the Stoneridge Towne Center commercial development at SR 60 and Nason Street and also the Moreno Beach Plaza Phases 1 and 2 at SR 60 and Moreno Beach Drive.

World Logistics Center, Moreno Valley, California: project manager for a proposed 2,600-acre industrial center for logistics distribution warehousing with planned build-out of 41.6 million square feet of space. Parsons Brinckerhoff is providing management, planning, traffic impact analysis and dry utility services to Highland Fairview, the private developer of the site. Ron oversaw the preparation of a major traffic impact analysis as part of the Environmental Impact Report (EIR) to address California Environmental Quality Act (CEQA) requirements. This effort used technical staff resources throughout the western region. The project is scheduled to go before the City Council in spring of 2014 for EIR approval.

East Valley Water District, New Administration Campus, Highland, California: project manager for the \$17M development of a new 29,600 SF administration building and 5,300 SF operations building on 25 acres of land on Greenspot Road in the city of Highland. Parsons Brinckerhoff has teamed up with Balfour Beatty Construction on this design-build project and is providing environmental planning, preliminary engineering, final design engineering, construction staking and construction support services.

San Bernardino International Airport (SBIA) General Aviation Infrastructure, San Bernardino, California: project manager for the development of 32 acres of the San Bernardino International Airport for general aviation uses. Services include the design of streets, drainage, sanitary sewer, water, pavement and site grading. Demolition of existing structures from the prior military uses was required to prepare the site. Construction work to commence in late 2014.

Twenty-nine Palms Marine Corps Air Ground Combat Center - North Mainside Expansion, Twenty-nine Palms, California: deputy project manager for the design of infrastructure and utilities for eight new city blocks in the North Mainside area of Twenty-nine Palms under NAVFAC Southwest. This \$140 million design-build project involves a total of eight plan packages. Responsible for civil engineering design, design coordination, design team meetings, scheduling and contract

HIGHLIGHTS

- Experience planning, designing, and managing public works projects
- Expert at overseeing all aspects of projects from conception to close-out
- Extensive local experience recent projects include World Logistics Center and Stoneridge Towne Centre

Firm

Parsons Brinckerhoff

Years of Experience

36

Education

MBA, Business Administration
BS, Civil Engineering
AA, Engineering

Professional Registrations

Civil Engineer: California, 1990 (C46216)
LEED Accredited Professional, 2008 (USGBC)
Certified Professional in Storm Water Quality (CPSWQ), 2009, (#0552)

Professional Affiliations

American Society of Civil Engineers, Member

management. Improvements include major earthwork, water utilities, sanitary sewer, electrical distribution, gas mains, high temp hot water system, chilled water system, storm drainage and communication infrastructure.

City of Los Angeles, Department of Transportation (LADOT), Los Angeles, California: Ron worked for LADOT as an in-house project manager for one year overseeing the design of projects including Broadway reconstruction and Hill Street conversion from a one-way to a two-way operation over 12 blocks in downtown Los Angeles. Project included street improvements including asphalt paving, street construction, sidewalk design, traffic signals, and bridge design. He was responsible for coordinating the efforts of several city departments in the design phase, conducted meetings, prepared status reports and set timelines with minimal oversight from LADOT staff. Ron managed this project from design through construction. He prepared informational brochures as part of public outreach and directed the city work crews during the changeover of Hill Street.

Stoneridge Towne Centre, Moreno Valley, California: project manager for a 56-acre commercial development for Stoneridge Centre Partners located at the southwest corner of Nason Street and State Highway 60 in the City. This 563,000 SF development is anchored by a 178,000 SF Super Target Store, Kohl's and Best Buy. This project required the design of unique underground sand filters in order to meet the City's stormwater quality objectives. The shopping center opened July, 2007.

Pierce College, Facilities, Maintenance and Operations Building, Woodland Hills, California: civil project manager for this \$20.8 million Design-Build Project for Build-LACCD and lead architect, Gkkworks in Irvine. This 3.3 acre development includes a 38,900 SF Maintenance Shop Building, a 4,900 SF Office Building and a 1,500 SF Central Plant Building, along with an 85,000 SF vehicle parking area with container storage, truck dock, trash, equipment wash down area and fueling station.

Countryside Marketplace, Menifee, California: managed the design of a 69-acre commercial center that opened in October, 2008 with a total of 726,000 SF of building area that is anchored by a Super Target and Lowe's. He worked on the planning, design and construction phases of this \$100 million project. Site civil improvements totaled \$12.5 million and included storm drain, sewer, water, curb, sidewalk and pavement.

Metropolitan Water District Headquarters, Los Angeles, California: lead civil engineer for the design of site civil improvements and traffic elements for a new 12-story Metropolitan Water District (MWD) Headquarters at Union Station in the city of Los Angeles. The project required deep shoring and excavations for an underground parking structure below the building. The work was accomplished with space constraints as this project is located in a highly urban area.

"E" Avenue / Mission Street Storm Drain, Hesperia, California: project manager for the planning phase, design phase and construction phase of this \$2.6 million master planned storm drain project for the city of Hesperia. The design involved preparing a hydrology study, designing a desilting basin and spillway, 3,000 lineal feet of pipeline up to 96" diameter, extensive remedial earthwork, and designing the discharge connection to the Antelope Valley Wash. He was the construction manager for the project including bidding, contract award, approving contractor draws, conducting weekly progress meetings and site observations.

Dennis Rodriguez

SENIOR AUTOCADD DRAFTER

Dennis Rodriguez is a senior supervising computer-aided drafting design (CADD) designer with Parsons Brinckerhoff experienced in multidiscipline engineering design using Microstation and AutoCAD platforms. Dennis is a coordinator of our online project management system, ProjectWise and Project Solve; lead member of the West Geography CADD Managers Group; providing support for several southern California offices; and was on the committee for testing and piloting new versions of CADD software. He provides CADD and information technology (IT) support on engineering projects utilizing a variety of software, including Microstation, AutoCAD, Interplot, Projectwise. He is also familiar with Bentley Inroads, Autodesk Civil 3D and Revit. His experience also includes using Microsoft Office Suite, File Transfer Protocol, PhotoShop, etc.

Dennis's IT responsibilities include CADD workstation and server configurations, .bat programs, managing email accounts and settings, drawing conversions, CADD and plotting software maintenance and configuration, trouble shooting, CADD software upgrades, procurement, coordinating hardware lease returns with vendors, and IT Help Desk support.

RCTD CADD and IT support, Riverside, California: worked with the agency to upgrade the CADD programs. Dennis coordinated with RCTD IT staff to install Bentley Interplot software to the server, then he upgraded a few individual computers with Bentley Microstation V8i, Inroads and Interplot. He created a custom configuration workspace for the new software/office. Once the software was tested and working successfully, the software was installed on all the remaining CADD Stations. He worked closely with the local CADD Manager to ensure he was familiar with the installation and configuration of the software before providing the training to the staff. Since Interplot was new to most of the users, Dennis created a user's Interplot quick guide training manual for easy reference. This support continued for approximately six months.

Mid-Coast Corridor Transit Project, San Diego, California: CADD administration support to maintain client standards through ProjectWise. Assisting the following disciplines with CADD design: track, civil and utility disciplines using Microstation V8i and Inroads. Also assisting the architectural discipline with Autocad and revit. Made a visit to all the architectural subcontractors to ensure and adjust proper workspace setup for output consistency.

Exposition LRT Project, Phase 2, Stages A and B, Los Angeles, California: Dennis created and revised various sheets, masters and exhibits for the project to help meet the stage A deadline and prepare for stage B. During Expo Stage B as the project CADD manager, Dennis finalized the portion of the PB/SRJV CADD Standards Manual and worked to define the start-up management work process. Dennis was responsible for adhering to Metro CADD standards throughout the project and managed all coordination of electronic design files between the design team, outside agencies, and subconsultants. With more than 3,200 drawings in the package, Dennis was always multi-tasking between design, support, troubleshooting, setting up, training, QA/QC, attended all management meetings, etc. He also coordinated design work with discipline managers and other CADD staff, made sure that all standards were adhered to which included Metro, Caltrans, LADOT and Los Angeles Department of Water and Power (LADWP).

HIGHLIGHTS

- More than 21 years of AutoCAD experience
- Extensive local experience recent projects including working with the County of Riverside Transportation Department (RCTD)

Firm

Parsons Brinckerhoff

Years of Experience

21

Education

A.C., Mechanical CAD and Board Drafting,

Marge Furiscal, PE

AUTOCADD DRAFTER

Marge Furiscal, a senior highway engineer with Parsons Brinckerhoff, has more than 31 years of experience in highway and roadway design, with particular emphasis on geometrics, channelization, signalization, signing and striping, utility coordination, construction staging and traffic calming, estimates and construction support. She is familiar with California Department of Transportation (Caltrans) design standards and specifications, and has experience in project development phasing from conceptual and preliminary design, final design and PS&E, through construction support. She also gained experienced doing structural drafting. She developed knowledge using AutoCadd, Microstation V8i, and Inroads.

SR 60/Nason Interchange Project, Moreno Valley, California: as AutoCADD drafter she worked on the preparation of As Built plans incorporating all the revisions that took place during construction.

San Bernardino International Airport General Aviation Infrastructure Improvements Project, California: a 32-acre expansion of airport infrastructure, assisted the designer in the preparation of various plans for the Client like street plans, rough grading plans, sewer plans, water plans, erosion control plans and drainage plans; prepared typical cross sections of the proposed improvements; and prepared estimate of quantities for the project.

Date Palm Drive Overhead (PS&E), Cathedral City, California: as AutoCADD drafter she worked on the preparation of As Built plans incorporating all the revisions that took place during construction.

Metro Expo Phase 2 Design-Built Project, Los Angeles: assisted the designer in the preparation of structural drawings which includes superstructures of bridges, columns and piers, retaining walls and other structures pertinent to the project

Anaheim Regional Transportation Intermodal Center Infrastructure Improvements, Phase 1, Anaheim, California: assisted the designer in the preparation of structural drawings which includes superstructures of bridges, columns and piers, retaining walls and other structures pertinent to the project

SR 210/Interstate 215 Interchange Final Design (Segment 11), San Bernardino, California: worked on the preparation of As Built plans incorporating all the revisions that took place during construction.

SR 91 Corridor Improvement Project Preliminary Engineering/Environmental Document, Riverside, California: as a civil engineer, worked on the preparation of mandatory and advisory design exhibits for one section of the project, undertook quality assurance/quality control of the drawings submitted by subconsultants, and prepared exhibits needed for public coordination for the project. Also coordinated with other disciplines for the preparation of drawings in accordance with Caltrans standards.

I-15/Nisqualli Road/La Mesa Road Interchange, San Bernardino, California: as a civil engineer, worked on the refinement of the proposed geometrics of the project. Coordinated the preparation of drawings in accordance with Caltrans standards and supervised other disciplines; prepared Right-of-Way maps of the project; assisted the senior engineer in the preparation of exhibits for design clarification; provided support to the contractor and worked on the As Built plans incorporating all the revisions during construction.

HIGHLIGHTS

- More than 31 years of AutoCAD experience
- Extensive local experience recent projects including working on the SR 60/Nason Street Interchange project

Firm

Parsons Brinckerhoff

Years of Experience

31

Education

BS, Civil Engineering

Professional Registrations

Civil Engineer, California, (#C 82039), 2013
Registered Civil Engineer: Philippines (#26658), 1982

Bowen Yang, E.I.T.

AUTOCADD DRAFTER

Bowen Yang has more than a year of experience with project design and AutoCADD drafting. He has responsible for assisting the Parsons Brinckerhoff team with street improvements plans. Bowen is a recent civil engineering graduate who is currently pursuing a masters degree from the California State Polytechnic University in Pomona. He is also an AutoCAD lecturer at the University. He is proficient in civil engineering software including, AutoCAD, Civil 3D, Microstation V8, Microstation InRoads, AutoTURN, Naviswork, PDF Exchange, EnerCal, Synchro 7, SAP-2000, HEC-RAS, and Google Sketch-up.

P688 Djibouti, Africa: AutoCADD drafter assisting the federal designer in the preparation of various plans for the client such as street plans, rough grading plans, signing and striping plans, erosion control plans and drainage plans; prepared typical cross sections of the proposed improvements; and preparing the estimate of quantities for the project.

Mamizu APRA and ACE, Guam: AutoCADD drafter assisting the federal designer worked on the preparation of As Built plans incorporating all the revisions that took place during construction.

P229 Seal Beach, California: AutoCADD drafter assisting the federal designer in the preparation of various plans for building a weapons testing facility. The client such as grading plans, sewer plans, water plans, erosion control plans and drainage plans; prepared typical cross sections of the proposed improvements; and preparing the estimate of quantities for the project.

California State Polytechnic University, Pomona– AutoCAD Lecturer: Bowen is currently teaching a college level AutoCAD class at California State Polytechnic University at Pomona.

- developed entry-level and advanced curricula on a wide range of topics including 2D & 3D, consistently meeting deadlines
- promotes a supportive and professional learning atmosphere that featured teamwork and hands-on practice
- incorporates his field experience and technical knowledge into course content

HIGHLIGHTS

- Knowledge of simple design
- Expertise in laying out street improvement plans

Firm

Parsons Brinckerhoff

Years of Experience

1

Education

BS, Civil Engineering

Professional Registrations

Engineer-In-Training
(California) Certificate No:
147459

References

Key Personnel

References

<p>Project Manager: George Harvilla, PE</p>	<p>1. Ricardo Sandoval, City Engineer City of Fontana; (909) 350-7610</p> <p>2. Evelyne Ssenkoloto, Redevelopment Manager City of Fontana; (909) 350-6792</p>
<p>Project Manager: Ron Sklepko, PE, LEED AP</p>	<p>1. Mr. Ernie Wong, PE, City Engineer City of Highland; (909) 864-8732, x212</p> <p>2. Mr. John Mura, General Manager East Valley Water District; (909) 889-9501</p>
<p>Senior AutoCAD Drafter: Dennis Rodriquez</p>	<p>1. Khalid Nasim, Engineering Division Manager County of Riverside Transportation Department (RCTD); (951) 955-3337</p> <p>2. Gilbert Ramos, Senior Engineering Technician/CADD Manager RCTD; (951) 955-6813</p>
<p>AutoCAD Drafter: Marge Furiscal, PE</p>	<p>1. Lumen Arceo, Senior Engineer, Building Safety Division of City of Manteca; (209) 456-8560</p> <p>2. Oliver Lopez, Engineering Technician III, County of San Bernardino; (909) 387-7920</p>
<p>AutoCAD Drafter: Bowen Yang, EIT</p>	<p>1. Francelina Neto, Professor & Civil Engineering Department Chair Cal Poly Pomona; (909) 869-2488</p> <p>2. Xudong Jia, Professor Cal Poly Pomona; (909) 869-4312</p>
<p>Parsons Brinckerhoff's Company References</p>	<p>1. Bob Morin, Capital Projects Manager, City of Corona; (909) 736-2261</p> <p>2. Jose Aire, Assistant City Manager/Public Works Director, City of Chino; (909) 627-7577</p>

Certification for Contracts, Grants, Loans, and Cooperative Agreements
(Federal Fiscal Year 2013 to current)

Yvonne Quinones, Vice President

I, , hereby certify on behalf
(Name and title of Grantee official)

of The City of Moreno Valley, that
(Name of Grantee)

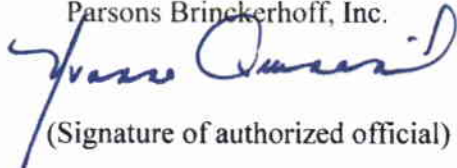
(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, of cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, an cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this 15th of April, 2014.

Parsons Brinckerhoff, Inc.

By:
(Signature of authorized official)
Yvonne Quinones, Vice President
(Title of authorized official)

**PARSONS
BRINCKERHOFF**

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed \$98,000. Present time, the individual assigned from Parsons Brinckerhoff will be George Harvilla, P.E. at \$150.00 per hour. Substitution of personnel and billable rates may only be allowed with the written approval of the City Engineer.
2. The Consultant will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: http://www.moval.org/do_biz/biz-license.shtml
3. The Consultant will electronically submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at AccountsPayable@moval.org
Accounts Payable questions can be directed to (951) 413-3073.
Copies of invoices may be submitted to the Capital Projects Division at TechInfo-CapProj@moval.org or calls directed to (951) 413-3155.
4. The Consultant agrees that City payments will be received via Automated

Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at:

http://www.moval.org/city_hall/forms.shtml#bf

5. The minimum information required on all invoices is:
 - A. Vendor Name, Mailing Address, and Phone Number
 - B. Invoice Date
 - C. Vendor Invoice Number
 - D. City-provided Reference Number (e.g. Project, Activity)
 - E. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
6. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

EXHIBIT E

INSURANCE REQUIREMENTS

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. The most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01, which shall include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations, products and completed operations, and contractual liability.
2. The most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, which shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1- Any Auto).
3. Workers' Compensation insurance as required by the California Labor Code and Employer's Liability Insurance.
4. Professional Liability (Errors and Omissions) insurance appropriate to Consultant's profession.

Minimum Limits of Insurance

Consultant shall maintain limits of liability of not less than:

1. General Liability:
 - \$1,000,000 per occurrence for bodily injury and property damage
 - \$1,000,000 per occurrence for personal and advertising injury
 - \$2,000,000 aggregate for products and completed operations
 - \$2,000,000 general aggregate
2. Automobile Liability:
 - \$1,000,000 per accident for bodily injury and property damage
3. Employer's Liability:
 - \$1,000,000 each accident for bodily injury
 - \$1,000,000 disease each employee
 - \$1,000,000 disease policy limit

4. Professional Liability (Errors and Omissions):

\$1,000,000 per claim/occurrence

\$2,000,000 policy aggregate

Umbrella or Excess Insurance

In the event Consultant purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

Deductibles and Self-Insured Retentions

Consultant shall be responsible for payment of any deductibles contained in any insurance policy(ies) required hereunder and Consultant shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee. At the option of the City Manager or his/her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers; or (ii) Consultant shall provide a financial guarantee, satisfactory to the City Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall City be responsible for the payment of any deductibles or self-insured retentions.

Other Insurance Provisions

The General Liability and Automobile Liability insurance policies are to contain, or be endorsed to contain, the following provisions:

1. City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers are to be covered as additional insureds.
2. The coverage shall contain no special limitations on the scope of protection afforded to City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.
3. Consultant's insurance coverage shall be primary and no contribution shall be required of City.

The Workers' Compensation insurance policy is to contain, or be endorsed to contain, the following provision: Consultant and its insurer shall waive any right of subrogation against City, CSD, Housing Authority and each of their officers, officials, employees, agents and volunteers.

If the Professional Liability (Errors and Omissions) insurance policy is written on a claims-made form:

1. The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by Consultant.
2. Insurance must be maintained and evidence of insurance must be provided for at least 3 years after any expiration or termination of the Agreement or, in the alternative, the policy shall be endorsed to provide not less than a 3-year discovery period.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement or the commencement of work by Consultant, Consultant must purchase extended reporting coverage for a minimum of 3 years following the expiration or termination of the Agreement.
4. A copy of the claims reporting requirements must be submitted to City for review.
5. These requirements shall survive expiration or termination of the Agreement.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice by certified mail, return receipt requested, has been given to City. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Consultant shall furnish City with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for City, Consultant shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

Acceptability of Insurers

All policies of insurance required hereunder shall be placed with an insurance company(ies) . admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide; or authorized by the City Manager or his/her designee.

Verification of Coverage

Consultant shall furnish City with all certificate(s) and **applicable endorsements** effecting coverage required hereunder. All certificates and **applicable endorsements** are to be received and approved by the City Manager or his/her designee prior to City's execution of the Agreement and before work commences.

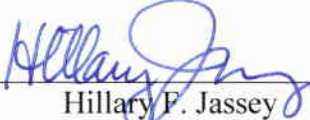
PARSONS BRINCKERHOFF, INC.

ASSISTANT SECRETARY'S CERTIFICATE

I, Hillary F. Jassey, Assistant Secretary of Parsons Brinckerhoff, Inc. (the "Company"), do hereby certify on behalf of the Company and not in my individual capacity that on June 20, 2013 the Board of Directors of the Company adopted the following resolution:

"Resolved, that Douglas B. Sawyer and Cary M. Siegel were hereby elected a Senior Vice President and an Assistant Secretary, respectively, of Parsons Brinckerhoff, Inc., to hold office, subject to the by-laws, until their respective successors are duly elected and qualified."

I further certify that the resolution has not been revoked, that as Senior Vice President and Assistant Secretary of the Company, Douglas B. Sawyer and Cary M. Siegel, respectively, are each authorized to sign Agreement for Professional Consultant Services to Supplement Capital Projects Division Staffing Needs (Project No. 801 0001 70 77 3411 12729), by and between the City of Moreno Valley, California, a municipal corporation and the Company.


Hillary F. Jassey
Assistant Secretary

April 28, 2014
Date

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Liberty Insurance Corporation <i>A(xv)</i>	42404 <i>CA</i>
INSURED 1319027 PARSONS BRINCKERHOFF INC. ONE PENN PLAZA NEW YORK NY 10119	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES PARBR02 CERTIFICATE NUMBER: 12909731 REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CONTRACTUAL LIAB GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y	N	TB7-621-094060-023 ✓	10/1/2013	10/1/2014	EACH OCCURRENCE \$ 2,000,000 ✓ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 ✓ GENERAL AGGREGATE \$ 5,000,000 ✓ PRODUCTS - COM/OP AGG \$ 5,000,000 ✓ \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	N	AS7-621-094060-033 ✓	10/1/2013	10/1/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 ✓ BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WA7-62D-094060-013 (AOS) WC7-621-094060-043 (WI)	10/1/2013 10/1/2013	10/1/2014 10/1/2014	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 ✓ E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 ✓ E.L. DISEASE - POLICY LIMIT \$ 1,000,000 ✓

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
(PB #12788A) SUPPLEMENT CAPITAL PROJECTS DIVISION STAFF NEEDS. 801 0001 7077 3411. THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY COMMUNITY SERVICES DISTRICT, THE MORENO VALLEY HOUSING AUTHORITY AND EACH OF THEIR OFFICERS, OFFICIALS, EMPLOYEES, AGENTS AND VOLUNTEERS ARE ADDITIONAL INSURED AS RESPECTS TO GENERAL AND AUTO LIABILITY. THESE COVERAGES ARE PRIMARY AND NON-CONTRIBUTORY AS REQUIRED BY WRITTEN CONTRACT. WAIVER OF SUBROGATION APPLIES TO WORKERS COMPENSATION WHERE ALLOWED BY STATE LAW AND AS REQUIRED BY WRITTEN CONTRACT.

Approved

JMB 5-1-14

CERTIFICATE HOLDER 12909731 CITY OF MORENO VALLEY, CALIFORNIA 14177 FREDERICK STREET MORENO VALLEY CA 92552	CANCELLATION See Attachments By <i>JMB</i> Date
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Ronald J. Foster</i>

POLICY #TB7-621-094060-023 ✓

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED-OWNERS, LESSEES OR CONTRACTORS-SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

Any owner, lessee, or contractor for whom you have agreed in writing prior to a loss to provide liability insurance. Where the applicable written agreement requires the insured to provide liability insurance on a primary, excess, contingent, or any basis, this policy will apply solely on the basis required by such agreement and Item 4. Other Insurance of Section IV of this policy will not apply.

Locations(s) of Covered Operations:

(Information required to complete this schedule, if not shown above, will be shown in the Declarations.)

A. Section II-Who is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal & advertising injury" caused in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusion apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

- (1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

This endorsement was executed by the Liberty Insurance Company.

Policy No: TB7-621-094060-023

Effective Date: 10/1/2013

Expiration Date: 10/1/2014

Issued To: Parsons Brinckerhoff, Inc.

One Penn Plaza

New York, NY 10119

CG 20 10 07 04

ISO Properties, Inc., 2000

Page 1 of 1

Miscellaneous Attachment : M455218
Certificate ID : 12909731

Policy #: TB7-621-094060-023 ✓

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED -OWNERS, LESSEES OR CONTRACTORS -
COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

Any owner, lessee, or contractor for whom you have agreed in writing prior to a loss to provide liability insurance

Location And Description of Completed Operations:

Any location listed in such agreement where the applicable written agreement required the insured to provide liability insurance on a primary, excess, contingent or any basis, this policy will apply solely on the basis required by such written agreement and Item 4. Other Insurance of Section IV of this policy will not apply.

(Information required to complete this schedule, if not shown above, will be shown in the Declarations.)

Section II -Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

Policy No: TB7-621-094060-023
Effective Date: 10/1/2013
Expiration Date: 10/1/2014
Issued To: Parsons Brinckerhoff, Inc.
One Penn Plaza
New York, NY 10119

Policy No. AS7-621-094060-033 ✓
Issued by: LIBERTY INSURANCE CORPORATION
Endorsement Effective Date: 10/01/2013

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.
AMENDMENT - NOTICE OF CANCELLATION ENDORSEMENT & NON-RENEWAL**

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
MOTOR CARRIER COVERAGE FORM
TRUCKERS COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

We will not cancel or non-renew this policy or make a "material change" to the insurance afforded by this policy until written notice of cancellation, non-renewal or "material change" has been mailed or delivered to those listed in the schedule below at least;

- a) 10 days before the effective date of cancellation, if we cancel for non-payment of premium; or
- b) 30 days before the effective date of the cancellation, non-renewal or "material change" if we cancel, non-renew or make a "material change" to the insurance afforded by this policy for any other reason.

For the purpose of this endorsement, "material change" is defined as a reduction in Limits of Insurance.

Miscellaneous Attachment : M467199
Certificate ID : 12909731

Policy Number: TB7-621-094060-023 ✓
Issued By: Liberty Insurance Corporation

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

AMENDMENT - NOTICE OF CANCELLATION & NON-RENEWAL ENDORSEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
EXCESS COMMERCIAL GENERAL LIABILITY COVERAGE PART

We will not cancel or non-renew this policy or make a "material change" to the insurance afforded by this policy until written notice of cancellation, non-renewal or "material change" has been mailed or delivered to those listed in the schedule below at least:

1. 10 days before the effective date of cancellation, if we cancel for non-payment of premium; or
2. 30 days before the effective date of the cancellation, non-renewal or "material change" if we cancel, non-renew or make a "material change" to the insurance afforded by this policy for any other reason.

For the purpose of this endorsement, "material change" is defined as a reduction in Limits of Insurance.

Name: as per schedule on file with broker
Address: as per schedule on file with broker

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

AMENDMENT - NOTICE OF CANCELLATION AND NON-RENEWAL ENDORSEMENT

This endorsement modifies insurance provided under the following:

WORKERS COMPENSATION

We will not cancel or non-renew this policy or make a "material change" to the insurance afforded by this policy until written notice of cancellation, non-renewal or "material change" has been mailed or delivered to those listed in the schedule below at least:

1. 10 days before the effective date of cancellation, if we cancel for non-payment of premium; or
2. 30 days before the effective date of the cancellation, non-renewal or "material change" if we cancel, non-renew or make a "material change" to the insurance afforded by this policy for any other reason.

For the purpose of this endorsement, "material change" is defined as a reduction in Limits of Insurance.

Name

As per schedule on file with broker.

Address

As per schedule on file with broker

This endorsement is executed by the Liberty Insurance Corporation.

Effective: 10/01/2013

Expiration: 10/1/2014

For Attachment to Policy No: WA7-62D-094060-013 ✓

WC7-621-094060-043 ✓

Issued to: PARSONS BRINCKERHOFF, INC.
ONE PENN PLAZA
NEW YORK, NY 10119

Miscellaneous Attachment : M467762
Certificate ID : 12909731

Policy Number: AS7621094060033 ✓
Issued by: Liberty Insurance Corporation

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

DESIGNATED INSURED - NONCONTRIBUTING

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
GARAGE COVERAGE FORM
MOTOR CARRIERS COVERGE FORM
TRUCKERS COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

This endorsement identifies person(s) or organization(s) who are "insureds" under the Who Is An Insured Provision of the Coverage Form. This endorsement does not alter coverage provided in the Coverage form.

Schedule

Name of Person(s) or Organizations(s):

Any owner, lessee, or contractor for whom you have agreed in writing prior to a loss to provide liability insurance.

Regarding Designated Contract or Project:

Any contract or project, as required by written agreement.

Each person or organization shown in the Schedule of this endorsement is an "insured" for Liability Coverage, but only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured Provision contained in Section II of the Coverage Form.

The following is added to the **Other Insurance Condition:**

If you have agreed in a written agreement that this policy will be primary and without right of contribution from any insurance in force for an Additional Insured for liability arising out of your operations, and the agreement was executed prior to the "bodily injury" or "property damage", then this insurance will be primary and we will not seek contribution from such insurance.

WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

This endorsement has not been approved and does not apply in the state of Pennsylvania.

Schedule

Where required by contract or written agreement prior to a loss

This endorsement is executed by the company below designated by an entry in the box opposite its name.

Effective Date 10/1/2013 Expiration Date 10/1/2014
For attachment to Policy No. WC7-621-094060-043 (OR & WI) ✓
WA7-62D-094060-013 (AOS) ✓

- LIBERTY MUTUAL INSURANCE COMPANY
- LIBERTY MUTUAL FIRE INSURANCE COMPANY
- LIBERTY INSURANCE CORPORATION
- LM INSURANCE CORPORATION
- THE FIRST LIBERTY INSURANCE CORPORATION

Issued To Parsons Brinckerhoff Inc.
One Penn Plaza
New York, NY 10119

WC 00 03 13 Copyright 1983 National Council on Compensation Insurance

Miscellaneous Attachment : M455266
Certificate ID : 12909731

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
INSURER A: Zurich American Insurance Company		NAIC # 16335
INSURER B:	<i>A+C(X)CA</i>	
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		


COVERAGES PARBR02 CERTIFICATE NUMBER: 12909741 REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX DAMAGE TO RENTED PREMISES (Ea occurrence) \$ XXXXXXXX MED EXP (Any one person) \$ XXXXXXXX PERSONAL & ADV INJURY \$ XXXXXXXX GENERAL AGGREGATE \$ XXXXXXXX PRODUCTS - COM/POP AGG \$ XXXXXXXX
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	NOT APPLICABLE			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX
A	PROFESSIONAL LIABILITY	N	N	EOC587103611 ✓	11/1/2013	11/1/2014	\$1,000,000 PER CLAIM \$2,000,000 AGGREGATE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 (PB #12788A) SUPPLEMENT CAPITAL PROJECTS DIVISION STAFF NEEDS 801 0001 7077 3411.

Approved
DMB 5-1-14
 By Date

CERTIFICATE HOLDER 12909741 CITY OF MORENO VALLEY, CALIFORNIA 14177 FREDERICK STREET MORENO VALLEY CA 92552	CANCELLATION See Attachment SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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**Professional Liability
Notification to Others of Cancellation
Electronic Schedule**

Named Insured and Mailing Address:
Parsons Brinckerhoff, Inc.

Producer:
Lockton Companies, LLC.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

Architects and Engineers Professional Liability Insurance Policy

In consideration of the premium already charged, we agree with you, subject to all terms, exclusions, and conditions of the policy that:

A. If we cancel this policy by written notice to the first Named Insured for any reason other than nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation:

1. To the name and address corresponding to each person or organization shown in the Schedule provided to us by the first "Named Insured". Such schedule:

- a.** Must be initially provided to us within 15 days:
 - (1) After the beginning of the policy period shown in the Declarations; or
 - (2) After this endorsement has been added to the policy;
- b.** Must contain the names and addresses of only the persons or organizations requiring notification that this Policy has been cancelled:
- c.** Must be in an electronic format that is acceptable to us; and
- d.** Must be accurate.

Such Schedule must be updated and provided to us, by the first "Named Insured", during the policy period. Such updated Schedule must comply with paragraphs b., c., and d. above.

2. At least thirty (30) days prior to the effective date of the cancellation, as advised in our notice to the first Named Insured, or the longer number of days notice if indicated in the Schedule provided to us.

B. Our notification, as described in Paragraph A. of this endorsement, will be based on the most recent Schedule provided to us by the first "Named Insured" as of the date the notice of cancellation is mailed.

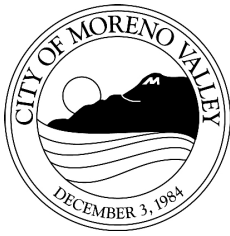
C. Proof of mailing will be sufficient proof that we have complied with Paragraph A. of this endorsement.

D. We are not responsible for the accuracy, integrity, timeliness and validity of information contained in the Schedule provide to us as described in Paragraphs A. of this endorsement.

ALL OTHER TERMS AND CONDITIONS OF THIS POLICY REMAIN UNCHANGED.

Policy No: EOC5871036-11 ✓
Eff Date: 11/1/2013
Exp Date: 11/1/2014

Miscellaneous Attachment : M471607
Certificate ID : 12909741



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris Paxton, Administrative Services Director

AGENDA DATE: August 26, 2014

TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DELEGATING AUTHORITY OF THE ADMINISTRATIVE SERVICES DIRECTOR TO ACT ON BEHALF OF THE CITY OF MORENO VALLEY IN MATTERS RELATING TO EXCESS INSURANCE AUTHORITY (EIA)

RECOMMENDED ACTION

Recommendation:

1. Adopt Resolution No.70. A Resolution of the City Council of the City of Moreno Valley, California, Delegating Authority of the Administrative Services Director to Act on behalf of the City of Moreno Valley in matters relating to Excess Insurance Authority (EIA).

SUMMARY

This report recommends adoption of a proposed resolution authorizing the Administrative Services Director to act on behalf of the City in matters relating to the City's worker's compensation excess insurance carrier.

DISCUSSION

For many years the City has funded the first \$300,000 of each individual worker's compensation claim costs. For claims that exceed \$300,000 the City purchases excess insurance through the California State Association of Counties – Excess Insurance Authority (CSAC-EIA). As a member of CSAC-EIA, the City is required to designate a

staff member to be the day-to-day point of contact with the Authority. Typically this has been the Human Resources Director or the Administrative Services Director.

ALTERNATIVES

1. Adopt a proposed Resolution of the City Council of the City of Moreno Valley, California, Delegating Authority of the Administrative Services Director to Act on behalf of the City of Moreno Valley in matters relating to Excess Insurance Authority (EIA). *Staff recommends this alternative.*
2. Do not adopt a proposed Resolution of the City Council of the City of Moreno Valley, California, Delegating Authority of the Administrative Services Director to Act on behalf of the City of Moreno Valley in matters relating to Excess Insurance Authority (EIA). *Staff does not recommend this option.*

FISCAL IMPACT

There are no fiscal impacts associated with this action.

ATTACHMENTS

Attachment 1 - Proposed Resolution

Prepared By:
Chris Paxton
Administrative Services Director

Concurred By:
Thomas M. DeSantis
Assistant City Manager

RESOLUTION NO. 2014-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DELEGATING AUTHORITY OF THE ADMINISTRATIVE SERVICES DIRECTOR TO ACT ON BEHALF OF THE CITY OF MORENO VALLEY IN MATTERS RELATING TO EXCESS INSURANCE AUTHORITY (EIA)

WHEREAS, THE CSAC Excess Insurance Authority (Authority) has determined that it is necessary for each member of the Authority to delegate to a person(s) or position(s) authority to act on the member's behalf on matters relating to the member and the Authority; and

WHEREAS, except as to those actions that must be approved by the City Council of the City of Moreno Valley, such delegation of authority is necessary in order to carry out the purposes and functions of the Authority with its members; and

WHEREAS, in order to ensure a person(s) or position(s) is delegated with the authority to act on the member's behalf in matters relating to the member and the Authority, action by the member's governing body is necessary; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Except as to actions that must be approved by the City Council of the City of Moreno Valley, the Administrative Services Director is hereby appointed to act in all matters relating to the member and the Authority.

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

1
Resolution No. 2014-70
Date Adopted: August 26, 2014

APPROVED AS TO FORM:

City Attorney

2
Resolution No. 2014-70
Date Adopted: August 26, 2014

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. 2014-70 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. 2014-70
Date Adopted: August 26, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Abdul R. Ahmad, Fire Chief

AGENDA DATE: August 26, 2014

TITLE: APPROPRIATION OF EQUIPMENT REPLACEMENT RESERVE FUNDS FOR THE PURCHASE OF TWO PARAMEDIC SQUADS

RECOMMENDED ACTION

Recommendations:

1. Authorize a transfer of \$370,000 from Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (1010) for the replacement of Asset #40036 a 1991 Ford Super Duty Squad and Asset #40039 a 1993 Ford Super Duty Squad and their associated equipment.
2. Authorize an appropriation of \$370,000 for the purchase of two paramedic squads and their associated equipment upon approval of the above transfer.
3. Waive the formal bidding process in accordance with Moreno Valley Municipal Code 3.12.260 for the purchase of two (2) Dodge 5500 Crew Cab SLT 4x2 utilizing cooperative purchasing, or "piggybacking", on Riverside County Fire Department's bid awarded to Maintainer Custom Bodies Inc.
4. Authorize the City Manager, or her designee, to execute a purchase order in the amount of \$290,000 to Maintainer Custom Bodies Inc. for two (2) Dodge 5500 Crew Cab SLT 4x2.
5. Authorize the Fire Chief to execute any subsequent related minor change orders to the purchase order, not to exceed \$29,000 during the construction of the vehicle.
6. Reserve remaining equipment funds of \$316,686 within Fund 7510 specifically for future Fire Department vehicle or equipment replacement for eighteen months.

SUMMARY

This report recommends replacing Moreno Beach Squad 58, which is a 1991 Ford Super Duty Squad, and College Park Squad 91, which is a 1993 Ford Super Duty Squad, utilizing equipment replacement reserve funds. Squad 58 is 23 years old and Squad 91 is 21 years. The useful, front line emergency response life of a paramedic squad is considered to be ten years with an additional five to ten years as reserve vehicles. Both of these units require replacement to ensure reliability for emergency responses.

DISCUSSION

The Moreno Valley Fire Department has identified the replacement of Squad 58, a 1991 Ford Super Duty Squad with City Asset #40036, and the replacement of Squad 91, a 1993 Ford Super Duty Squad with City Asset #40039, as high priority projects to ensure reliability for emergency responses. These paramedic squads are utilized daily for a variety of assignments including:

- Responding to emergency calls for service
- Paramedic staffing for special events
- Training
- Operating as additional emergency response apparatus during staffing patterns for wildfires, floods, or other predictable events that will impact the community and cause an influx of 9-1-1 calls
- Operating as an alternative vehicle for emergency response when:
 - ◆ A fire engine goes out of service and a reserve fire apparatus is not immediately available; and
 - ◆ When the Fire Department has to down staff a three person fire engine to a two person advance life support paramedic unit when a third person is temporarily unavailable to staff a fire engine.

In the Moreno Valley Fire Department's Strategic Plan 2012-2022, the Fire Chief identified that supplemental fire emergency response units will need to be added to existing fire stations in order to provide adequate firefighter personnel and equipment for emergency responses as calls for service increase. Specifically, the Strategic Plan called for the addition of paramedic squads in lieu of adding a fire engine at the City's busier stations.

While the Fire Department is not currently proposing to staff these two paramedic squads with full time, paramedic firefighter personnel, it is important to note that over the last five years, the Fire Department has seen a 19% increase in calls for service, while the levels of emergency response equipment has decreased from nine fire apparatus to eight fire apparatus. As over 80% of the Fire Department's emergency calls for service are for medical emergencies, the addition of a fully staffed paramedic squad might be considered in the near future to address the needs of the community. Presently, the squads are staffed with current Moreno Valley Fire Department personnel

or with additional fire personnel from CAL FIRE/Riverside County Fire depending on the emergency incident.

Paramedic squads will allow the Moreno Valley Fire Department the ability to have a tiered level of response for both medical and fire emergencies. The paramedic squads will also provide additional coverage at the busier fire stations for medical responses requiring advance life support and will provide more staffing for fire ground operations.

The Fire Chief has identified an area of need within the central portion of Moreno Valley for a paramedic squad. In 2013, the city had a total of 18,580 responses by all fire apparatus in Moreno Valley with Sunnymead Fire Station 2, Towngate Fire Station 6, and Kennedy Park Fire Engine 65 responding to 60% of those emergency incidents. Fire Station 6 is currently the busiest fire station in Moreno Valley averaging over 11 calls a day and it is the 5th busiest fire station in CAL FIRE/Riverside County Fire which has 92 fire stations.

One of the two new squads would be assigned to assist Fire Stations 2, 6, and 65 with their high call volumes while the second squad would be situated to assist the second busiest area of the city. This second area includes the primary response boundaries for Morrison Park Fire Station 99, College Park Fire Station 91, and Kennedy Park Fire Station 65.

The ability to provide reliable paramedics squads for responding to emergency incidents in a timely manner is critical to affecting a positive outcome for a patient in need of advance life support care and for fire ground safety.

Replacing these two squads is vitally important to fulfilling the mission of our Fire Department. Our mission is to provide quality emergency services to protect and preserve the life and property of our citizens when exposed to fires, medical emergencies, natural or man-made disasters, hazardous materials incidents, and rescue emergencies in a safe, efficient and cost effective manner.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. ***Staff recommends this alternative as it will ensure all emergency response vehicles in Moreno Valley are reliable and it will aid in providing for the safety of the community and firefighters.***
2. Do not approve the recommended actions presented in this staff report. ***Staff does not recommend this alternative due to the potential safety issues that could arise with the current equipment.***

FISCAL IMPACT

Riverside County Fire Department recently completed a request for proposal process for paramedic rescue squads. A contract was awarded through the competitive bid process to Maintainer Custom Bodies Inc. for paramedic squads at a cost of \$145,000

per squad (Attachment 1). The Fire Department is proposing to purchase two paramedic squads through cooperative purchasing, or “piggybacking” per Municipal Code 3.12.260 which states:

Where advantageous for the city and to the extent consistent with state law, the city manager may authorize the financial and administrative services director or the purchasing manager to purchase supplies, materials, equipment or contractual services through legal, competitively awarded contracts with or of other governmental jurisdictions or public agencies, including California Multiple Award Schedules (CMAS) commonly referred to as “piggybacking,” without further contracting, solicitation or formal bidding as described in this chapter. (Ord. 844 § 2, 2012).

The cost to purchase two (2) Dodge 5500 Crew Cab SLT 4 x 2 from Maintainer Custom Bodies, Inc. will total \$290,000. An additional \$40,000 per squad will need to be spent on advance life support equipment in order to place both squads into service. The total cost for two (2) squads and the associated equipment is \$370,000.

Asset #40036, a 1991 Ford Super Duty Squad, has been completely depreciated by the City and has accumulated \$35,403 in equipment replacement money. Asset #400039, a 1993 Ford Super Duty Squad, is also fully depreciated and has accumulated \$40,221 in equipment replacement money.

The City recently sold a 2004 Smeal 75' Aerial Ladder Truck to the County of Riverside for \$230,000. The City had set aside \$611,062 in Equipment Reserve funding to replace this aerial ladder truck and its associate equipment; however, this funding is no longer required as the vehicle has been sold. The Fire Department is proposing to utilize \$294,376 of this equipment replacement funding to assist in purchasing two (2) replacement paramedic squads and the advance life support equipment. The Fire Department is also recommending that the remaining \$316,686 be set aside for the next eighteen months for potential replacement of other vehicles, such as a 1991 ambulance type vehicle, and the potential purchase of new vehicles. Any use of the set aside funds will be brought back to City Council for approval.

The table below summarizes this information:

Description	Accumulated Depreciation
Equipment Replacement for Asset #40036 – 1991 Ford Super Duty Squad	\$35,403
Equipment Replacement for Asset #40039 – 1993 Ford Super Duty Squad	\$40,221
Equipment Replacement for Asset #300075 – 2004 Smeal 75' Aerial Ladder Truck (Equipment)	\$204,479
Equipment Replacement for Asset #300018 – 2004 Smeal 75' Aerial Ladder Truck (Thermal Imaging Camera)	\$27,887
Equipment Replacement for Asset #400042 – 2004 Smeal 75' Aerial	\$378,696

Description	Accumulated Depreciation
Ladder Truck	
Subtotal	\$686,686
Purchase two (2) Dodge 5500 Crew Cab SLT 4 x 2 with Equipment Replacement Reserve Funds	(\$290,000)
Purchase equipment for two (2) paramedic squads with Equipment Replacement Reserve Funds	(\$80,000)
Subtotal	(\$370,000)
Equipment Replacement Reserve Funds to be set aside for Fire Department	\$316,686

If approved, the following transactions will occur in the City's financial system:

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
Non Departmental General Fund	General Fund	1010-99-99-91010-807510	Rev	\$57,676	\$370,000	\$427,676
Equipment Replacement Reserve	General Fund	7510-99-97-88190-901010	Exp	\$57,676	\$370,000	\$427,676
General Fund – Fire	General Fund	1010-40-45-30110-660399	Exp	\$17,399	\$80,000	\$97,399
General Fund – Fire	General Fund	1010-40-45-30110-660322	Exp	\$0	\$290,000	\$290,000

Should the construction of the two (2) paramedic squads require minor change orders to meet Riverside County Fire specifications or Moreno Valley Fire Department specifications, the Fire Chief is requesting the authority to issue up to \$29,000 in change orders prior to bringing any action back to City Council. The Fire Department will absorb any costs for the change order by utilizing projected savings within the Fire Department's approved operating budget

CITY COUNCIL GOALS

Public Safety - Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Positive Environment - Create a positive environment for the development of Moreno Valley's future

NOTIFICATION

N/A

ATTACHMENTS

Attachment 1: Riverside County Fire Bid Analysis

Prepared By:
Cynthia Owens
Management Analyst

Department Head Approval:
Abdul R. Ahmad
Fire Chief

RFQ #FPARC-210 - Squad Truck
 Bid Close: June 5, 2014 @ 1:30pm

Item Code	Item Name	Qty	Unit	Maintainer Custom Bodies, Inc.	Frazer, Ltd.	Emergency Vehicle Group
				Unit Price	Unit Price	Unit Price
7057	Dodge 5500 Four (4) Door Crew Cab SLT, 4X2	1	Each	\$ 134,952.00	\$ 163,325.00	\$ 163,500.00
7057	Discount	1	Each	\$ -	\$ -	\$ -
7057	8% CA Sales Tax	1	Each	\$ 10,113.00	\$ 13,066.00	\$ 13,080.00
7057	Total	1	Each	\$ 145,065.00	\$ 176,391.00	\$ 176,580.00

*Exercise of option years are subject to adjustment using the Produce Price Index (PPI)
 ** The base price will be \$1,000.00 less after third vehicle is purchased.

-247-

Item No. A.9

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Abdul R. Ahmad, Fire Chief

AGENDA DATE: August 26, 2014

TITLE: APPROPRIATION OF EQUIPMENT REPLACEMENT RESERVE FUNDS FOR THE PURCHASE OF A THERMAL IMAGING CAMERA

RECOMMENDED ACTION

Recommendations:

1. Approve the transfer of \$8,700 from Equipment Replacement Reserve Fund (Fund 7510) to the General Fund (Fund 1010)
2. Authorize an appropriation of \$8,700 for the purchase of a thermal imaging camera upon approval of the above transfer.

SUMMARY

This report recommends the purchase of a replacement thermal imaging camera for Sunnymead Engine 2 utilizing equipment replacement funds.

DISCUSSION

The City's Fire Engines and its Fire Truck are each equipped with a thermal imaging camera. Thermal imaging cameras are specialized cameras that allow firefighters to view heat sources through dense smoke at structure fires in order to locate trapped or injured victims. These cameras essentially enhance bodies or objects by differentiating the temperatures between different objects. The cameras also allow firefighters to quickly locate fires within a building and inside enclosed spaces or walls that tend to hide the fire until it burns through these areas causing more fire damage.

The use of thermal imaging cameras during the initial size-up of a fire and during the search phases of a fire is recommended by the National Institute for Occupational Safety and Health (NIOSH) in order to prevent injuries and fatalities to firefighters. The use of these cameras can assist in locating the source (seat) of the fire from the exterior of the structure. By knowing the location of the fire, a safe approach to searching the building for trapped occupants as well as a plan of action for extinguishing the fire can be determined as it is possible to identify areas that may not be structural sound.

Additionally, thermal imaging cameras are utilized to locate traffic accident victims when there is insufficient lighting to see the vehicle involved in the accident. Thermal imaging cameras can also be used to search for trapped victims in buildings that have collapsed after an earthquake.

The thermal imaging camera in use on Sunnymead Fire Engine 2 is a vital piece of firefighting equipment that was purchased over seven years ago. Due to the cost of repairs, the Fire Department is recommending that the camera be replaced utilizing equipment replacement funds. The camera was fully depreciated over its projected life of five years at the end of Fiscal Year 2011/2012.

ALTERNATIVES

1. Approve and authorize the recommended actions presented in this staff report. *Staff recommends this alternative as it will ensure all fire equipment in Moreno Valley have reliable Thermal Imaging Cameras and it will aid in the prevention of potential injuries and fatalities for firefighters.*
2. Do not approve the recommended actions presented in this staff report. *Staff does not recommend this alternative due to the potential safety issues that could arise with the current equipment.*

FISCAL IMPACT

The thermal imaging camera on Sunnymead Fire Engine 2 with Logos asset number of 300031 was initially purchased for \$8,700 in Fiscal Year 2006/2007. This camera fully depreciated June 30, 2012. The total cost of a new thermal imaging camera is \$9,991. The Fire Department is proposing a transfer of \$8,700 from the Equipment Replacement Fund to the General Fund to provide the funding for the additional appropriation to account 1010-40-45-30110-660399. The remainder of the balance for this purchase (\$1,291) will be absorbed by projected savings within the Fire Department's approved operating budget.

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
Non Departmental General Fund	General Fund	1010-99-99-91010-807510	Rev	\$48,976	\$8,700	\$57,676
Equipment	General	7510-99-97-88190-901010	Exp	\$48,976	\$8,700	\$57,676

Replacement Reserve	Fund					
General Fund – Fire	General Fund	1010-40-45-30110-660399	Exp	\$8,699	\$8,700	\$17,399

CITY COUNCIL GOALS

Public Safety - Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

N/A

ATTACHMENTS

None

Prepared By:
Cynthia Owens
Management Analyst

Department Head Approval:
Abdul R. Ahmad
Fire Chief

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council and Mayor and City Council acting in the capacity of Chairperson and Commissioners of the Moreno Valley Housing Authority

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: PA13-0045 (TR 36598) – APPROVE FINAL MAP AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS. DEVELOPER – HABITAT FOR HUMANITY RIVERSIDE, INC., A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, RIVERSIDE, CA, 92507

RECOMMENDED ACTION

Recommendations:

1. Approve Final Map for PA13-0045, authorize the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation.
2. Authorize the Executive Director of the Moreno Valley Housing Authority to sign the map.
3. Accept the Agreement and Security for Public Improvements for Habitat for Humanity Riverside, Inc., a California non-profit corporation.
4. Authorize the Mayor to execute the Agreement.
5. Direct the City Clerk to forward the signed Agreement to the County Recorder’s Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public

improvements are not completed within said timeframe.

SUMMARY

This report recommends approval of the agreement by the City of Moreno Valley and Habitat for Humanity Riverside, Inc., a California non-profit corporation, to construct the required public improvements that are located on the south side of Myers Avenue between Heacock Street and Indian Street. The project is funded by Habitat for Humanity Riverside, Inc.

DISCUSSION

On December 12, 2013, the Planning Commission of the City of Moreno Valley approved Tentative Tract Map No. 36598 (PA13-0045) and Variance (P13-125). The developer proposes to subdivide 1.36-gross acres and construct eight residential single-family lots. The project site is located on the south side of Myers Avenue between Heacock Street and Indian Street.

Habitat for Humanity Riverside, Inc., the developer of this project, has completed an Agreement for Public Improvements. The developer agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the agreement is executed. The public improvements include, but are not limited to: asphalt, base, curb, gutter, sidewalk, driveway approaches, street lights, striping, signage, water and sewer, and storm drain facilities. The City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

Tract Map No. 36598 is in substantial conformance with the approved tentative map. The developer has requested that the map be approved for recordation. The Conditions of Approval for this project require that the developer provide surety for the required improvements. Public improvements are to be constructed along the south side of Myers Avenue between Heacock Street and Indian Street.

Accompanying the agreement is a Faithful Performance bond in the amount of \$630,000 and a Material and Labor bond in the amount of \$315,000 issued by SureTec Insurance Company.

The subject property was originally a City of Moreno Valley Redevelopment Agency (RDA) property and was transferred to the Housing Authority as a result of the dissolution of the RDA. The property has been conveyed to Habitat for Humanity for the development of affordable housing. A Deed of Trust was recorded against the property and the Housing Authority remains as a beneficiary of the Deed of Trust. As the holder of beneficial interests, the Housing Authority is required sign the final map pursuant to Government Code 66436.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Agreement for Public Improvements

Attachment 3 – Faithful Performance Bond

Attachment 4 – Material and Labor Bond

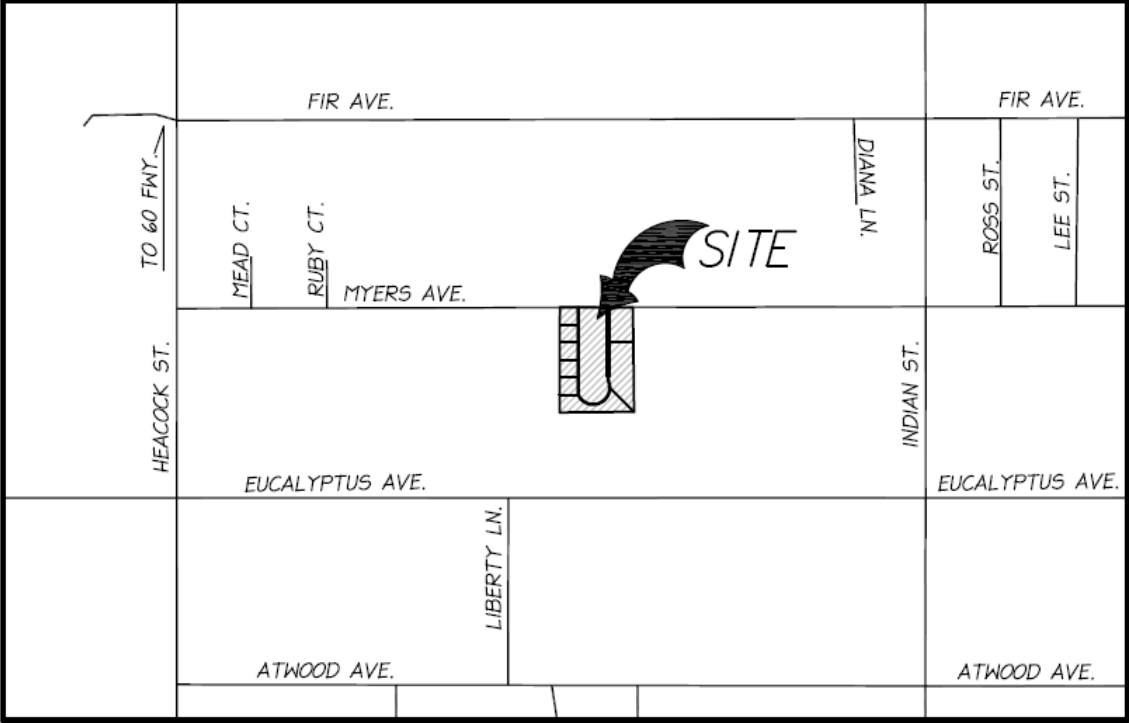
Prepared By:
Zara Terrell
Management Analyst

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Vicente Giron
Associate Engineer

Concurred By:
Mark W. Sambito, P.E.
Engineering Division Manager

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VICINITY MAP

THOMAS GUIDE - PAGE 717, E-3 (2008 EDITION)
SECTION 6, TOWNSHIP 3 SOUTH RANGE 3 WEST
NOT TO SCALE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PA13-0045 (TR 36598)

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**AGREEMENT FOR PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA13-0045 (TR 36598)**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and Habitat for Humanity Riverside, Inc., herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as PA13-0045 (TR 36598) agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within TWENTY-FOUR (24) months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Faithful Performance security shall be in the sum of SIX HUNDRED THIRTY THOUSAND AND NO/100 Dollars (***\$630,000.00***). The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto.

Labor and Material security shall be in the sum of THREE HUNDRED FIFTEEN THOUSAND AND NO/100 Dollars (***\$315,000.00***). The estimated cost securing payment of labor and materials is fifty (50) percent of the total cost estimate of the improvements.

Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Upon entering the warranty period, the City shall retain ten percent of the original faithful performance security. Developer reserves the right to substitute the form of security, in accordance with the Moreno Valley Municipal Code, at any time during the term of this agreement, subject to approval of the City Engineer and City Attorney.

SECOND: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which

the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to substitute the form of security in accordance with the City's Municipal Code at anytime during the term of this agreement, subject to approval by the City Engineer and City Attorney.

THIRD: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

FOURTH: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FIFTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

SIXTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SEVENTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Developer further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

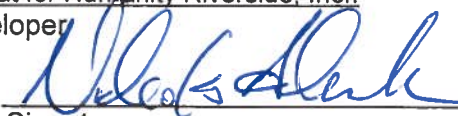
City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

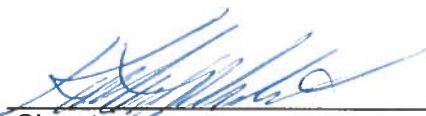
Developer:
Habitat for Humanity Riverside, Inc.
2180 Iowa Avenue
Riverside, CA 92507

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

Habitat for Humanity Riverside, Inc.:
Developer

BY: 
Signature
Nicholas Adcock
Print/Type Name
Treasurer
Title

BY: 
Signature
KATHY MICHAEL
Print/Type Name
EXEC DIRECTOR
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Nicholas Adcock
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nicholas Adcock

- Individual
- Corporate Officer — Title(s): Treasurer (HFHR Board of Directors)
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Kathy Michalak
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kathy Michalak

- Individual
- Corporate Officer — Title(s): Executive Director
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 1 of 8

7/16/14
VBG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC PAVEMENT SECTIONS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF				
Roadway Excavation		640 C.Y.	29.00	18,560
A.B. Class II - Street 1	0.83	Thickness (ft.)		
	11508	S.F.	33.00	22,836
A.C. - Street 1	0.33	Thickness (ft.)		
	11508	S.F.	275 Ton	22,000
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 2	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 3	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 4	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
			80.00	0
Street Work - DIF				
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 1	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 2	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 3	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 4	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
			80.00	0
Street Work - TUMF				
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 1	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 2	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 3	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
Roadway Excavation		0 C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
A.C. - Street 4	0	Thickness (ft.)		
	0	S.F.	0 Ton	0
			80.00	0
			SUBTOTAL:	63,396

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 2 of 8

7/16/14
VBC

PROJECT: PA13-0045 / P13-125 PUBLIC STREET WORK
DATE: 07/13/14
PREPARED BY: Vince Giron

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	172	S.F.	3.25	559
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on \$150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	487	L.F.	3.00	1,461
Sawcut (12" Waterline in Myers)	2400	L.F.	3.00	7,200
Utility Trench	270	L.F.	17.00	4,590
Trench Repaving	730	S.F.	12.00	8,760
Trench Repaving (12" Waterline in Myers)	3600	S.F.	12.00	43,200
Redwood Header	0	L.F.	6.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	400.00	0
Remove & Dispose Existing Pavement & Base	113	SF	3.00	339
Remove Existing Curb & Gutter	90	L.F.	12.00	1,080
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	660	L.F.	25.00	16,500
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	813	S.F.	10.25	8,333
Sidewalk	3176	S.F.	4.25	13,498
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	784	S.F.	6.50	5,096
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Reinforced P.C.C. Retaining Walls	0	C.Y.	780.00	0
				0
			SUBTOTAL	110,616
Traffic Improvements (Plan Checked by Trans. Eng. Staff/Inspected by LDD Staff)				
Traffic Striping/raised pavement markers	0	L.S.	-	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	-	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	1	EA.	200.00	200
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	2	EA.	200.00	400
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	10,000.00	0
Traffic Control (DIF Street Name)	0	L.S.	10,000.00	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	1,100

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 3 of 8

7/16/14
UBG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Bondable Street Work Only (Not Plan Checked but Inspected)				
Undergrounding of Utilities	230	L.F.	203.00	46,690
Cluster Mail Boxes	1	EA.	4,500.00	4,500
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	2	EA.	300.00	600
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	51,790
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
100W HPSV or Equivalent (9,500 Lumens)	3	EA.	5,000.00	15,000
200W HPSV or Equivalent (22,000 Lumens)	0	EA.	6,000.00	0
250W HPSV or Equivalent	0	EA.	6,000.00	0
100W LED or Equivalent	0	EA.	5,000.00	0
145W LED or Equivalent	0	EA.	5,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	15,000
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	50.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0.00	0
Access Ramp PCC	0	S.F.	0.00	0
Low-Flow Pipe System	0	L.F.	0.00	0
Headwalls	0	EA.	0.00	0
Outlets	0	EA.	0.00	0
Risers	0	EA.	0.00	0
Forebay PCC	0	S.F.	0.00	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering (Plan Checked and Inspected by Transp. Eng. Staff)				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	50,000.00	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 4 of 8

7/16/14
VBC

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	310	L.F.	140.00	43,400
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	481.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6000.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (10') (DIF Street Name)	0	EA.	6000.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	1	EA.	2500.00	2,500
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 5 of 8

7/16/14
VBG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	1	EA.	6500.00	6,500
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	1	EA.	3500.00	3,500
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0.00	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000	0
			SUBTOTAL:	55,900

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 6 of 8

7/16/14
VBC

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	396	L.F.	35.00	13,860
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900 (Myers Ave)	1200	L.F.	60.00	72,000
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0.00	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve (Myers Ave)	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	2	EA.	1,800.00	3,600
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	2	EA.	4,000.00	8,000
6" Standard Fire Hydrants (Myers Ave)	2	EA.	4,000.00	8,000
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	8	EA.	800.00	6,400
1" Service w/ 5/8" Service	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12" (Myers Ave)	4		750.00	3,000
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	8		320.00	2,560
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	1	EA.	1,750.00	1,750
8" Hot Tap	1	EA.	2,200.00	2,200
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	0
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	235.00	0
	0		0.00	0
			SUBTOTAL:	127,310

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 7 of 8

7/16/14
VSG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	425	L.F.	55.00	23,375
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	0	L.F.	70.00	0
15" V.C. Pipe	0	L.F.	80.00	0
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	4	EA.	730.00	2,920
Clean Out Lateral	8	EA.	200.00	1,600
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	4	EA.	3,140.00	12,560
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
Pavement around MH	0	S.F.	14.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	8	EA.	90.00	720
TV Sewer	425	L.F.	1.20	510
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	41,685

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 8 of 8

7/16/14
VBG

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	\$63,396
OFFSITE STREET WORK	:	\$110,616
SPECIAL DISTRICTS	:	\$15,000
MORENO VALLEY UTILITIES	:	\$0
WATER QUALITY BASIN	:	\$0
TRANSPORTATION ENGINEERING	:	\$0
STORM DRAIN SYSTEM	:	\$55,900
WATER SYSTEM	:	\$127,310
SEWER SYSTEM	:	\$41,685
TRAFFIC IMPROVEMENTS	:	\$1,100
MONUMENTS/OTHER	:	\$51,790
TOTAL COST (VALUE) OF IMPROVEMENTS:		\$466,797
+20% CONTINGENCY:		\$93,359
+50% CONTINGENCY FOR 12" WATERLINE ON MYERS AVE ONLY:		\$69,000
<u>GRAND TOTAL:</u>		\$629,157

FAITHFUL PERFORMANCE SECURITY AMOUNT: \$630,000

LABOR & MATERIAL SECURITY AMOUNT: \$315,000

*The cost for securing payment of Labor and Materials is fifty (50) percent of the total cost estimate of the improvements.

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ISSUED IN FOUR ORIGINAL COUNTERPARTS
COUNTERPART NO. 1 OF 4

FAITHFUL PERFORMANCE BOND

ORIGINAL

**City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)**

Public Improvements	<u>\$630,000</u>	Project No.	<u>PA13-0045 (TR 36598)</u>
Bond No.	<u>4394746</u>	Premium	<u>\$12,450.00</u>
Surety	<u>SureTec Insurance Company</u>	Principal	<u>Habitat for Humanity Riverside, Inc.</u>
Address	<u>3033 Fifth Avenue, Suite 300,</u>	Address	<u>2180 Iowa Avenue</u>
City/Zip	<u>San Diego, CA 92103</u>	City/Zip	<u>Riverside, CA 92507</u>

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HABITAT FOR HUMANITY RIVERSIDE, INC.,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA13-0045 (TR 36598)**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SureTec Insurance Company, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **SIX HUNDRED THIRTY THOUSAND AND NO/100** Dollars (*****\$630,000.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.


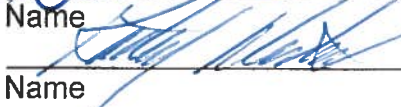
FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA13-0045 (TR 36598)

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

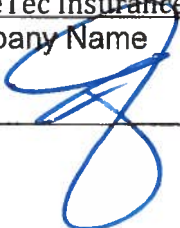
When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on August 13, 2014.

NAME OF PRINCIPAL: Habitat for Humanity Riverside, Inc.
Company Name

AUTHORIZED SIGNATURE(S): By  Nicholas Adcock, Treasurer (HFHR Board of Directors)
Name Title
By  Kathy Michalak, Executive Director
Name Title

NAME OF SURETY: SureTec Insurance Company
Company Name

AUTHORIZED SIGNATURE: 
Julia B. Gladding, ITS ATTORNEY-IN-FACT

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY**

Approved as to form:
Date: _____

City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ANALYST\Agreement Bond Packets\PA13-0045 (TR 36598) - Faithful Performance Bond.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Nicholas Adcock
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nicholas Adcock

- Individual
- Corporate Officer — Title(s): Treasurer (HFHR Board of Directors)
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Kathy Michalak
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kathy Michalak

- Individual
- Corporate Officer — Title(s): Executive Director
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

COUNTERPART NO. 1 OF 1

POA #: 510018

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Kenneth A. Coate, Julia B. Gladding

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2015 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

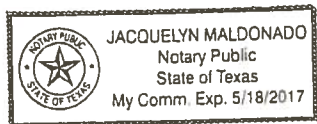
SURETEC INSURANCE COMPANY

By: [Signature]
John Knox Jr., President

State of Texas ss:
County of Harris



On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



[Signature]
Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

AUG 13 2014

Given under my hand and the seal of said Company at Houston, Texas this _____ day of _____, A.D.

[Signature]
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812 0500 any business day between 8:00 am and 5:00 pm CST.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On AUG 13 2014 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Julia B. Gladding
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public Jessica Lauzon



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

ISSUED IN FOUR ORIGINAL COUNTERPARTS
COUNTERPART NO. 1 OF 4

MATERIAL AND LABOR BOND

ORIGINAL

**City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)**

Public Improvements \$315,000

Project No. PA13-0045 (TR 36598)

Bond No. 4394746

Premium INCLUDED IN THE PREMIUM CHARGED
FOR THE PERFORMANCE BOND

Surety SureTec Insurance Company

Principal Habitat for Humanity Riverside, Inc.

Address 3033 Fifth Avenue, Suite 300,

Address 2180 Iowa Avenue Fleet Street,

City/Zip San Diego, CA 92103

City/Zip Carlsbad, CA 92008

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HABITAT FOR HUMANITY RIVERSIDE, INC.,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA13-0045 (TR 36598)**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **THREE HUNDRED FIFTEEN THOUSAND AND NO/100** Dollars (*****\$315,000.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.


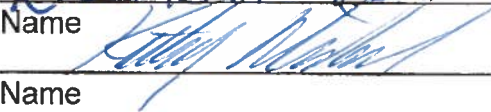
MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA13-0045 (TR 36598)

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.


The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on August 13, 2014.

NAME OF PRINCIPAL: Habitat for Humanity Riverside, Inc.
Company Name

AUTHORIZED SIGNATURE(S):
By:  Nicholas Adcock, Treasurer (HFHR Board of Directors)
Name Title
By:  Kathy Michalak, Executive Director
Name Title

NAME OF SURETY: SureTec Insurance Company
Company Name

AUTHORIZED SIGNATURE:  Julia B. Gladding, ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ANALYST\Agreement Bond Packets\PA13-0045 (TR 36598) - Material Labor Bond.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside



On August 13, 2013 before me, Jessica Lauzon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Nicholas Adcock
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nicholas Adcock

- Individual
- Corporate Officer — Title(s): Treasurer (HFHR Board of Directors)
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside



On August 13, 2013 before me, Jessica Lauzon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Kathy Michalak
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

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Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kathy Michalak

- Individual
- Corporate Officer — Title(s): Executive Director
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

COUNTERPART NO. 1 OF 4

POA #: 510018

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Kenneth A. Coate, Julia B. Gladding

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2015 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

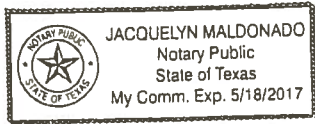
SURETEC INSURANCE COMPANY


By: 
John Knox Jr., President



State of Texas ss:
County of Harris

On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.




Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this AUG 13 2014 day of _____, A.D.


M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call: (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On AUG 13 2014 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Julia B. Gladding
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public Jessica Lauzon

OPTIONAL

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Signer's Name: _____

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- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: August 26, 2014

TITLE: RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2014

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Quarterly Investment Report for quarter ended June 30, 2014, in compliance with the City's Investment Policy.

SUMMARY

The attached quarterly investment report presents the City's cash and investments for the quarter that ended June 30, 2014. This report is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's Investment Policy and Government Code Section 53601 as to the types of investments allowed.

DISCUSSION

California Government Code Sections 53601 and 53646 establish the types of investments allowed, the governing restrictions on these investments, the third-party custodian arrangement for certain investments, and the reporting practices related to the portfolio for local agencies. The City's Investment Policy, adopted on May 27, 2014 is in full compliance with the requirements of both of the above-mentioned Code Sections.

The quarterly investment report for the quarter that ended June 30, 2014 is the fourth quarterly report submitted for the 2013-14 fiscal year and is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's Investment Policy and Government Code Section 53601 as to the types of investments allowed. As stated in the report, there is more than adequate liquidity within the portfolio for the City to meet its budgeted expenditures over the next six months.

The City has used Chandler Asset Management (Chandler) as its professional portfolio manager since 2010. Chandler uses an active investment management approach. Utilizing an active approach, securities purchased by Chandler on the City's behalf are not necessarily held to maturity but may be actively traded based on market conditions and the City's investment goals. The City's cash flow requirements are evaluated on an ongoing basis, with short-term needs accommodated through the City's pooled investment funds with the State Local Agency Investment Fund (LAIF). LAIF is a pool of public funds managed by the State Treasurer of California, providing 24-hour liquidity while yielding a rate of return approximately equivalent to a one-year treasury bill. With the combined use of a conservative approach to evaluating cash flow needs and LAIF liquidity, the City will not have to liquidate securities at current market rates that are intended to be held for longer-term investment. This is especially important considering that the average maturity of the general portfolio is 2.2 years.

The investments managed by Chandler totaled \$132,945,464 at par and achieved a Yield to Maturity (YTM) for June 2014 of 1.39%. This compares to a YTM in March 2014 of 1.37% and a YTM in June 2013 of 1.35%. In addition, the City maintained \$28,875,043 in the State Local Agency Investment Fund Pool (LAIF) with a YTM of .23%.

In accordance with California Government Code Section 53646, the City is properly reporting investments of all bond proceeds and Deferred Compensation Plan funds. These funds are not managed by the City Treasurer as part of the pooled investment program and were not included in the City's investment reports prior to the current legislation. Bond proceeds are held and invested by a Trustee; Deferred Compensation Plan funds are held and invested by the respective plan administrators with the funds also placed in a trust separate from City funds.

The City's contract with Chandler expired at the end of June and staff issued a Request for Proposal (RFP) to identify and evaluate firms that are interested in providing this service to the City in the future. Nine firms responded and a select group of three were invited to make a presentation to the Finance Sub-committee in early August. From that select group a recommendation will be made to the full council for approval.

FISCAL IMPACT

Current market rates continue to hover near all-time lows; however, based on comments by the Federal Reserve Board, we expect this could change over the next year. The interest rate environment directly impacts the ability of the portfolio to generate income. During FY 2013-14, the active management of the portfolio added capital gains to the portfolio in the amount of \$519,000. These gains are the result of buying and selling securities in a manner to maximize the total return on the portfolio. As interest rates move upward, the opportunities to sell securities for gains will decline. The budget for FY 2013-14 projected General Fund investment earnings totaling \$2.1 million. At year end these revenues totaled \$2,054,049, which are slightly behind the projections included in the FY 2013-14 budget.

GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment 1 - Treasurer's Cash and Investments Report – June 2014

Attachment 2 – Chandler Asset Management Bond Market Review – July 2014

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Chief Financial Officer

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CITY OF MORENO VALLEY

Treasurer's Cash and Investments Report

June 2014

General Portfolio	Cost Value	Market Value	Par Value	Average Maturity (in years)	Average Yield to Maturity	Average Duration (in years)
Bank Accounts	2,168,936	2,168,936	2,168,936			
State of California LAIF Pool	28,875,043	28,883,669	28,875,043	0.64	0.23%	
Investments	133,889,405	133,675,576	132,945,464	2.71	1.39%	2.48
Total General Portfolio	164,933,384	164,728,181	163,989,443	2.20	1.17%	2.02

Bond Proceeds with Fiscal Agents	Market Value
Construction Funds	19,056,244
Principal & Interest Accounts	536,127
Debt Service Reserve Funds	6,389,231
Custody Accounts	0
Arbitrage Rebate Accounts	0
Other Accounts	210,635
Total Bond Proceeds	26,192,237

Deferred Compensation Funds	Market Value as of June 30, 2014
Nationwide	12,212,469
ICMA	5,186,234
Total Deferred Compensation Funds	17,398,703

Total Investment Portfolio	208,319,121
-----------------------------------	--------------------

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council. There are no items of non-compliance for this period.
2. The market values for the specific investments in the General Portfolio are provided by the City's investment advisor, Chandler Asset Management.
3. The market value for LAIF is provided by the State Treasurer.
4. The market values for investments held by fiscal agents and the deferred compensation plans are provided by each respective trustee or fiscal agent.
5. The City has the ability to meet its budgeted expenditures for the next six months pending any future action by City Council or any unforeseen catastrophic event.


 Richard Teichert
 City Treasurer

PORTFOLIO CHARACTERISTICS

Average Duration	2.02
Average Coupon	1.32 %
Average Purchase YTM	1.17 %
Average Market YTM	0.75 %
Average S&P/Moody Rating	AA/Aa1
Average Final Maturity	2.20 yrs
Average Life	2.06 yrs

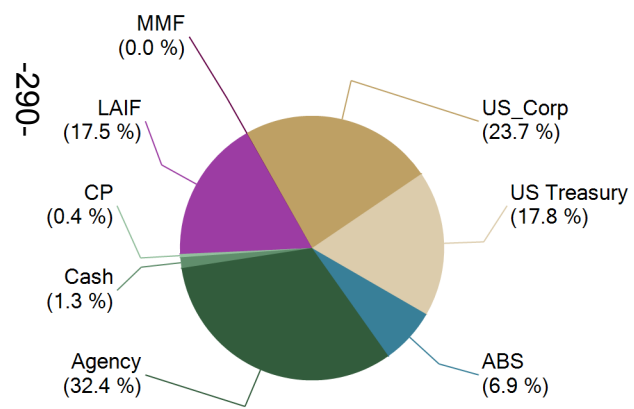
ACCOUNT SUMMARY

	Beg. Values as of 5/31/14	End Values as of 6/30/14
Market Value	161,521,293	164,719,555
Accrued Interest	522,111	561,066
Total Market Value	162,043,404	165,280,621
Income Earned	160,149	159,876
Cont/WD		
Par	160,395,026	163,989,443
Book Value	160,440,715	163,920,302
Cost Value	161,440,248	164,933,384

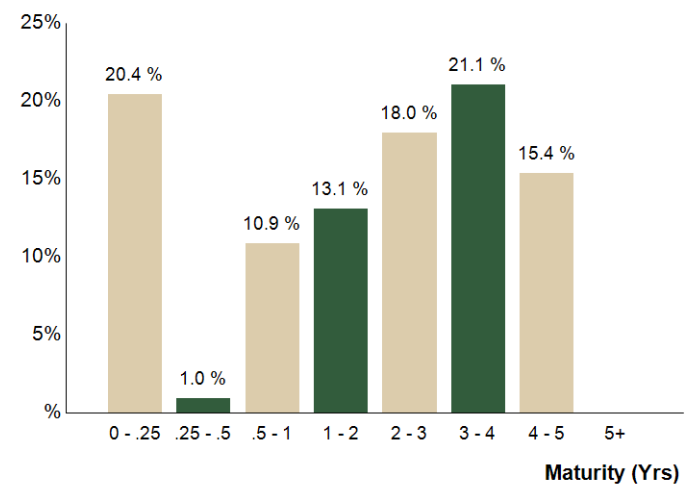
TOP ISSUERS

Issuer	% Portfolio
Government of United States	17.8 %
Local Agency Investment Fund	17.5 %
Federal National Mortgage Assoc	11.8 %
Federal Home Loan Mortgage Corp	9.4 %
Federal Home Loan Bank	7.1 %
Federal Farm Credit Bank	4.2 %
JP Morgan Chase & Co	2.6 %
Honda Motor Corporation	2.2 %
Total	72.5 %

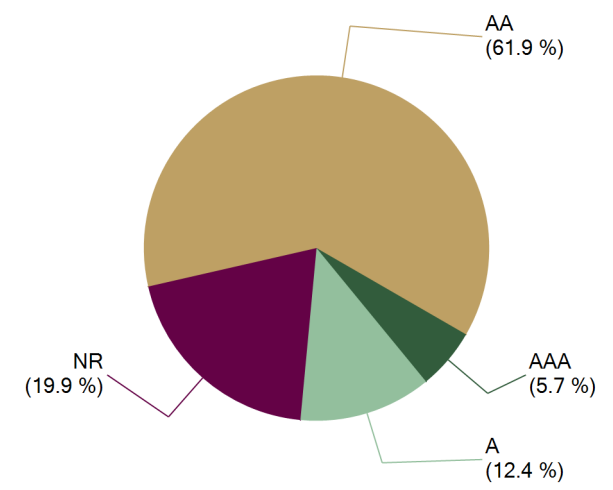
SECTOR ALLOCATION



MATURITY DISTRIBUTION



CREDIT QUALITY (S&P)





Holdings Report

As of 6/30/14

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody/S&P Fitch	Maturity Duration
ABS									
47787RAC4	John Deere Owner Trust 2012-B A3 0.53% Due 7/15/2016	1,249,667.11	08/28/2012 0.53 %	1,249,628.50 1,249,646.70	100.04 0.46 %	1,250,140.73 294.37	0.76 % 494.03	Aaa / NR AAA	2.04 0.54
89231NAC7	Toyota Auto Receivable 2012-B A3 0.46% Due 7/15/2016	1,263,861.91	09/18/2012 0.46 %	1,263,741.71 1,263,813.01	100.05 0.37 %	1,264,474.88 258.39	0.77 % 661.87	Aaa / AAA NR	2.04 0.54
43814CAC3	Honda Auto Receivables 2013-1 A3 0.48% Due 11/21/2016	2,525,000.00	01/16/2013 0.48 %	2,524,867.44 2,524,933.22	100.09 0.37 %	2,527,184.13 336.67	1.53 % 2,250.91	NR / AAA AAA	2.40 0.78
161571FL3	Chase CHAIT Pool #2012-A5 0.59% Due 8/15/2017	1,680,000.00	03/19/2013 0.59 %	1,680,000.00 1,680,000.00	100.15 0.46 %	1,682,509.92 440.53	1.02 % 2,509.92	NR / AAA AAA	3.13 1.10
477879AC4	John Deere Owner Trust 2013-B A3 0.87% Due 8/15/2017	640,000.00	08/27/2013 0.88 %	639,912.77 639,930.93	100.35 0.60 %	642,248.32 247.47	0.39 % 2,317.39	Aaa / NR AAA	3.13 1.28
89231MAC9	Toyota Auto Receivables Owner 2014-A 0.67% Due 12/15/2017	1,180,000.00	03/11/2014 0.69 %	1,179,781.94 1,179,803.85	100.07 0.63 %	1,180,834.26 351.38	0.71 % 1,030.41	Aaa / AAA NR	3.46 1.81
43814GAC4	Honda Auto Receivables 2014-2 A3 0.77% Due 3/19/2018	1,145,000.00	05/13/2014 0.78 %	1,144,862.37 1,144,867.53	99.96 0.79 %	1,144,536.28 318.37	0.69 % (331.25)	Aaa / AAA NR	3.72 1.95
47787VAC5	John Deere Owner Trust 2014-A A3 0.92% Due 4/16/2018	1,635,000.00	04/02/2014 0.93 %	1,634,738.07 1,634,757.80	100.19 0.82 %	1,638,181.71 668.53	0.99 % 3,423.91	Aaa / AAA NR	3.80 1.98
-2011				11,317,532.80		11,330,110.23	6.86 %	Aaa / AAA	2.92
al ABS		11,318,529.02	0.64 %	11,317,753.04	0.54 %	2,915.71	12,357.19	Aaa	1.20
AGENCY									
3136FPLV7	FNMA Callable Note 1X 3/24/2011 1.57% Due 9/24/2014	2,025,000.00	09/26/2011 0.65 %	2,080,181.25 2,029,295.24	100.32 0.18 %	2,031,571.13 8,566.31	1.23 % 2,275.89	Aaa / AA+ AAA	0.24 0.23
3133EADW5	FFCB Note 0.55% Due 8/17/2015	1,200,000.00	04/27/2012 0.60 %	1,198,213.20 1,199,388.57	100.33 0.26 %	1,203,955.20 2,456.67	0.73 % 4,566.63	Aaa / AA+ AAA	1.13 1.12
3133ECBJ2	FFCB Note 0.43% Due 11/16/2015	3,100,000.00	12/24/2012 0.45 %	3,098,233.00 3,099,156.74	100.12 0.34 %	3,103,630.10 1,666.25	1.88 % 4,473.36	Aaa / AA+ AAA	1.38 1.37
31331J6C2	FFCB Note 2.35% Due 12/22/2015	900,000.00	03/28/2011 2.27 %	903,258.00 901,015.65	102.93 0.36 %	926,337.60 528.75	0.56 % 25,321.95	Aaa / AA+ AAA	1.48 1.46
3136FPDC8	FNMA Callable Note 1X 3/8/2011 2% Due 3/8/2016	1,765,000.00	08/24/2011 1.22 %	1,825,645.40 1,787,545.30	102.52 0.50 %	1,809,430.35 11,080.28	1.10 % 21,885.05	Aaa / AA+ AAA	1.69 1.66
313372YS7	FHLB Note 2.45% Due 3/30/2016	2,150,000.00	07/07/2011 1.87 %	2,206,631.00 2,170,921.01	103.44 0.48 %	2,223,889.05 13,315.07	1.35 % 52,968.04	Aaa / AA+ AAA	1.75 1.71
EACT4	FHLMC Note 2.5% Due 5/27/2016	925,000.00	06/14/2011 1.86 %	952,744.45 935,692.21	103.72 0.54 %	959,419.25 2,184.03	0.58 % 23,727.04	Aaa / AA+ AAA	1.91 1.87
73SZ6	FHLB Note 2.125% Due 6/10/2016	2,775,000.00	Various 1.36 %	2,871,705.50 2,814,975.66	103.10 0.52 %	2,860,886.25 3,439.85	1.73 % 45,910.59	Aaa / AA+ AAA	1.95 1.91
EACW7	FHLMC Note 2% Due 8/25/2016	1,950,000.00	09/14/2011 1.19 %	2,025,933.00 1,983,047.25	103.01 0.59 %	2,008,700.85 13,650.00	1.22 % 25,653.60	Aaa / AA+ AAA	2.16 2.10
A0C65	FHLB Note 0.625% Due 12/28/2016	340,000.00	06/26/2014 0.68 %	339,496.80 339,499.00	99.91 0.66 %	339,697.40 17.71	0.21 % 198.40	Aaa / AA+ AAA	2.50 2.47

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Holdings Report

As of 6/30/14

P	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody/S&P Fitch	Maturity Duration
NCY									
787M7	FHLB Note 1.05% Due 2/27/2017	1,195,000.00	02/27/2012 1.03 %	1,196,099.40 1,195,585.22	100.91 0.70 %	1,205,863.75 4,321.92	0.73 % 10,278.53	Aaa / AA+ AAA	2.67 2.61
G0UY7	FNMA Callable Note 1X 2/27/15 1% Due 2/27/2017	1,500,000.00	04/23/2013 0.48 %	1,514,250.00 1,505,095.33	100.36 0.45 %	1,505,430.00 5,166.67	0.91 % 334.67	Aaa / AA+ AAA	2.67 1.63
3137EADC0	FHLMC Note 1% Due 3/8/2017	2,700,000.00	03/14/2012 1.29 %	2,662,335.00 2,679,686.99	100.34 0.87 %	2,709,309.60 8,475.00	1.64 % 29,622.61	Aaa / AA+ AAA	2.69 2.64
313378WF4	FHLB Note 1.125% Due 3/10/2017	2,800,000.00	04/24/2012 1.05 %	2,809,968.00 2,805,504.80	100.81 0.82 %	2,822,803.20 9,712.50	1.71 % 17,298.40	Aaa / AA+ AAA	2.70 2.64
3133782N0	FHLB Note 0.875% Due 3/10/2017	1,310,000.00	03/13/2013 0.70 %	1,318,894.90 1,316,005.28	100.18 0.81 %	1,312,413.02 3,534.27	0.80 % (3,592.26)	Aaa / AA+ AAA	2.70 2.65
3137EADF3	FHLMC Note 1.25% Due 5/12/2017	3,300,000.00	05/29/2012 1.06 %	3,330,600.90 3,317,703.84	101.01 0.89 %	3,333,478.50 5,614.58	2.02 % 15,774.66	Aaa / AA+ AAA	2.87 2.81
313379VE6	FHLB Note 1.01% Due 6/19/2017	915,000.00	07/26/2012 0.82 %	923,363.10 920,070.25	100.49 0.84 %	919,483.50 308.05	0.56 % (586.75)	Aaa / AA+ AAA	2.97 2.92
3137EADH9	FHLMC Note 1% Due 6/29/2017	3,150,000.00	Various 0.85 %	3,171,475.20 3,163,383.81	100.22 0.93 %	3,156,816.60 175.00	1.91 % (6,567.21)	Aaa / AA+ AAA	3.00 2.95
3EAY28	FFCB Note 0.83% Due 9/21/2017	1,645,000.00	09/18/2012 0.83 %	1,645,000.00 1,645,000.00	99.31 1.05 %	1,633,614.96 3,792.64	0.99 % (11,385.04)	Aaa / AA+ NR	3.23 3.17
7EADL0	FHLMC Note 1% Due 9/29/2017	1,050,000.00	10/25/2012 0.92 %	1,053,983.70 1,052,632.13	99.79 1.06 %	1,047,834.90 2,683.33	0.64 % (4,797.23)	Aaa / AA+ AAA	3.25 3.18
3135G0RT2	FNMA Note 0.875% Due 12/20/2017	1,850,000.00	02/22/2013 0.93 %	1,845,264.00 1,846,585.99	99.25 1.10 %	1,836,089.85 494.62	1.11 % (10,496.14)	Aaa / AA+ AAA	3.48 3.41
3137EADN6	FHLMC Note 0.75% Due 1/12/2018	1,850,000.00	Various 0.96 %	1,833,275.85 1,836,432.60	98.50 1.18 %	1,822,320.30 6,513.54	1.11 % (14,112.30)	Aaa / AA+ AAA	3.54 3.46
3135G0TG8	FNMA Note 0.875% Due 2/8/2018	2,950,000.00	Various 1.33 %	2,889,437.30 2,902,909.84	98.63 1.26 %	2,909,667.60 10,253.30	1.77 % 6,757.76	Aaa / AA+ AAA	3.61 3.52
3135G0WJ8	FNMA Note 0.875% Due 5/21/2018	2,800,000.00	07/29/2013 1.54 %	2,714,614.00 2,730,952.10	98.32 1.32 %	2,753,004.80 2,722.22	1.67 % 22,052.70	Aaa / AA+ AAA	3.89 3.81
3135G0YM9	FNMA Note 1.875% Due 9/18/2018	950,000.00	12/23/2013 1.71 %	956,915.05 956,169.86	101.64 1.47 %	965,604.70 5,096.35	0.59 % 9,434.84	Aaa / AA+ AAA	4.22 4.03
3135G0YT4	FNMA Note 1.625% Due 11/27/2018	2,750,000.00	12/13/2013 1.71 %	2,739,055.00 2,740,237.42	100.54 1.50 %	2,764,720.75 4,220.49	1.68 % 24,483.33	Aaa / AA+ AAA	4.41 4.23
3135G0ZA4	FNMA Note 1.875% Due 2/19/2019	2,775,000.00	Various 1.65 %	2,804,173.78 2,802,244.35	101.34 1.57 %	2,812,062.90 19,078.13	1.71 % 9,818.55	Aaa / AA+ AAA	4.64 4.40
3137EADG1	FHLMC Note 1.75% Due 5/30/2019	400,000.00	05/29/2014 1.56 %	403,574.40 403,511.76	100.38 1.67 %	401,501.60 602.78	0.24 % (2,010.16)	Aaa / AA+ AAA	4.92 4.69
Total Agency		53,020,000.00	1.16 %	53,314,321.18 53,080,248.20	0.87 %	53,379,537.71 149,670.31	32.39 % 299,289.51	Aaa / AA+ Aaa	2.78 2.68



Holdings Report

As of 6/30/14

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody/S&P Fitch	Maturity Duration
CASH									
90CASH\$00	Cash Custodial Cash Account	2,168,935.86	Various 0.00 %	2,168,935.86 2,168,935.86	1.00 0.00 %	2,168,935.86 0.00	1.31 % 0.00	NR / NR NR	0.00 0.00
Total Cash		2,168,935.86	N/A	2,168,935.86 2,168,935.86	0.00 %	2,168,935.86 0.00	1.31 % 0.00	NR / NR NR	0.00 0.00
COMMERCIAL PAPER									
06416KJ35	Bank of Nova Scotia Discount CP 0.25% Due 9/3/2014	665,000.00	12/17/2013 0.25 %	663,827.84 664,710.35	99.96 0.25 %	664,710.35 0.00	0.40 % 0.00	P-1 / A-1 F-1+	0.18 0.18
Total Commercial Paper		665,000.00	0.25 %	663,827.84 664,710.35	0.25 %	664,710.35 0.00	0.40 % 0.00	Aaa / AA Aaa	0.18 0.18
LAIF									
90LAIF\$00	Local Agency Investment Fund State Pool	28,875,042.87	Various 0.23 %	28,875,042.87 28,875,042.87	1.00 0.23 %	28,875,042.87 10,315.70	17.48 % 0.00	NR / NR NR	0.00 0.00
Total LAIF		28,875,042.87	0.23 %	28,875,042.87 28,875,042.87	0.23 %	28,875,042.87 10,315.70	17.48 % 0.00	NR / NR NR	0.00 0.00
MONEY MARKET FUND FI									
60934N104	Federated GOVT OBLIG MMF	36,335.30	Various 0.01 %	36,335.30 36,335.30	1.00 0.01 %	36,335.30 0.00	0.02 % 0.00	Aaa / AAA AAA	0.00 0.00
Total Money Market Fund FI		36,335.30	0.01 %	36,335.30 36,335.30	0.01 %	36,335.30 0.00	0.02 % 0.00	Aaa / AAA Aaa	0.00 0.00
US CORPORATE									
09247XAD3	Blackrock Inc Note 3.5% Due 12/10/2014	1,630,000.00	Various 2.84 %	1,674,920.75 1,634,429.18	101.44 0.25 %	1,653,493.20 3,327.92	1.00 % 19,064.02	A1 / AA- NR	0.45 0.44
713448BM9	Pepsico Inc. Note 3.1% Due 1/15/2015	2,530,000.00	Various 2.05 %	2,641,540.25 2,543,797.74	101.50 0.32 %	2,568,066.38 36,164.95	1.58 % 24,268.64	A1 / A- A	0.55 0.53
46625HHP8	JP Morgan Chase Note 3.7% Due 1/20/2015	2,550,000.00	Various 3.34 %	2,584,656.00 2,554,772.56	101.77 0.50 %	2,595,168.16 42,195.42	1.60 % 40,395.60	A3 / A A+	0.56 0.55
459200HB0	IBM Corp Note 0.55% Due 2/6/2015	695,000.00	02/01/2012 0.72 %	691,601.45 694,317.81	100.21 0.20 %	696,442.82 1,539.62	0.42 % 2,125.01	Aa3 / AA- A+	0.61 0.60
0VAA6	Wells Fargo Bank Note 4.75% Due 2/9/2015	2,475,000.00	Various 3.65 %	2,584,316.50 2,490,201.49	102.68 0.34 %	2,541,300.30 46,371.87	1.57 % 51,098.81	A1 / A+ A+	0.61 0.60
70AV0	Berkshire Hathaway Note 3.2% Due 2/11/2015	2,485,000.00	06/09/2010 2.65 %	2,545,012.75 2,492,928.87	101.76 0.32 %	2,528,785.70 30,924.44	1.55 % 35,856.83	Aa2 / AA A+	0.62 0.61
16AX8	Coca Cola Company Note 0.75% Due 3/13/2015	2,090,000.00	Various 0.80 %	2,086,645.55 2,089,217.18	100.35 0.25 %	2,097,346.36 4,702.50	1.27 % 8,129.18	Aa3 / AA A+	0.70 0.70
6JHB4	Bank of New York Mellon Note 4.95% Due 3/15/2015	2,360,000.00	Various 2.11 %	2,645,950.90 2,404,715.09	103.28 0.31 %	2,437,485.89 34,397.01	1.50 % 32,770.80	A2 / A A+	0.71 0.70

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Holdings Report

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P	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody/S&P Fitch	Maturity Duration
CORPORATE									
81DA8	Pfizer Inc. Note 5.35% Due 3/15/2015	1,550,000.00	02/18/2011 2.33 %	1,730,497.50 1,581,343.15	103.44 0.48 %	1,603,313.80 24,416.81	0.98 % 21,970.65	A1 / AA A+	0.71 0.69
5PAR5	Praxair Note 4.625% Due 3/30/2015	740,000.00	Various 2.58 %	807,780.55 750,562.84	103.18 0.37 %	763,568.27 8,651.32	0.47 % 13,005.43	A2 / A NR	0.75 0.74
278642AB9	Ebay Inc Note 1.625% Due 10/15/2015	2,670,000.00	10/22/2010 1.66 %	2,665,327.50 2,668,786.13	101.58 0.40 %	2,712,103.23 9,159.58	1.65 % 43,317.10	A2 / A A	1.29 1.28
38259PAC6	Google Inc Note 2.125% Due 5/19/2016	1,315,000.00	11/15/2012 0.75 %	1,377,186.90 1,348,530.24	103.02 0.51 %	1,354,716.95 3,260.10	0.82 % 6,186.71	Aa2 / AA NR	1.89 1.85
24422ERL5	John Deere Capital Corp Note 2% Due 1/13/2017	1,215,000.00	09/11/2012 1.05 %	1,263,733.65 1,243,556.32	102.64 0.94 %	1,247,048.06 11,340.00	0.76 % 3,491.74	A2 / A NR	2.54 2.45
674599CB9	Occidental Petroleum Note 1.75% Due 2/15/2017	1,575,000.00	03/08/2013 1.13 %	1,612,532.25 1,600,108.68	101.85 1.03 %	1,604,132.78 10,412.50	0.98 % 4,024.10	A1 / A A	2.63 2.55
717081DJ9	Pfizer Inc. Note 1.1% Due 5/15/2017	565,000.00	05/12/2014 1.13 %	564,502.80 564,524.12	100.39 0.96 %	567,204.63 794.14	0.34 % 2,680.51	A1 / AA A+	2.88 2.82
913017BU2	United Tech Corp Note 1.8% Due 6/1/2017	170,000.00	05/24/2012 1.82 %	169,853.80 169,914.65	102.14 1.05 %	173,637.83 255.00	0.11 % 3,723.18	A2 / A A	2.92 2.84
764AA8	Chevron Corp. Callable Note Cont 11/5/17 1.104% Due 12/5/2017	1,500,000.00	Various 1.47 %	1,477,072.20 1,481,560.64	99.54 1.24 %	1,493,104.50 1,195.99	0.90 % 11,543.86	Aa1 / AA NR	3.44 3.35
458140AL4	Intel Corp Note 1.35% Due 12/15/2017	1,940,000.00	12/12/2012 1.29 %	1,945,790.55 1,944,009.58	100.03 1.34 %	1,940,545.15 1,164.00	1.17 % (3,464.43)	A1 / A+ A+	3.46 3.37
931142DF7	Wal-Mart Stores Note 1.125% Due 4/11/2018	1,130,000.00	04/04/2013 1.14 %	1,128,960.40 1,129,214.32	98.67 1.49 %	1,114,922.41 2,825.00	0.68 % (14,291.91)	Aa2 / AA AA	3.78 3.67
037833AJ9	Apple Inc Note 1% Due 5/3/2018	1,900,000.00	05/22/2013 1.25 %	1,877,181.00 1,882,236.40	97.80 1.59 %	1,858,116.40 3,061.11	1.13 % (24,120.00)	Aa1 / AA+ NR	3.84 3.74
91159HHE3	US Bancorp Callable Note Cont 10/15/2018 1.95% Due 11/15/2018	215,000.00	02/12/2014 1.90 %	215,455.80 215,420.14	100.66 1.79 %	216,415.56 535.71	0.13 % 995.42	A1 / A+ AA-	4.38 4.09
24422ESF7	John Deere Capital Corp Note 1.95% Due 12/13/2018	545,000.00	12/10/2013 1.99 %	543,839.15 543,966.30	100.28 1.89 %	546,500.93 531.38	0.33 % 2,534.63	A2 / A NR	4.46 4.24
36962G7G3	General Electric Capital Corp Note 2.3% Due 1/14/2019	1,750,000.00	01/08/2014 2.32 %	1,748,286.80 1,748,444.42	102.01 1.84 %	1,785,217.00 18,671.52	1.09 % 36,772.58	A1 / AA+ NR	4.55 4.25
17275RAR3	Cisco Systems Note 2.125% Due 3/1/2019	1,805,000.00	Various 2.04 %	1,812,199.75 1,811,735.51	100.78 1.95 %	1,819,024.85 12,572.33	1.11 % 7,289.34	A1 / AA- NR	4.67 4.40
91159HHH6	US Bancorp Callable Note Cont 3/25/2019 2.2% Due 4/25/2019	975,000.00	04/28/2014 2.24 %	973,355.75 973,410.86	100.92 2.00 %	983,969.03 3,992.08	0.60 % 10,558.17	A1 / A+ AA-	4.82 4.46
Total US Corporate		38,375,000.00	1.98 %	39,368,200.50 38,561,704.22	0.80 %	38,901,630.19 312,462.30	23.73 % 339,925.97	A1 / A+ A+	1.94 1.87



Holdings Report

As of 6/30/14

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody/S&P Fitch	Maturity Duration
US TREASURY									
912828PJ3	US Treasury Note 1.375% Due 11/30/2015	1,825,000.00	05/16/2011 1.63 %	1,804,617.45 1,818,636.61	101.62 0.23 %	1,854,513.90 2,125.43	1.12 % 35,877.29	Aaa / AA+ AAA	1.42 1.41
912828PS3	US Treasury Note 2% Due 1/31/2016	2,555,000.00	05/16/2011 1.70 %	2,589,241.55 2,566,540.08	102.71 0.29 %	2,624,163.85 21,315.19	1.60 % 57,623.77	Aaa / AA+ AAA	1.59 1.55
912828SC5	US Treasury Note 0.875% Due 1/31/2017	1,710,000.00	06/20/2012 0.70 %	1,723,298.31 1,717,458.10	100.45 0.70 %	1,717,614.63 6,241.26	1.04 % 156.53	Aaa / AA+ AAA	2.59 2.54
912828TG5	US Treasury Note 0.5% Due 7/31/2017	3,100,000.00	02/25/2013 0.73 %	3,069,373.67 3,078,660.12	98.68 0.94 %	3,059,070.70 6,465.47	1.85 % (19,589.42)	Aaa / AA+ AAA	3.09 3.04
912828TS9	US Treasury Note 0.625% Due 9/30/2017	2,875,000.00	Various 0.74 %	2,860,759.64 2,864,536.03	98.76 1.01 %	2,839,286.75 4,516.74	1.72 % (25,249.28)	Aaa / AA+ AAA	3.25 3.20
912828UU2	US Treasury Note 0.75% Due 3/31/2018	2,835,000.00	Various 1.28 %	2,768,003.84 2,780,089.16	98.25 1.23 %	2,785,387.50 5,344.67	1.69 % 5,298.34	Aaa / AA+ AAA	3.75 3.68
912828VE7	US Treasury Note 1% Due 5/31/2018	1,450,000.00	01/07/2014 1.46 %	1,421,684.55 1,424,756.18	98.91 1.29 %	1,434,254.45 1,228.14	0.87 % 9,498.27	Aaa / AA+ AAA	3.92 3.82
912828WD8	US Treasury Note 1.25% Due 10/31/2018	2,805,600.00	12/13/2013 1.50 %	2,772,292.90 2,775,945.82	99.23 1.43 %	2,783,901.49 5,908.53	1.69 % 7,955.67	Aaa / AA+ AAA	4.34 4.19
912828A34	US Treasury Note 1.25% Due 11/30/2018	2,725,000.00	Various 1.71 %	2,666,444.67 2,672,276.33	99.09 1.46 %	2,700,306.05 2,885.07	1.64 % 28,029.72	Aaa / AA+ AAA	4.42 4.28
912828SD3	US Treasury Note 1.25% Due 1/31/2019	2,100,000.00	06/17/2014 1.64 %	2,063,421.09 2,063,702.80	98.88 1.50 %	2,076,375.00 10,949.59	1.26 % 12,672.20	Aaa / AA+ AAA	4.59 4.41
912828SH4	US Treasury Note 1.375% Due 2/28/2019	2,825,000.00	03/31/2014 1.72 %	2,779,434.27 2,781,745.58	99.27 1.54 %	2,804,253.20 12,983.10	1.70 % 22,507.62	Aaa / AA+ AAA	4.67 4.48
912828ST8	US Treasury Note 1.25% Due 4/30/2019	2,725,000.00	06/10/2014 1.68 %	2,670,615.57 2,671,225.26	98.50 1.57 %	2,684,125.00 5,738.79	1.63 % 12,899.74	Aaa / AA+ AAA	4.84 4.66
Total US Treasury		29,530,600.00	1.37 %	29,189,187.51 29,215,572.07	1.12 %	29,363,252.52 85,701.98	17.82 % 147,680.45	Aaa / AA+ Aaa	3.60 3.50
TOTAL PORTFOLIO		163,989,443.05	1.17 %	164,933,383.86 163,920,301.91	0.75 %	164,719,555.03 561,066.00	100.00 % 799,253.12	Aa1 / AA Aaa	2.20 2.02
TOTAL MARKET VALUE PLUS ACCRUED						165,280,621.03			

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Transaction	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Purchase	06/01/2014	60934N104	1,530.00	Federated GOVT OBLIG MMF	1.000	0.01 %	1,530.00	0.00	1,530.00	0.00
Purchase	06/02/2014	60934N104	11,875.00	Federated GOVT OBLIG MMF	1.000	0.01 %	11,875.00	0.00	11,875.00	0.00
Purchase	06/02/2014	60934N104	1,250,000.00	Federated GOVT OBLIG MMF	1.000	0.01 %	1,250,000.00	0.00	1,250,000.00	0.00
Purchase	06/02/2014	60934N104	10.10	Federated GOVT OBLIG MMF	1.000	0.01 %	10.10	0.00	10.10	0.00
Purchase	06/05/2014	60934N104	8,280.00	Federated GOVT OBLIG MMF	1.000	0.01 %	8,280.00	0.00	8,280.00	0.00
Purchase	06/10/2014	60934N104	58,009.38	Federated GOVT OBLIG MMF	1.000	0.01 %	58,009.38	0.00	58,009.38	0.00
Purchase	06/11/2014	912828ST8	2,725,000.00	US Treasury Note 1.25% Due 4/30/2019	98.004	1.68 %	2,670,615.57	3,887.57	2,674,503.14	0.00
Purchase	06/13/2014	60934N104	5,313.75	Federated GOVT OBLIG MMF	1.000	0.01 %	5,313.75	0.00	5,313.75	0.00
Purchase	06/15/2014	60934N104	13,095.00	Federated GOVT OBLIG MMF	1.000	0.01 %	13,095.00	0.00	13,095.00	0.00
Purchase	06/16/2014	60934N104	826.00	Federated GOVT OBLIG MMF	1.000	0.01 %	826.00	0.00	826.00	0.00
Purchase	06/16/2014	60934N104	115,525.00	Federated GOVT OBLIG MMF	1.000	0.01 %	115,525.00	0.00	115,525.00	0.00
Purchase	06/16/2014	60934N104	658.83	Federated GOVT OBLIG MMF	1.000	0.01 %	658.83	0.00	658.83	0.00
Purchase	06/16/2014	60934N104	117,126.31	Federated GOVT OBLIG MMF	1.000	0.01 %	117,126.31	0.00	117,126.31	0.00
Purchase	06/16/2014	60934N104	464.00	Federated GOVT OBLIG MMF	1.000	0.01 %	464.00	0.00	464.00	0.00
Purchase	06/16/2014	60934N104	1,253.50	Federated GOVT OBLIG MMF	1.000	0.01 %	1,253.50	0.00	1,253.50	0.00
Purchase	06/18/2014	60934N104	661.24	Federated GOVT OBLIG MMF	1.000	0.01 %	661.24	0.00	661.24	0.00
Purchase	06/18/2014	912828SD3	2,100,000.00	US Treasury Note 1.25% Due 1/31/2019	98.258	1.64 %	2,063,421.09	10,006.91	2,073,428.00	0.00
Purchase	06/19/2014	60934N104	4,620.75	Federated GOVT OBLIG MMF	1.000	0.01 %	4,620.75	0.00	4,620.75	0.00
Purchase	06/20/2014	60934N104	8,093.75	Federated GOVT OBLIG MMF	1.000	0.01 %	8,093.75	0.00	8,093.75	0.00
Purchase	06/21/2014	60934N104	1,010.00	Federated GOVT OBLIG MMF	1.000	0.01 %	1,010.00	0.00	1,010.00	0.00
Purchase	06/22/2014	60934N104	10,575.00	Federated GOVT OBLIG MMF	1.000	0.01 %	10,575.00	0.00	10,575.00	0.00
Purchase	06/27/2014	3130A0C65	340,000.00	FHLB Note 0.625% Due 12/28/2016	99.852	0.68 %	339,496.80	1,056.60	340,553.40	0.00
Purchase	06/28/2014	60934N104	1,062.50	Federated GOVT OBLIG MMF	1.000	0.01 %	1,062.50	0.00	1,062.50	0.00
Purchase	06/29/2014	60934N104	15,750.00	Federated GOVT OBLIG MMF	1.000	0.01 %	15,750.00	0.00	15,750.00	0.00
	Subtotal		6,790,740.11				6,699,273.57	14,951.08	6,714,224.65	0.00
Security Contribution	06/03/2014	90LAIF\$00	1,250,000.00	Local Agency Investment Fund State Pool	1.000		1,250,000.00	0.00	1,250,000.00	0.00
Security Contribution	06/04/2014	90LAIF\$00	5,800,000.00	Local Agency Investment Fund State Pool	1.000		5,800,000.00	0.00	5,800,000.00	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
ACQUISITIONS										
Security Contribution	06/05/2014	90LAIF\$00	300,000.00	Local Agency Investment Fund State Pool	1.000		300,000.00	0.00	300,000.00	0.00
Security Contribution	06/18/2014	60934N104	291.67	Federated GOVT OBLIG MMF	1.000		291.67	0.00	291.67	0.00
Security Contribution	06/18/2014	90LAIF\$00	400,000.00	Local Agency Investment Fund State Pool	1.000		400,000.00	0.00	400,000.00	0.00
Security Contribution	06/19/2014	90LAIF\$00	200,000.00	Local Agency Investment Fund State Pool	1.000		200,000.00	0.00	200,000.00	0.00
Security Contribution	06/26/2014	90LAIF\$00	1,500,000.00	Local Agency Investment Fund State Pool	1.000		1,500,000.00	0.00	1,500,000.00	0.00
Security Contribution	06/30/2014	90CASH\$00	886,933.72	Cash Custodial Cash Account	1.000		886,933.72	0.00	886,933.72	0.00
	Subtotal		10,337,225.39				10,337,225.39	0.00	10,337,225.39	0.00
TOTAL ACQUISITIONS			17,127,965.50				17,036,498.96	14,951.08	17,051,450.04	0.00

POSITIONS										
	06/11/2014	313370JB5	1,200,000.00	FHLB Note 1.75% Due 9/11/2015	101.864	0.26 %	1,222,368.00	5,250.00	1,227,618.00	13,640.46
Sale	06/11/2014	60934N104	18,107.73	Federated GOVT OBLIG MMF	1.000	0.01 %	18,107.73	0.00	18,107.73	0.00
Sale	06/11/2014	912828PJ3	1,100,000.00	US Treasury Note 1.375% Due 11/30/2015	101.629	0.26 %	1,117,914.28	454.58	1,118,368.86	21,898.13
Sale	06/11/2014	912828PS3	300,000.00	US Treasury Note 2% Due 1/31/2016	102.746	0.32 %	308,237.28	2,171.27	310,408.55	6,835.48
Sale	06/18/2014	60934N104	48,072.60	Federated GOVT OBLIG MMF	1.000	0.01 %	48,072.60	0.00	48,072.60	0.00
Sale	06/18/2014	912828PE4	1,995,000.00	US Treasury Note 1.25% Due 10/31/2015	101.355	0.26 %	2,022,034.92	3,320.48	2,025,355.40	29,357.71
Sale	06/27/2014	60934N104	340,553.40	Federated GOVT OBLIG MMF	1.000	0.01 %	340,553.40	0.00	340,553.40	0.00
	Subtotal		5,001,733.73				5,077,288.21	11,196.33	5,088,484.54	71,731.78

own	06/01/2014	161571FL3	0.00	Chase CHAIT Pool #2012-A5 0.59% Due 8/15/2017	100.000		0.00	826.00	826.00	0.00
own	06/01/2014	477879AC4	0.00	John Deere Owner Trust 2013-B A3 0.87% Due 8/15/2017	100.000		0.00	464.00	464.00	0.00
own	06/01/2014	47787RAC4	116,547.70	John Deere Owner Trust 2012-B A3 0.53% Due 7/15/2016	100.000		116,547.70	578.61	117,126.31	0.00
own	06/01/2014	47787VAC5	0.00	John Deere Owner Trust 2014-A A3 0.92% Due 4/16/2018	100.000		0.00	1,253.50	1,253.50	0.00

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Transaction Ledger

5/31/14 Thru 6/30/14

Transaction	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
DISPOSITIONS										
own	06/01/2014	89231MAC9	0.00	Toyota Auto Receivables Owner 2014-A 0.67% Due 12/15/2017	100.000		0.00	658.83	658.83	0.00
own	06/01/2014	89231NAC7	114,974.92	Toyota Auto Receivable 2012-B A3 0.46% Due 7/15/2016	100.000		114,974.92	550.08	115,525.00	0.00
Paydown	06/18/2014	43814GAC4	0.00	Honda Auto Receivables 2014-2 A3 0.77% Due 3/19/2018	100.000		0.00	661.24	661.24	0.00
Paydown	06/21/2014	43814CAC3	0.00	Honda Auto Receivables 2013-1 A3 0.48% Due 11/21/2016	100.000		0.00	1,010.00	1,010.00	0.00
		Subtotal	231,522.62				231,522.62	6,002.26	237,524.88	0.00
Maturity	06/02/2014	31331JQA4	1,250,000.00	FFCB Note 1.9% Due 6/2/2014	100.000		1,250,000.00	0.00	1,250,000.00	0.00
		Subtotal	1,250,000.00				1,250,000.00	0.00	1,250,000.00	0.00
Security Withdrawal	06/02/2014	60934N104	1,250,000.00	Federated GOVT OBLIG MMF	1.000		1,250,000.00	0.00	1,250,000.00	0.00
Security Withdrawal	06/10/2014	90LAIF\$00	2,000,000.00	Local Agency Investment Fund State Pool	1.000		2,000,000.00	0.00	2,000,000.00	0.00
Security Withdrawal	06/12/2014	90LAIF\$00	500,000.00	Local Agency Investment Fund State Pool	1.000		500,000.00	0.00	500,000.00	0.00
Security Withdrawal	06/17/2014	90LAIF\$00	3,000,000.00	Local Agency Investment Fund State Pool	1.000		3,000,000.00	0.00	3,000,000.00	0.00
Security Withdrawal	06/18/2014	60934N104	291.67	Federated GOVT OBLIG MMF	1.000		291.67	0.00	291.67	0.00
Security Withdrawal	06/24/2014	90LAIF\$00	300,000.00	Local Agency Investment Fund State Pool	1.000		300,000.00	0.00	300,000.00	0.00
		Subtotal	7,050,291.67				7,050,291.67	0.00	7,050,291.67	0.00
TOTAL DISPOSITIONS			13,533,548.02				13,609,102.50	17,198.59	13,626,301.09	71,731.78

OTHER TRANSACTIONS										
Interest	06/01/2014	913017BU2	170,000.00	United Tech Corp Note 1.8% Due 6/1/2017	0.000		1,530.00	0.00	1,530.00	0.00
Interest	06/02/2014	31331JQA4	1,250,000.00	FFCB Note 1.9% Due 6/2/2014	0.000		11,875.00	0.00	11,875.00	0.00
Interest	06/05/2014	166764AA8	1,500,000.00	Chevron Corp. Callable Note Cont 11/5/17 1.104% Due 12/5/2017	0.000		8,280.00	0.00	8,280.00	0.00
Interest	06/10/2014	09247XAD3	1,630,000.00	Blackrock Inc Note 3.5% Due 12/10/2014	0.000		28,525.00	0.00	28,525.00	0.00



Transaction Ledger

5/31/14 Thru 6/30/14

Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
OTHER TRANSACTIONS										
Interest	06/10/2014	313373SZ6	2,775,000.00	FHLB Note 2.125% Due 6/10/2016	0.000		29,484.38	0.00	29,484.38	0.00
Interest	06/13/2014	24422ESF7	545,000.00	John Deere Capital Corp Note 1.95% Due 12/13/2018	0.000		5,313.75	0.00	5,313.75	0.00
Interest	06/15/2014	458140AL4	1,940,000.00	Intel Corp Note 1.35% Due 12/15/2017	0.000		13,095.00	0.00	13,095.00	0.00
Interest	06/19/2014	313379VE6	915,000.00	FHLB Note 1.01% Due 6/19/2017	0.000		4,620.75	0.00	4,620.75	0.00
Interest	06/20/2014	3135G0RT2	1,850,000.00	FNMA Note 0.875% Due 12/20/2017	0.000		8,093.75	0.00	8,093.75	0.00
Interest	06/22/2014	31331J6C2	900,000.00	FFCB Note 2.35% Due 12/22/2015	0.000		10,575.00	0.00	10,575.00	0.00
Interest	06/28/2014	3130A0C65	340,000.00	FHLB Note 0.625% Due 12/28/2016	0.000		1,062.50	0.00	1,062.50	0.00
Interest	06/29/2014	3137EADH9	3,150,000.00	FHLMC Note 1% Due 6/29/2017	0.000		15,750.00	0.00	15,750.00	0.00
		Subtotal	16,965,000.00				138,205.13	0.00	138,205.13	0.00
-299 Dividend	06/02/2014	60934N104	1,286,343.29	Federated GOV'T OBLIG MMF	0.000		10.10	0.00	10.10	0.00
		Subtotal	1,286,343.29				10.10	0.00	10.10	0.00
TOTAL OTHER TRANSACTIONS			18,251,343.29				138,215.23	0.00	138,215.23	0.00



COMPLIANCE WITH INVESTMENT POLICY

Assets managed by Chandler Asset Management are in full compliance with State law and with the City's investment policy.

Category	Standard	Comment
Local Agency Bonds	No Limitation	Complies
Treasury Issues	No Limitation	Complies
Agency Issues	No Limitation	Complies
Banker's Acceptances	40% maximum; <180 days maturity	Complies
Commercial Paper	25% maximum; <270 days maturity; A-1/P-1/F-1 minimum ratings	Complies
Negotiable Certificates of Deposit	30% maximum; 5 years maximum maturity	Complies
Repurchase Agreements	No limitation; 1-year maximum maturity	Complies
Reverse Repurchase Agreements	20% maximum; <92 days maturity	Complies
Medium Term Notes	30% maximum; 5 years maximum maturity; A-rated or better	Complies
Money Market Mutual Funds	20% maximum; AAAf/Aaaf, minimum rating	Complies
Collateralized Certificates of Deposits	5 years maximum maturity	Complies
Time Deposits	5 years maximum maturity	Complies
Mortgage Pass-throughs, CMOs and Asset Backed Securities	20% maximum; AA-rated issue; A-rated issuer	Complies
Local Agency Investment Fund - L.A.I.F.	Maximum program limitation	Complies
Prohibited Securities	Inverse floaters; Ranges notes, Interest-only strips from mortgaged backed securities; Zero interest accrual securities	Complies
Maximum maturity	5 years	Complies
Weighted Average Maturity	3 years	Complies



Holdings Report Glossary

CUSIP (Committee on Uniform Securities Identification Procedures) – A unique identification number assigned to all securities.

Security Description - The issuer name, coupon (periodic interest payment rate) and maturity.

Par Value/Units - The face value or number of units held in the portfolio.

Purchase Date - The settlement date on which the security was purchased.

Book Yield - The YTM that equates the current amortized value of the security to its periodic future cash flows.

Cost Value - The value at which the securities were purchased, excluding purchased interest.

Book Value - The value at which an asset is carried on a balance sheet. To calculate, take the cost of an asset +/- net depreciation/amortization.

Mkt Price - The current fair value market price.

Mkt YTM – The internal rate of return that equates the periodic future cash flows (interest payments and redemption value) to the market price, assuming that all cash flows are invested at the YTM rate.

Market Value - The current fair value of an investment as determined by transactions between willing buyers and sellers.

Accrued Int. - The interest that has accumulated on a bond since the last interest payment up to, but not including, the settlement date.

% of Port. - The % of the portfolio that the security represents based on market value, including accrued interest.

Gain/Loss – The unrealized gain or loss on the security, compared to either cost or amortized value, as of the date of the report.

Moody - The Moody's rating for the security.



Holdings Report Glossary (continued)

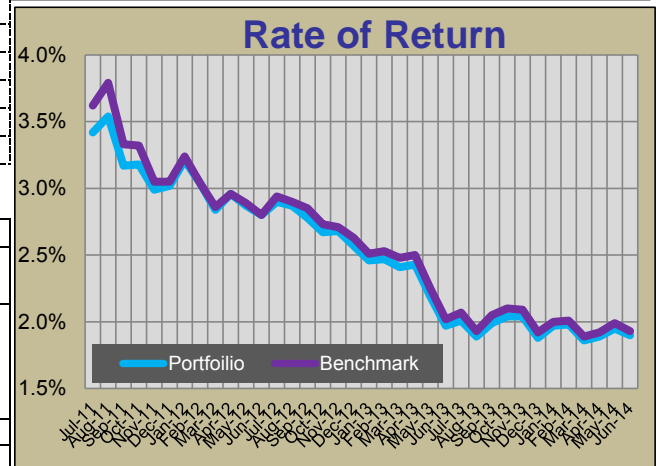
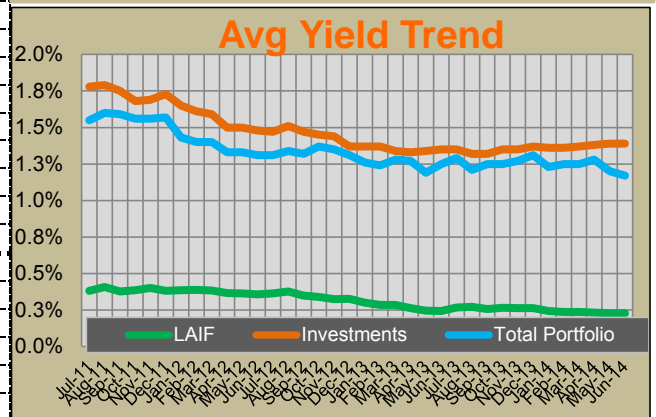
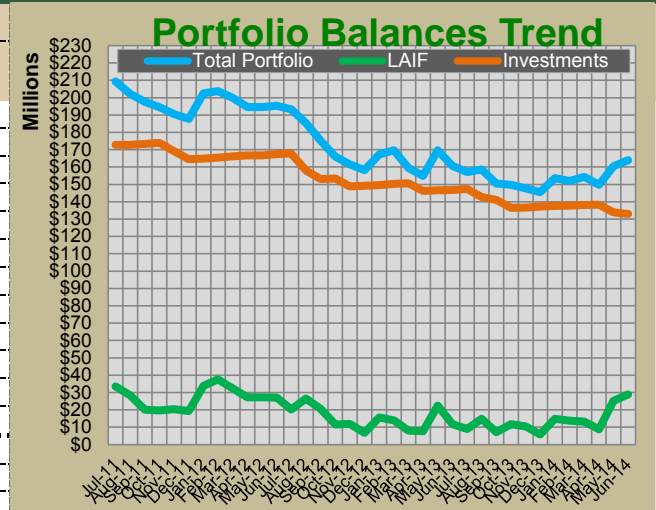
P - The Standard and Poor's rating for the security.

m (yrs) - The time, in years, until maturity.

Duration - The weighted average time to maturity of a bond where the weights are the present values of future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates.

PORTFOLIO PERFORMANCE TREND

Period	Total General Portfolio Balance (par)	General Portfolio Avg YTM (2)	LAIF Balance	LAIF Yield	Investment Portfolio Balance (par) (1)	Inv Portfolio Avg YTM (2)	Rate of Return (3)	
							Investment Portfolio (4)	Benchmark 1-5 Gov+ Corp(5)
Jul-11	209,400,514	1.55%	33,418,822	0.381%	172,717,280	1.78%	3.42%	3.62%
Aug-11	202,117,750	1.60%	28,318,822	0.408%	172,811,506	1.79%	3.54%	3.79%
Sep-11	197,594,979	1.59%	20,108,822	0.378%	173,353,497	1.75%	3.17%	3.33%
Oct-11	194,590,683	1.56%	19,588,953	0.385%	173,851,411	1.68%	3.18%	3.32%
Nov-11	190,445,403	1.56%	20,338,953	0.401%	169,055,116	1.69%	2.99%	3.05%
Dec-11	187,711,375	1.57%	19,388,953	0.382%	164,479,217	1.73%	3.02%	3.05%
Jan-12	202,547,757	1.43%	33,849,881	0.385%	164,854,671	1.65%	3.21%	3.24%
Feb-12	203,784,148	1.40%	37,499,881	0.389%	165,420,407	1.61%	3.04%	3.04%
Mar-12	199,944,204	1.40%	32,324,881	0.383%	166,225,691	1.59%	2.84%	2.86%
Apr-12	194,648,091	1.33%	27,254,703	0.367%	166,633,985	1.50%	2.96%	2.96%
May-12	194,648,091	1.33%	27,254,703	0.363%	166,633,985	1.50%	2.87%	2.89%
Jun-12	195,227,859	1.31%	27,039,703	0.358%	167,407,504	1.48%	2.80%	2.80%
Jul-12	193,175,457	1.31%	20,190,538	0.363%	167,816,690	1.47%	2.90%	2.94%
Aug-12	185,345,577	1.34%	26,440,538	0.377%	158,119,543	1.51%	2.87%	2.90%
Sep-12	175,199,657	1.32%	20,640,538	0.348%	153,005,758	1.47%	2.78%	2.85%
Oct-12	166,024,161	1.37%	11,543,940	0.340%	153,407,209	1.45%	2.67%	2.73%
Nov-12	161,523,720	1.35%	11,958,940	0.324%	148,761,876	1.44%	2.68%	2.71%
Dec-12	158,187,131	1.31%	6,808,940	0.326%	149,234,776	1.37%	2.57%	2.63%
Jan-13	167,188,394	1.26%	15,538,247	0.300%	149,506,732	1.37%	2.46%	2.51%
Feb-13	169,656,543	1.24%	14,038,247	0.286%	150,276,255	1.37%	2.47%	2.53%
Mar-13	159,465,892	1.28%	8,088,247	0.285%	150,735,510	1.34%	2.41%	2.48%
Apr-13	154,956,060	1.27%	7,722,451	0.264%	146,196,092	1.33%	2.43%	2.50%
May-13	169,622,945	1.19%	22,352,451	0.245%	146,524,031	1.34%	2.19%	2.25%
Jun-13	160,642,643	1.25%	11,652,451	0.244%	146,817,918	1.35%	1.97%	2.02%
Jul-13	157,035,166	1.29%	8,901,042	0.267%	147,301,329	1.35%	2.01%	2.07%
Aug-13	158,668,278	1.21%	14,860,042	0.271%	142,774,990	1.32%	1.89%	1.93%
Sep-13	150,411,661	1.25%	7,060,042	0.257%	141,116,654	1.32%	1.99%	2.05%
Oct-13	149,690,495	1.25%	11,790,903	0.266%	136,377,517	1.35%	2.04%	2.10%
Nov-13	147,673,632	1.27%	10,460,903	0.263%	136,646,743	1.35%	2.04%	2.09%
Dec-13	145,466,714	1.31%	5,860,903	0.264%	137,209,798	1.37%	1.88%	1.92%
Jan-14	153,675,086	1.23%	14,867,528	0.244%	137,482,068	1.36%	1.97%	2.00%
Feb-14	151,951,962	1.25%	13,817,528	0.236%	137,665,484	1.36%	1.98%	2.01%
Mar-14	154,404,223	1.25%	13,117,528	0.236%	138,016,774	1.37%	1.86%	1.89%
Apr-14	149,658,747	1.28%	8,825,043	0.233%	138,347,433	1.38%	1.89%	1.92%
May-14	160,395,026	1.20%	25,225,043	0.228%	133,887,981	1.39%	1.95%	1.99%
Jun-14	163,989,443	1.17%	28,875,043	0.228%	132,945,464	1.39%	1.90%	1.93%



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- otes:
-) Investment portfolio includes the only long term investment pool. Does not include LAIF and cash balances.
-) Yield to Maturity (YTM): The rate of return on an investment or security if it were to be held until maturity. This yield does not reflect changes in the market value of a security
-) Rate of Return represents the gain or loss on an investment or portfolio of investments over a specified period, expressed as a percentage of increase over the initial investment cost. Gains on investments are considered to be any income received from the security or portfolio plus an realized capital gain. This measure of return recognizes the changes in market values of a security or portfolio of securities.
-) The Rate of Return for the investment portfolio reflects the performance of the portfolio since May 2010.
-) The portfolio benchmark is the Bank of America-Merrill Lynch 1 to 5 year Government Index/"A" Rated or better Corp

BOND PROCEEDS WITH FISCAL AGENTS

Account Name	Account Number	Investment	Issuer	Purchase Date	Maturity Date	Market Value	Stated Rate	Yield	Price	% of Portfolio
Wells Fargo										
Community Facilities District 87-1 (IA-1)										
special tax funds	22631800	money market fund	WF Govt Fund	06/30/14	07/01/14	991,459	0.01%	0.01%	1.00000	3.785%
interest acct	22631801	money market fund	WF Govt Fund	06/30/14	07/01/14	61	0.01%	0.01%	1.00000	0.000%
reserve fund	22631802	money market fund	WF Govt Fund	06/30/14	07/01/14	2	0.01%	0.01%	1.00000	0.000%
reserve fund	22631804	money market fund	WF Govt Fund	06/30/14	07/01/14	1,028,690	0.01%	0.01%	1.00000	3.927%
admin exp acct	22631805	money market fund	WF Govt Fund	06/30/14	07/01/14	377	0.01%	0.01%	1.00000	0.001%
debt service acct	22631809	money market fund	WF Govt Fund	06/30/14	07/01/14	536,057	0.01%	0.01%	1.00000	2.047%
surplus acct	22631810	money market fund	WF Govt Fund	06/30/14	07/01/14	69,998	0.01%	0.01%	1.00000	0.267%
special tax funds	22631900	money market fund	WF Govt Fund	06/30/14	07/01/14	394,874	0.01%	0.01%	1.00000	1.508%
interest acct	22631901	money market fund	WF Govt Fund	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631904	money market fund	WF Govt Fund	06/30/14	07/01/14	365,363	0.01%	0.01%	1.00000	1.395%
admin exp acct	22631905	money market fund	WF Govt Fund	06/30/14	07/01/14	508	0.01%	0.01%	1.00000	0.002%
						3,387,389				
Wells Fargo										
CFD # 5										
Series B Revenue	22333500	money mkt fund	WF Govt Fund	06/30/14	07/01/14	203,119	0.01%	0.01%	1.00000	0.775%
Series A Principal	22333501	money mkt fund	WF Govt Fund	06/30/14	07/01/14	0	0.01%	2.71%	1.00000	0.000%
Series B reserve	22333503	money mkt fund	WF Govt Fund	06/30/14	07/01/14	546,068	0.01%	0.01%	1.00000	2.085%
Series B admin fund	22333504	money mkt fund	WF Govt Fund	06/30/14	07/01/14	127	0.01%	0.01%	1.00000	0.000%
						749,314				
Wells Fargo										
2007 Redevelopment Agency Tax Allocation Bonds Sereis A										
debt service fund	22631700	money mkt fund	WF Govt Fund	06/30/14	07/01/14	1	0.01%	0.01%	1.00000	0.000%
interest fund	22631701	money mkt fund	WF Govt Fund	06/30/14	07/01/14	1	0.01%	0.01%	1.00000	0.000%
						2				
Wells Fargo										
2005 Lease Revenue Bond										
bond fund	18042800	money mkt fund	WF Govt Fund	06/30/14	07/01/14	2	0.01%	0.01%	1.00000	0.000%
interest account	18042801	money mkt fund	WF Govt Fund	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
principal account	18042802	money mkt fund	WF Govt Fund	06/30/14	07/01/14	1	0.01%	0.01%	1.00000	0.000%
reserve fund	18042804	money mkt fund	WF Govt Fund	06/30/14	07/01/14	2,992,777	0.01%	0.01%	1.00000	11.426%
						2,992,780				
						11.426%				
Wells Fargo										
2007 Taxable Lease Revenue Bonds - Electric Utility										
bond fund	22277600	money mkt fund	WF Govt Fund	06/30/14	07/01/14	4	0.01%	0.01%	1.00000	0.000%
interest fund	22277601	money mkt fund	WF Govt Fund	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
principal fund	22277602	money mkt fund	WF Govt Fund	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22277603	money mkt fund	WF Govt Fund	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
construction fund	22277604	money mkt fund	WF Govt Fund	06/30/14	07/01/14	1,104,406	0.01%	0.01%	1.00000	4.217%
						1,104,410				
Wells Fargo										
2013 Total Road Improvement COPs										
revenue fund	46612400	money mkt fund	WF Advantage	06/30/14	07/01/14	2	0.01%	0.01%	1.00000	0.000%
reserve fund	46612403	money mkt fund	WF Advantage	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
acquisition fund	46612407	money mkt fund	WF Advantage	06/30/14	07/01/14	17,951,838	0.01%	0.01%	1.00000	68.539%
cost of issuance	46612408	money mkt fund	WF Advantage	06/30/14	07/01/14	6,502	0.01%	0.01%	1.00000	0.025%
						17,958,342				
						68.564%				
Wells Fargo										
2013 Partial Refunding of the 2005 Lease Revenue Bonds										
revenue fund	48360700	money mkt fund	WF Advantage	06/30/14	07/01/14	0	0.01%	0.01%	1.00000	0.000%
						0				
Totals						26,192,237				
							100.000%			

Type	Summary of Bond Proceeds with Fiscal Agents	
1	Construction Funds	19,056,244
2	Principal & Interest Accounts	536,127
3	Debt Service Reserve Funds	6,389,231
4	Custody Accounts	0
5	Arbitrage Rebate Accounts	0
6	Other Accounts	210,635
Total Fiscal Agent Funds		26,192,237

DEFERRED COMPENSATION FUNDS

Nationwide

Fund	Market Value as of June 30, 2014	Fund	Market Value as of June 30, 2014	Fund	Market Value as of June 30, 2014
Liquid Savings	\$1,110,709	Nationwide US Sm Cap Val Ins Svc	3,138	Federated Kaufmann Fund	132,062
Nationwide Fixed (Part Time Employee)	461,904	American Century Balanced	42	Invesco Mid Cap Core Equity	31,600
Liquid Savings (Part Time Employees)	295,490	Am Century Growth	76,579	Nationwide Ret Inc Inst Svc	12,860
Certificates of Deposit 1 year	30,161	Am Century Select	142,838	Nationwide InvDes Mod Cons Fund SC	51,520
Certificates of Deposit 3 years	21,894	JP Morgan Mid Cap Value A	1,061,490	Nationwide InvDes Mod Aggr Fund	993,728
Certificates of Deposit 5 years	91,486	Vanguard Index 500	127,673	Nationwide InvDes Aggr Fund	120,829
Bond Fund of America	73,806	Vanguard Institutional Index	681,677	Nationwide InvDes Mod Fd	727,700
Growth Fund of America	130,688	Vanguard Wellington	21,990	Nationwide Inv Des Cons	22,354
Investment Co. of America	45,349	Vanguard Windsor II	52,251	Nationwide Large Cap Growth	64,002
Income Fund of America	139,065	Vanguard Total Bond Index	235,646	Nationwide Inter Val Inst Svc	68,776
Brown Cap Mgmt Inc SM Co	64,544	Washington Mutual Inv	98,939	Nationwide Dest 2015 Inst Svc	1,239
Fidelity Independence	2,739	DFA US Micro Cap Port	129,579	Nationwide Dest 2020 Inst Svc	134,027
Fidelity Equity Income	66,105	EuroPacific Growth	380,828	Nationwide Dest 2025 Inst Svc	224,371
Fidelity Magellan	302,758	Stable Fund C	2,632,555	Nationwide Dest 2030 Inst Svc	8,594
Fidelity Puritan	108,953	N B Socially Responsive Fund	48,625	Nationwide Dest 2035 Inst Svc	0
Fidelity Contrafund	308,445	DWS High Income Fund A	86,256	Nationwide Dest 2040 Inst Svc	574
Janus Fund	51,395	DWS Eq Divd A	80,845	Nationwide Dest 2045 Inst Svc	11,582
Janus Advisor Forty	62,601	Oppenheimer Global Fund A	377,608	Total Nationwide Deferred	\$12,212,469

ICMA

Fund	Market Value as of June 30, 2014	Fund	Market Value as of June 30, 2014
Aggressive Oppor.	\$192,089	VT Vantagepoint Discovery	3,501
International	265,021	VT Oppenheimer Discovery	4,171
All Equity Growth	205,899	VT Fidelity Contrafund	163,617
Growth and Income	310,068	VT Vantagepoint Overseas Equity Index Fund	104,486
Broad Market	43,239	VT Fidelity Diversified International	133,139
500 Stock Index	160,329	VT Allianz NFJ Div Value	71,767
Equity Income	483,027	Vantage Growth Fund	277,331
MS Retirement Income	0	VT Fidelity Puritan	7,344
Core Bond	23,781	VT Vantagepoint Select Value	4,190
Cash Management	23,348	VT TR Price Growth Stock Adv	35,939
Plus Fund	999,881	VT Nuveen Real Estate Secs	121,593
Retirement Income Advantage	33,294	VT TR Price Small Cap Value	187,598
Conservative Growth	140,669	VT Vantagepoint MS Ret Inc	31,991
Traditional Growth	194,661	VT Vantagepoint Inflation Protected Securities	73,599
Long-Term Growth	443,662	VT Oppenheimer Main Street	10,771
Milestone 2010	12,261	VT Vantagepoint Mid/Sm Index	49,004
Milestone 2015	1,014	VT PIMCO Total Return	59,436
Milestone 2020	60,945	VT PIMCO High Yield	71,494
Milestone 2025	35,270	VT Harbor Mid Cap Growth	15,554
Milestone 2030	50	VT Harbor International Admi	34,853
Milestone 2035	20,330	VT TimesSquare Mid Cap Growth Admin	62,247
Milestone 2040	13,771	Total ICMA	\$5,186,234

Summary by Plan

Deferred Compensation Plan	Market Value as of June 30, 2014
Total Nationwide	\$12,212,469
Total ICMA	5,186,234
Total Deferred Compensation Plans	\$17,398,703

Summary by Investment Type

Investment Type	Market Value as of June 30, 2014
Savings Deposits and CD's	\$4,552,713
Mutual Funds	12,845,990
Total Deferred Compensation Plans	\$17,398,703

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BOND MARKET REVIEW

A MONTHLY REVIEW OF
FIXED INCOME MARKETS



WHAT'S INSIDE

Market Summary 1
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Credit Spreads
Economic Indicators

Global Growth Outlook 3
And Implications for
Domestic Interest Rates

Since 1988, Chandler Asset Management has specialized in the management of fixed income portfolios. Chandler's mission is to provide fully customizable, client-centered portfolio management that preserves principal, manages risk and generates income in our clients' portfolios.

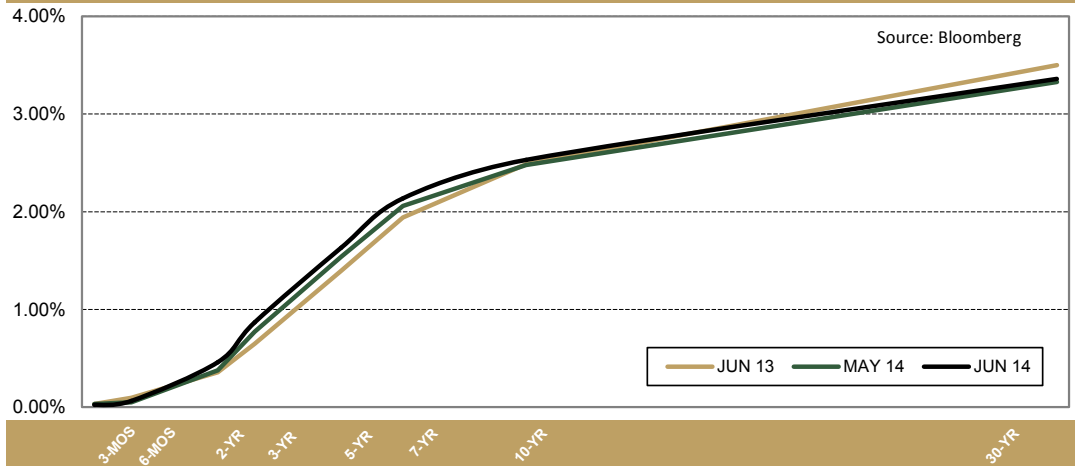
Market Summary

We believe the economy is gaining positive momentum, fueled by ongoing improvement in the labor market. The June employment report was stronger than expected, as nonfarm payrolls grew by 288,000, versus expectations of 215,000. During the second quarter, payrolls grew by an average of 272,000 per month, which compares favorably to the first quarter monthly average of 190,000. Private payrolls grew by 262,000 in June and government jobs rose by 26,000. The unemployment rate declined to 6.1% in June from 6.3% in May, which was a positive surprise. Meanwhile, the manufacturing sector continued to show strength and recent housing data has surprised to the upside.

As expected, the Federal Open Market Committee left policy rates unchanged at its June 17-18 meeting, and announced another \$10 billion reduction in asset purchases (to a level of \$35 billion per month, comprised of \$20 billion in treasuries and \$15 billion in mortgage-backed securities). We expect the process of unwinding quantitative easing will continue at a steady pace with the Federal Reserve (Fed) announcing another \$10 billion reduction in asset purchases at its July 29-30 meeting. The Fed reduced their GDP growth projections for 2014 to 2.1%-2.3% from 2.8%-3.0%, but improved their outlook for unemployment. At Chair Yellen's press conference, she reinforced that the Fed will continue to monitor the economy and does not project raising short term rates for a considerable amount of time after the asset purchases end.

The yield on the two-year Treasury note increased in June. Improving economic data, the unwinding of quantitative easing by the Fed and the anticipation of a potential fed funds rate hike next year have put upward pressure on rates.

THE YIELD CURVE FLATTENED IN JUNE



During the past three months, the yield curve flattened even as the Fed tapered its purchases of long-term Treasury bonds. Market participants reacted to mixed domestic economic data, as well as fears of euro zone deflation, geopolitical tensions, and volatility in emerging markets over the past several months. These concerns have fueled a flight to quality, putting downward pressure on longer yields, although some of this pressure has recently dissipated.

TREASURY YIELDS	6/30/2014	5/31/2014	CHANGE
3 Month	0.02	0.03	(0.01)
2 Year	0.46	0.38	0.08
3 Year	0.87	0.77	0.10
5 Year	1.63	1.54	0.09
7 Year	2.14	2.06	0.08
10 Year	2.53	2.48	0.05
30 Year	3.36	3.33	0.03

Source: Bloomberg

Economic Roundup

Consumer Prices

In May, overall CPI inflation increased to 2.1% on a year-over-year basis from 2.0% in April. The year-over-year Core CPI (CPI less food and energy) also increased to 2.0% in May from 1.8% in April. The core inflation rate is now trending in line with the Fed's long-term goal of 2.0%.

Retail Sales

In May, Retail Sales rose 4.3% on a year-over-year basis versus a gain of 4.6% in April. On a month-over-month basis, Retail Sales edged up just 0.3% in May, which was below expectations, but the April figure was revised up to 0.5%. Overall, Retail Sales were somewhat softer than expected in May, but better than previously believed in April.

Labor Market

The June employment report was better than expected as payrolls rose by 288,000 versus the 215,000 consensus estimate. Net revisions for job growth in April and March were +29,000. Private payrolls increased by 262,000 in June and government jobs increased by 26,000. The unemployment rate declined to 6.1% from 6.3%, and the participation rate was unchanged at 62.8%.

Housing Starts

Single-family housing starts fell 5.9% to 625,000 in May after rising 4.6% in April. Multifamily starts also declined 7.6% in May after rising 29.2% in April.

Credit Spreads Tightened Slightly

CREDIT SPREADS	Spread to Treasuries (%)	One Month Ago (%)	Change
3-month top-rated commercial paper	0.12	0.10	0.02
2-year A corporate note	0.41	0.43	(0.02)
5-year A corporate note	0.43	0.45	(0.02)
5-year Agency note	0.08	0.09	(0.01)

Source: Bloomberg

Data as of 6/30/2014

Economic Data Remains Indicative of Modest Growth

ECONOMIC INDICATOR	Current Release	Prior Release	One Year Ago
Trade Balance	(44.4) \$Bln MAY 14	(47.0) \$Bln APR 14	(44.8) \$Bln MAY 13
GDP	(2.9)% MAR 14	2.6% DEC 13	1.1% MAR 13
Unemployment Rate	6.1% JUN 14	6.3% MAY 14	7.5% JUN 13
Prime Rate	3.25% JUN 14	3.25% MAY 14	3.25% JUN 13
CRB Index	308.22 JUN 14	305.48 MAY 14	275.62 JUN 13
Oil (West Texas Int.)	\$105.37 JUN 14	\$102.71 MAY 14	\$96.56 JUN 13
Consumer Price Index (y/o/y)	2.1% MAY 14	2.0% APR 14	1.4% MAY 13
Producer Price Index (y/o/y)	2.4% MAY 14	3.1% APR 14	1.6% MAY 13
Dollar/EURO	1.37 JUN 14	1.36 MAY 14	1.30 JUN 13

Source: Bloomberg

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Global Growth Outlook and Implications for Domestic Interest Rates

The US economy continues to post lackluster growth since the onset of the financial crisis in 2007. The debate amongst economic thought leaders on whether or not the weak growth is structural (long-term) or cyclical is ongoing. The Federal Reserve, which recently updated their quarterly forecasts at the June 18th Federal Open Market Committee (FOMC) meeting, appears to be conflicted on the topic. GDP forecasts from the FOMC for the next two years are 3.0-3.2% and 2.5-3.0% (2015 and 2016, respectively), however, the longer run forecast is only 2.1-2.3%. Also of interest, the FOMC forecasts for the Fed Funds rate, which Federal Reserve Chair Janet Yellen is discounting, show a terminal Fed Funds rate of close to 4.0%. The team at Chandler is having a difficult time reconciling the FOMC's long-run GDP forecast in the low 2.0% area with a terminal Fed Funds rate of close to 4.0% (www.federalreserve.gov). We think global economic factors, as well as trends specific to the US economy, will serve to limit the increase in domestic and global interest rates as the US and Global economies continue to recover, albeit at a slower pace.

Global GDP, particularly in developed markets, has been somewhat synchronized since 2007. The absolute levels in the various regions represented in the table below are different, but the trends in most are down. In 2007, the average real GDP for the group was 5.0% versus the average forecast GDP in 2016 of only 2.8%. Almost every region represented in the table has a lower GDP forecast in 2016 versus the actual reported GDP number in 2007 with the two exceptions being the US and Canada.

The synchronization of global growth is preventing historical counter-cyclical trends from exerting their influence on weaker growth areas.

The synchronization of global growth is preventing historical counter-cyclical trends from exerting their influence on weaker growth areas. It appears the broad economic trend of this decade will be low growth and disinflation as no dominant macro-economic growth oriented theme in a specific region is pushing up the global economy. The majority of developed market central banks have highly stimulative monetary policies in place yet the average GDP growth rate in the table below was only 1.8% in 2013. China is putting policies in place to mitigate their growth rate as the industrialization process continues in a more controlled manner to help dampen some of the imbalances created by the continuous transformation of their economy. In 2007, China posted real GDP of 14.2% while the forecast for 2016 is only 7.2%, a pretty severe downward adjustment. In Europe,

the single currency and unified monetary policy dictated by the European Central Bank (ECB) precludes the weaker European economies from having the ability to gain global competitiveness via currency devaluation. The average forecasted growth rate in 2016 for Germany, France, Spain and Italy is only 1.5%, not much of a recovery from the depths of the financial crisis. The projected growth rate in Japan remains abysmal, forecasted to be 1.2% in 2016, although the Bank of Japan is currently in the midst of very aggressive unconventional monetary policy adjustments to try to change the trajectory of their economy.

Although the forecast for US GDP growth in 2016 looks respectable versus the peer group represented in the table, we are concerned about some of the long-term

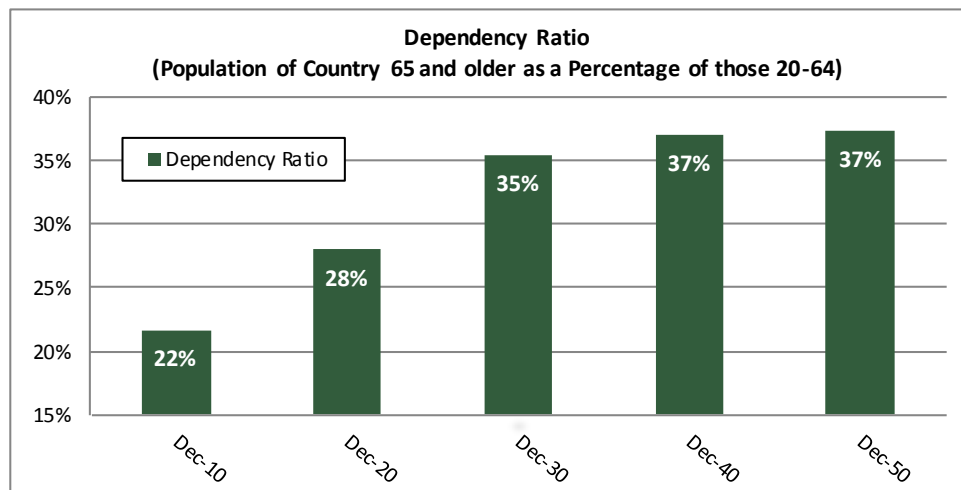
Real GDP Growth Rate

	US	Canada	Germany	France	Spain	Italy	Brazil	Russia	India	China	Australia	Japan	Average
12/31/07	1.8	2.0	3.3	2.3	3.5	1.7	6.1	8.5	9.7	14.2	4.6	2.2	5.0
12/31/08	(0.3)	1.2	1.1	(0.1)	0.9	(1.2)	5.2	5.2	8.2	9.6	2.7	(1.0)	2.6
12/31/09	(2.8)	(2.7)	(5.1)	(3.1)	(3.8)	(5.5)	(0.3)	(7.8)	6.6	9.2	1.6	(5.5)	(1.6)
12/31/10	2.5	3.4	4.0	1.7	(0.2)	1.7	7.6	4.5	9.4	10.4	2.2	4.7	4.3
12/31/11	1.8	2.5	3.3	2.0	0.1	0.4	2.8	4.3	7.7	9.3	2.6	(0.5)	3.0
12/31/12	2.8	1.7	0.7	0.0	(1.6)	(2.4)	1.0	3.4	4.8	7.7	3.6	1.5	1.9
12/31/13	1.9	2.0	0.4	0.2	(1.2)	(1.9)	2.5	1.3	4.7	7.7	2.4	1.5	1.8
12/31/14	2.2	2.2	2.0	0.8	1.0	0.3	1.3	0.5	N/A	7.4	3.1	1.5	2.0
12/31/15	3.0	2.5	2.0	1.4	1.5	1.1	1.8	1.8	5.4	7.2	3.0	1.2	2.7
12/31/16	3.0	2.5	1.7	1.4	1.7	1.1	2.6	2.3	6.2	7.2	3.2	1.2	2.8

Source: Bloomberg; 2014-2016 italicized to indicate consensus forecasts

secular trends specific to the US economy. The team at Chandler holds the view GDP growth in the next ten years will be lower than the previous twenty years. The primary catalyst for the lower US long-term growth outlook is correlated with unfavorable demographic trends. The US economy is on the precipice of having a 'supply' issue related to the number of available workers as the percentage of the population over the age of 65 expands while the percentage of workers between 20-64 contracts. The Dependency Ratio (Dependency Ratio = Population 65 And Older/Population Ages 20 to 64) is poised to increase from 22.0% at the end of 2010 to 37.0% by 2040, based on population estimates from the US Census Bureau (see table and chart at right). In order for an economy to accelerate at or above the potential growth rate it requires a growing supply of workers. As the growth of workers expands, the impact on the economy is magnified by the consumption habits of the growing work force creating yet more demand for goods, consistent with a multiplier effect. Since the onset of the financial crisis it is well documented that US corporate spending trends related to capital expenditures are soft. Many profitable corporations are using excess earnings to buy back equity shares, instead of investing in their respective businesses, with the goal of improving the share price of the underlying equity. Lack of investment will lead to lower growth over the long-term. We speculate one of the reasons corporations are reluctant to increase their capital expenditures, and have a more proactive outlook to grow their respective companies, is concerns about demographics in the US and the corresponding potential long-run demand for products.

United States	Dec-10	Dec-20	Dec-30	Dec-40	Dec-50
Total Population (in millions)	310,233	341,387	373,504	405,655	439,010
Under 20 years	84,150	90,703	97,682	104,616	112,940
20 to 64 years	185,854	195,880	203,729	219,801	237,523
65 years and older	40,229	54,804	72,092	81,238	88,547
Total Population	100%	100%	100%	100%	100%
Under 20 years	27%	27%	26%	26%	26%
20 to 64 years	60%	57%	55%	54%	54%
65 years and older	13%	16%	19%	20%	20%



The aging of the US population will exert a downward force on the potential growth rate of the country over the coming decade. It appears the lower trend growth the US and global economy is experiencing since the onset of the financial crisis is more structural than cyclical, as the demographic issues highlighted in the US are also evident in most other developed market economies. The lower long-term growth outlook implies interest rates overall will be lower at equilibrium in order to encourage capital investment over the coming decade. We expect the FOMC's forecast for the terminal Fed Funds rate to drift downward in coming quarters as lower global GDP continues to exert its influence across developed market economies.

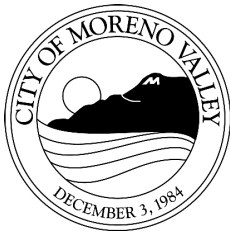
- William Dennehy II, CFA
SVP, Portfolio Manager

Graph Source: US Census Bureau

RISKS AND OTHER IMPORTANT CONSIDERATIONS

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Fixed income investments are subject to interest, credit, and market risk. Interest rate risk: the value of fixed income investments will decline as interest rates rise. Credit risk: the possibility that the borrower may not be able to repay interest and principal. Low rated bonds generally have to pay higher interest rates to attract investors. Market risk: the bond market in general could decline due to economic conditions, especially during periods of rising interest rates.



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: PA09-0043 (PARCEL MAP 36262) – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF THE SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE ASSOCIATED WITH THIS PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM

RECOMMENDED ACTION

Recommendations:

1. Adopt Resolution No. 2014-71. A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project PA09-0043 (Parcel Map 36262) and Accepting the Portion of the Southwest Corner of Alessandro Boulevard and Moreno Beach Drive Associated with the Project into the City’s Maintained Street System.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

SUMMARY

This report recommends acceptance of the improvements associated with PA09-0043 (Parcel Map 36262) into the City’s maintained street system and to provide a 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the

final 10% warranty portion of the Faithful Performance Bond in one year, subject to completion of any defective work during this period.

DISCUSSION

On March 11, 2010, the Planning Commission of the City of Moreno Valley approved Tentative Parcel Map (TPM) No. 36262 (PA09-0043) along with a plot plan (PA09-0025) for a commercial development. The parcel map was a proposal to subdivide 3.85 gross acres into two (2) parcels and the plot plan was a proposal to construct a gas station with convenience store and car wash on Parcel 1 of the proposed TPM 36262. The project is located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive and was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt concrete, curb, gutter, sidewalk, driveway approaches, street lights, and relocation of overhead utilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works Department/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$400,000 issued by Suretec Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within PA09-0043 (Parcel Map 36262) as complete and accept the portion of the southwest corner of Alessandro Boulevard and Moreno Beach Drive associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within PA09-0043 (Parcel Map 36262) as complete and accept the

portion of southwest corner of Alessandro Boulevard and Moreno Beach Drive associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 2000-Gas Tax, Fund 2001-Measure "A", and Fund 2008-NPDES. Fund 2000 is restricted to the construction and maintenance of streets and roadways. Fund 2001 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) 152 and NPDES levies collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the annual levies are restricted for use only within the Storm Water Management program). Street maintenance costs over a 20 year period are estimated to average almost \$12,000 per 13 foot wide lane mile per year. Based on the current street section being accepted of 0.09 lane miles, the estimated annual costs is \$1,080. The street section also includes two additional street lights with an estimated annual operating cost of \$250 each. Currently no new funding source has been identified to fund these maintenance costs.

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

ATTACHMENTS

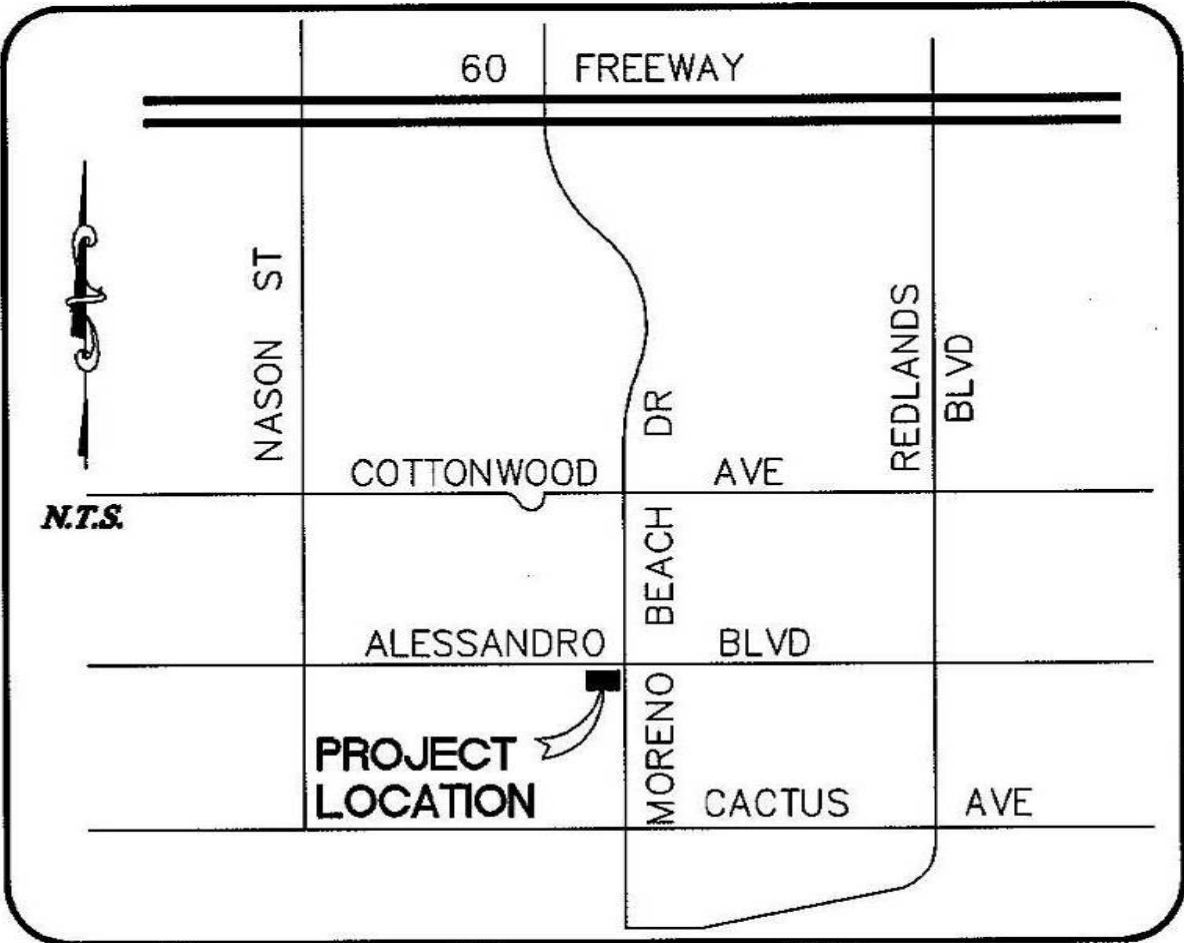
Attachment 1 - Vicinity Map
Attachment 2 - Proposed Resolution

Prepared By:
Zara Terrell
Management Analyst

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Vicente Giron
Associate Engineer

Concurred By:
Mark W. Sambito, P.E.
Engineering Division Manager



CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PA09-0043 (PM 36262)

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RESOLUTION NO. 2014-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PROJECT PA09-0043 (PARCEL MAP 36262) AND ACCEPTING THE PORTION OF THE SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC on the portion of the southwest corner of Alessandro Boulevard and Moreno Beach Drive associated with the project were constructed according to the approved plans on file with the City of Moreno Valley; and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner; and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within project PA09-0043 (Parcel Map 36262) and accept the portion of the southwest corner of Alessandro Boulevard and Moreno Beach Drive associated with the project into the City's maintained street system; and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within PA09-0043 (Parcel Map 36262) are complete, and the portion of southwest corner of Alessandro Boulevard and Moreno Beach Drive associated with the project is accepted into the City's maintained street system.

1
Resolution No. 2014-71
Date Adopted: August 26, 2014

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2014-71²
Date Adopted: August 26, 2014

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. 2014-71 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. 2014-71
Date Adopted: August 26, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: ACCEPTANCE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S (RCTC) CONGESTION MANAGEMENT AND AIR QUALITY GRANT; ACCEPTANCE OF THE MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE GRANT; AND AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS FOR THE TRANSPORTATION MANAGEMENT CENTER (TMC) ITS DEPLOYMENT PHASE 1B PROJECT NO. 808 0015 70 76

RECOMMENDED ACTION

Recommendations:

1. Accept the Congestion Management and Air Quality (CMAQ) grant award from the Riverside County Transportation Commission (RCTC) of up to \$1,541,700 for the TMC ITS Deployment Phase 1B Project.
2. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the CMAQ grant, subject to approval by the City Attorney.
3. Accept the Mobile Source Air Pollution Reduction Review Committee (MSRC) grant award from the RCTC of up to \$490,000 for the TMC ITS Deployment Phase 1B Project.
4. Authorize the City Manager to execute a Cooperative Agreement with RCTC for the MSRC grant when it is received, subject to approval by the City Attorney.
5. Approve the transfer of \$368,300 from the DIF Traffic Signal Capital Projects Fund (Fund 3302) to the Capital Projects Grants Fund (Fund 2301).

SUMMARY

This report recommends that the City Council accept \$2,031,700 in CMAQ and MSRC grant awards from RCTC and authorize the execution of the required Cooperative Agreements. The project is funded with a combination of regional transportation funding along with local match, and has been approved in the 2014/2015 Capital Improvement Plan.

DISCUSSION

At its June 2013 meeting, RCTC approved the 2013 Multi-Funding Call for Projects program. On September 10, 2013, City Council approved submittal of grant applications to RCTC and the City's commitment to provide matching funds for projects selected through the program. Fifty-five projects throughout the County were submitted by the September 23, 2013 deadline. The projects were subsequently evaluated based on regional significance, project readiness, safety, air quality benefits, cost/benefit ratio, Regional Transportation Plan/Sustainability Communities Strategy Greenhouse Gas benefits, and local match commitment.

In 2009, the City completed a Master Plan for deployment of an Intelligent Transportation System (ITS) in Moreno Valley to support active traffic management for the purpose of improving mobility. Shortly after completion of the master plan, the City selected Kimley-Horn and Associates to supply the City's new Arterial Traffic Management System (ATMS) software platform. This software has been delivered and is used to manage traffic at eight intersections on Alessandro Boulevard and Cactus Avenue. These arterials were selected for a pilot program due to their proximity to City Hall and the presence of existing traffic signal communication conduit. Having successfully completed the pilot deployment, staff proceeded to design and bid the ITS Deployment Phase 1A Project, which will implement a portion of the master plan's first deployment phase.

Staff has completed the design of a Transportation Management Center (TMC) within City Hall, and the project is currently out to bid. The current location is Conference Room A which is the planned space for the TMC; its placement there is intended to demonstrate the City's commitment to maintaining quality mobility on the arterial network. The TMC is scheduled for completion in the second half of this year. However, the ATMS is capable of being operated from any computer on the City's corporate network, and is currently being operated from staff's desks. Additionally, staff operates a satellite TMC in the traffic maintenance modular building at the Corporate Yard.

On January 8, 2014 the City received notification that RCTC will provide up to \$2,031,700 in grant funding for the TMC ITS Deployment Phase 1B Project. The City match is \$368,300 for a total project cost of \$2,400,000. The proposed work includes the deployment of critical field devices and supporting communications system as a part of the City's traffic management system. Improvements include an Ethernet fiber-optic

backbone system, CCTV cameras at 26 key intersections, and new traffic signal controller cabinets at 43 existing signalized intersections. Improvements will be made along the following corridors:

- Ironwood Avenue from Pigeon Pass Road to Perris Boulevard,
- Alessandro Boulevard from Heacock Street to Perris Boulevard,
- Cactus Avenue from Perris Boulevard to Lasselle Street,
- Perris Boulevard from Ironwood Avenue to Harley Knox Road,
- Lasselle Street from Cactus Avenue to Krameria Avenue, and
- Towngate Boulevard/Eucalyptus Avenue from Frederick Street to Old 215 Frontage Road.

The project was presented at the Traffic Safety Commission (TSC) on August 6, 2014 and at the City Council Study Session on August 19, 2014, and received support at both sessions. Information presented included a description of ITS purpose, functions, and costs.

Staff is requesting City Council accept the CMAQ and MSRC grant awards from RCTC and approve the transfer of matching funds from the DIF Traffic Signal Capital Projects Fund. Furthermore, staff is requesting authorization for the City Manager to execute the RCTC Cooperative Agreements subject to approval by the City Attorney.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow the City to proceed with the TMC ITS Deployment Phase 1B Project and receive reimbursement from RCTC for the grant amounts.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the TMC ITS Deployment Phase 1B Project and the City will lose the grant funds from RCTC.*

FISCAL IMPACT

The CMAQ and MSRC grants will provide for reimbursement of up to \$2,031,700. The grant requires local matching funds of \$368,300 (15%) for the TMC ITS Deployment Phase 1B Project. The local match amount is higher than anticipated when the grant applications were ratified by City Council due to the fact that RCTC only awarded grant money for the construction phase of the project with the City covering all environmental documentation and design costs.

The City has appropriated \$2.4 million in the Capital Projects Grants Fund (Fund 2301) as part of the 2014/2015 Capital Improvement Plan to construct the project. Invoices will

be submitted regularly to RCTC as the project progresses. There is no impact to the General Fund.

PROJECT BUDGET:

Capital Projects Grants
 (Account No. 2301-70-76-80008) (Project No. 808 0015-2301)..... \$2,400,000

ESTIMATED PROJECT COSTS:

PA&ED	\$50,000
Design	\$200,000
Construction	\$2,150,000
Total	\$2,400,000

ANTICIPATED PROJECT SCHEDULE:

Execution of Cooperative Agreements	September 2014
Caltrans Approvals	December 2014
Complete Design	September 2015
Complete Construction	September 2016

The new equipment procured and installed by the project will require an increase to the operating budget primarily to establish an equipment replacement fund. Funding for maintenance activities are also projected, although since no new staff will be needed to maintain the equipment actual increases are expected to be nominal.

The project replaces 43 traffic signal controller cabinets which are 20 to 30 years old and past their useful life. At the time the existing cabinets were installed, the City did not budget for replacement costs in the operating budget, so the cost to replace the cabinets would otherwise be a General Fund liability. The capital cost of these cabinets is estimated to be \$645,000. Therefore, approving the project produces a one-time discretionary budget savings of \$565,000 (after accounting for the local match) compared to undertaking a locally funded traffic signal controller cabinet replacement program. Since the next replacement triggers the need to budget for subsequent replacement, the projected replacement cost would become an operating budget expense regardless of funding source. However, for the purposes of this fiscal analysis, the annual cabinet replacement cost is treated as project-related.

The existing controller cabinets to be replaced generate frequent maintenance calls. Staff estimates two fewer after-hours call-outs per cabinet per year after replacement, a projected savings of \$12,000 annually.

The capital cost of deploying TMC ITS Deployment Phase 1B Project is funded largely by grants. The City's share of capital costs is limited to providing matching funds through the DIF Traffic Signals Fund. The costs to operate and maintain the deployed systems will be funded, in their entirety, by the Transportation Division. No additional General Fund appropriations will be required to operate this system on an ongoing basis. The projected operating budget changes would take effect once the project is completed (2016) and are as follows:

Item	Annual Cost
Fiber optic cable and end equipment	\$ 14,000
Traffic signal controller cabinets*	\$ 21,500
Reduced maintenance calls	(\$ 12,000)
CCTV cameras	\$ 14,000
Total:	\$ 37,500

* Replacement of cabinets using grant monies also produces a one-time savings of \$565,000

Budget/Appropriation Adjustments

Description	Fund	GL Account No. Project Number	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
DIF Traffic Signals	3302	GL 3302-99-99-93302-902301	Exp	\$0	\$368,300	\$368,300
Capital Projects	2301	GL 2301-99-99-92301-803302	Rev	\$0	\$368,300	\$368,300
Capital Projects	2301	GL 2301-99-99-92301-482020	Rev	\$0	\$2,031,700	\$2,031,700

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:

Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous materials incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

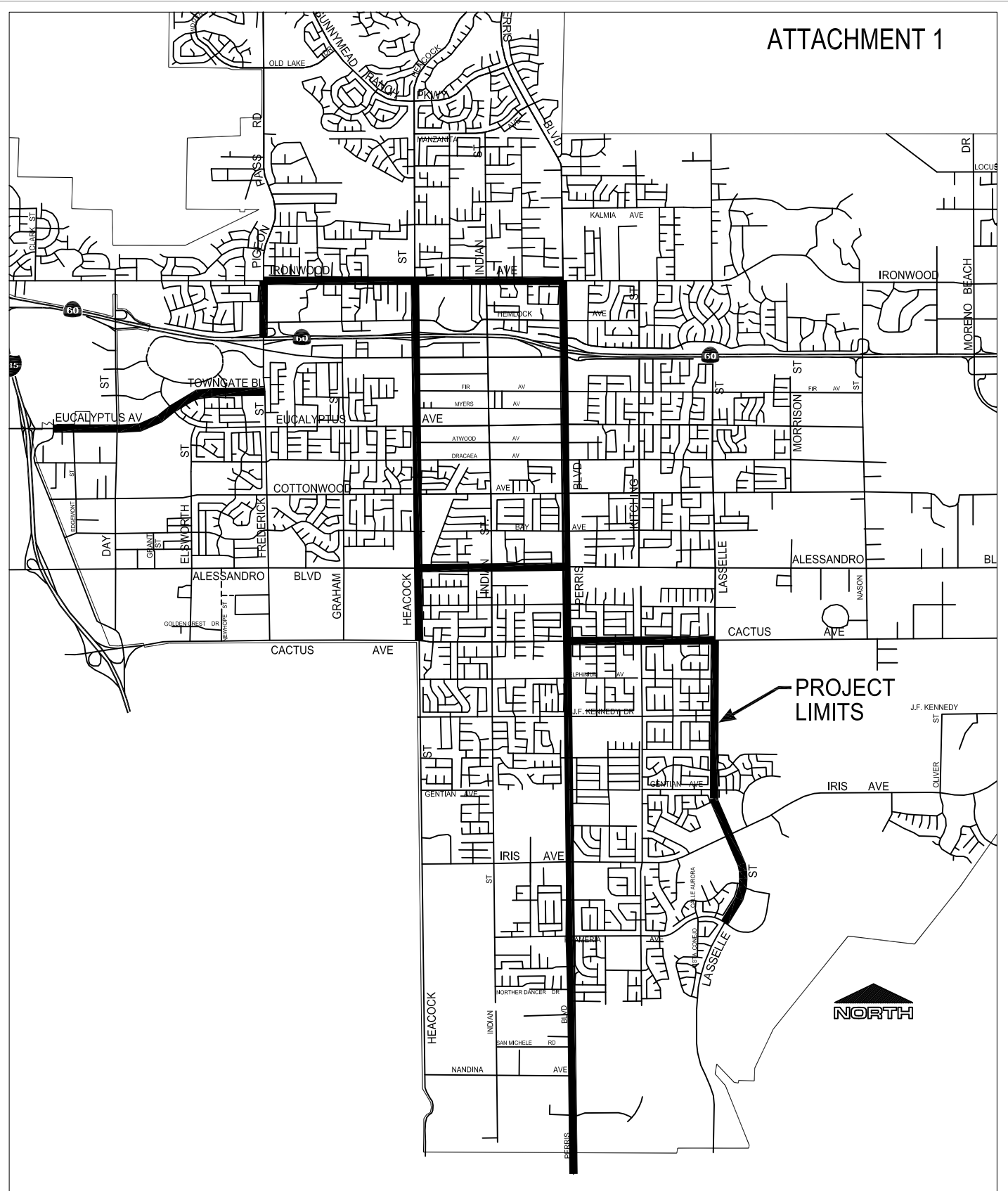
- Attachment 1 - Location Map
- Attachment 2 - Letter of Commitment to RCTC, dated September 19, 2013

Attachment 3 - RCTC CMAQ Cooperative Agreement

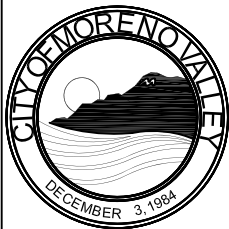
Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer



LOCATION MAP



Public Works Department
 Transportation Division

TRAFFIC MANAGEMENT CENTER ITS DEPLOYMENT PHASE 1B

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TEL: 951.413.3000
FAX: 951.413.3750
WWW.MORENO-VALLEY,CA.US



14177 FREDERICK STREET
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

September 19, 2013

Ms. Shirley Medina
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502

Subject: Application for 2013 Multi-Funding Call for Projects
Applicant: City of Moreno Valley
Project: Transportation Management Center Phase 1B
Funding Request: \$2,120,000

Dear Ms. Medina:

The City of Moreno Valley is pleased to submit an application for the 2013 Multi-Funding Call for Projects for the Transportation Management Center Phase 1B. The City respectfully requests \$2,120,000 in grant funds for the design and construction of this important Intelligent Transportation System project. As a critical next step in the City's deployment of ITS, it greatly improves mobility and air quality across the City and within the region. The project demonstrates conformance to all the selection criteria: Regional Significance, Project Readiness, Local Match, Safety, Air Quality, Cost Benefit, and Consistency with the Regional Transportation Plan (RTP)/Sustainability Communities Strategy (SCS). The project can adhere to federal funding requirements, including having, or intending to obtain, NEPA/CEQA clearance. The City is also very experienced in using Caltrans Local Assistance procedures.

Specifically the Transportation Management Center Phase 1B Project includes the following improvements:

- An Ethernet fiber-optic backbone system.
- CCTV cameras at 16 key intersections.
- New traffic signal controllers at 45 existing signalized intersections.

The total project cost for the design and construction phase is \$2,400,000, the amount of funds requested is \$2,120,000, and the City match amount is \$280,000 or 11.7 percent.

The City Council approved its commitment to these projects by their action dated September 10, 2013. I am pleased to officially authorize the City's funding application for this project. If you have any questions regarding the application, please do not hesitate to contact Michael Lloyd the Senior Engineer of the project at 951.413.3146.

Letter to Ms. Medina
September 19, 2013
Page 2

Thank you in advance for your time. The City looks forward to your review of our request.

Sincerely,



Michelle Dawson
City Manager

MDL:sc

c: Ahmad R. Ansari, Public Works Director/City Engineer
Prem Kumar, Deputy Public Works Director/Assistant City Engineer
Eric Lewis, City Traffic Engineer
File

W:\CapProj\CapProj\Grant Programs\Grant Programs\Multi-funding Call for Projects (RCTC) Sept 2013\Application 2013 Cover
Letter (CM)_TMC Phase 1B.doc

Agreement No. 14-72-123-00

**Riverside County Transportation Commission
FEDERAL FUNDING COOPERATIVE AGREEMENT WITH THE CITY OF MORENO
VALLEY FOR RCTC'S 2013 MULTI-FUNDING CALL FOR PROJECT**

1. Parties and Date. This Agreement is made and entered into this ____ day of _____, 2014, by and between the Riverside County Transportation Commission, hereinafter referred to as "RCTC," and the City of Moreno Valley, hereinafter referred to as "Agency".

2. Recitals.

2.1 In 1991 the United States Congress authorized the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. CMAQ was most recently reauthorized on July 6, 2012, when the President of the United States signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). Under MAP-21, CMAQ provides funding to areas in nonattainment or maintenance for ozone, carbon monoxide, and/or particulate matter; and

2.2 MAP-21 also provided continued funding for the Surface Transportation Program (STP). The STP provides funding for state and local government agencies for a range of transportation improvement projects, provided that the projects are identified in the State Transportation Improvement Plan (STIP)/Federal Transportation Improvement Program (FTIP), and meet other funding requirements identified in MAP-21; and

2.3 The California Department of Transportation (hereinafter referred to as "Caltrans") administers the CMAQ and STP programs on behalf of the Federal Highway Administration (hereinafter referred to as "FHWA"); and

2.4 Within Riverside County, RCTC is responsible for directing the programming and allocation of CMAQ and STP funding to projects within Riverside County. To this end, RCTC held a 2013 Multi-funding Call for Projects; and

2.5 Agency prepared a project proposal, attached hereto as Exhibit "A", in accordance with RCTC's Call For Projects; and

2.6 The proposal submitted by Agency describes a priority project which RCTC has determined merits funding, and Agency is eligible to receive CMAQ and/or STP funds. Agency's proposal is referred to herein as the "Project"; and

2.7 Contingent on Caltrans and/or FHWA approval of the Project, funding shall be programmed by RCTC in the form of CMAQ and/or STP funds, as further specified herein; and

CMAQ/STP Cooperative Agreement

2.8 On January 8, 2014, RCTC's Board of Directors approved the programming by RCTC of up to One Million Five Hundred Forty-One Thousand Seven Hundred dollars (\$1,541,700) in CMAQ funds to be matched with Two Hundred Sixty-Eight Thousand Three Hundred dollars (\$268,300) in Agency funds for the Project; and

2.9 Agency shall be the direct recipient of any federal funds provided for the Project, and shall utilize the funding disbursed by Caltrans solely for the Project.

3. Terms.

3.1 Definition; Term of Agreement.

A. Definitions.

1. Days - As used in this Agreement, "days" shall be calendar days.

2. Effective Date – Refers to the date first specified above.

3. Funding Plan – The plan included as part of the attached Exhibit "A" specifying the funding amounts and funding sources for the Project.

4. Project – The project proposed by Agency, as described in Agency's proposal, attached hereto as Exhibit "A", which has been reviewed and approved by RCTC.

B. Term. The term of this Agreement shall commence on the Effective Date and shall continue in effect through December 31, 2018, or until written agreement by the Parties that the Project has been completed, unless earlier terminated as provided herein.

C. Term Contingent on Funding. Notwithstanding the term as defined in subsection B above, the continuation of this Agreement and the programming of the federal funds specified hereunder is contingent on funding availability under MAP-21, on the Project maintaining funding eligibility, and on FHWA and Caltrans approval of the Project, and each Project phase. The parties acknowledge that RCTC is not the funding entity hereunder, and shall have no responsibility or liability to Agency for failure of FHWA or Caltrans to fund the Project, or for any delay, cancellation or reduction of federal funds.

3.2 Use of Funds.

A. Agency Responsibilities. Contingent on Southern California Association of Governments (hereinafter referred to as "SCAG"), Caltrans and FHWA approval of the Project and the funding to be programmed hereunder, Agency shall have the responsibilities set forth in this Agreement, including the following.

1. Agency shall act as the lead agency for the engineering, right-of-way, construction and construction management for the Project, unless the Project is on the state highway system and a cooperative agreement with Caltrans specifies that Caltrans is the lead of a specified project phase.

2. Agency shall submit National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) environmental documentation to Caltrans for approval.

3. Agency shall prepare and submit all necessary Caltrans-required documentation to Caltrans District 8 including the request for authorization to proceed (hereinafter referred to as "E-76 Request") as indicated on the Project schedule and Funding Plan.

4. Agency shall be the direct recipient of all federal funds to be provided for the Project, and shall invoice Caltrans for Project costs at minimum once every six months, or as otherwise required by Caltrans.

5. Agency shall create any necessary Project records, reports and financial accounts to permit disbursement of allocated funds to Agency, and shall ensure that federal and state reporting requirements are met.

B. Project Changes; Cost Overruns. The federal funds described in Section 3.4 and Exhibit "A" of this Agreement are specifically for the Project and make up the entire amount which RCTC has authorized for the Project. Any subsequent amendments to the Project scope or description are not covered by this Agreement, and the funding for any such amendments or for any Project cost overruns shall be the sole responsibility of Agency, unless otherwise approved in writing by RCTC.

C. Cost Savings. In the event that bids for the Project are lower than anticipated, or there are cost savings for any other reason, the Funding Plan shall be revised to apply such cost savings proportionately to each funding source listed in the Funding Plan. Agency shall inform RCTC of any cost savings and the parties shall amend this Agreement to reflect the revisions to the Funding Plan. RCTC's Executive Director and the Agency Manager shall be authorized to execute any such amendment.

D. Responsibility of Agency for Project Compliance with Federal Rules and Regulations. Agency shall be solely responsible and liable for compliance with all federal and state rules and regulations applicable to the CMAQ and/or STP funds. Approval by RCTC of the Project does not evidence any opinion of or representation by RCTC of the Project's compliance with applicable federal or state rules and regulations regarding use of the CMAQ and/or STP funds. If Caltrans or FHWA determines that any CMAQ and/or STP funds were not spent in accordance with applicable federal or state rules and regulations, Agency shall be solely responsible for reimbursement of all such improperly expended funds and shall make such reimbursement in the manner specified in this Agreement.

E. Funding Reimbursement by Agency. If it is determined pursuant to a Project audit that any funds provided pursuant to this Agreement have been improperly expended, Agency shall, at the direction of the agency performing the audit (e.g. RCTC, Caltrans, FHWA or FTA) reimburse within thirty (30) days the full amount of such improperly expended funds. The funds shall be reimbursed in accordance with the recommendations in the audit, with a notice to RCTC that the reimbursement was accomplished.

3.3 Additional Responsibilities of Agency

A. Indemnification. To the fullest extent permitted by law, Agency shall defend, indemnify and hold RCTC, its directors, officials, officers, employees, agents and/or volunteers free and harmless from any and all liability from loss, damage, or injury to property or persons, including wrongful death, in any manner arising out of or incident to any acts, omissions or willful misconduct of Agency or any of its directors, officials, officers, employees, agents, volunteers, or service providers arising out of or in connection with Agency's performance of this Agreement, or the Project, including, without limitation, the payment of consequential damages and attorneys' fees. Further, Agency shall defend, at its own expense, including the payment of attorneys' fees, RCTC, its officials, officers, employees, agents and/or volunteers in any legal action based upon such acts, omissions or willful misconduct. Agency shall reimburse RCTC, its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

B. Standard of Care; Performance Standards.

1. Agency shall implement the Project in a skillful and competent manner and in accordance with all applicable local, state, and federal laws, rules and regulations. Agency shall be responsible to RCTC for any errors or omissions in its execution of this Agreement or the implementation of the Project.

2. Agency shall meet or exceed the following performance standards for the Project:

a. Adhere to the timeline set forth in this Agreement or as subsequently approved by RCTC.

b. Expend the funding specified herein entirely on the Project.

c. Implement the Project in a manner consistent with Exhibit "A" and all provisions of this Agreement.

d. Provide Project reporting to RCTC in a manner consistent with this Agreement.

e. Comply with any requirements and restrictions imposed by the authorizing language in MAP-21.

C. Insurance. Agency shall obtain and require its subcontractors or sub-consultants to obtain insurance of the types and in the amounts described below for the entire term of this Agreement.

1. Commercial General Liability Insurance. Agency shall maintain and require its consultants and contractors to maintain sufficient insurance to cover the risks associated with the Project.

a. Name RCTC and its officials, officers, employees, agents, and consultants, as insureds with respect to performance of this Agreement. Such insured status shall contain no special limitations on the scope of its protection to the above-listed insureds.

b. Be primary and noncontributory with respect to any insurance or self insurance programs covering RCTC and its directors, officials, officers, employees, agents, and consultants.

c. Contain standard separation of insureds provisions.

2. Business Automobile Liability Insurance. If Agency hires or owns any vehicle during the term of this Agreement, Agency shall maintain business automobile liability insurance or equivalent form with a combined single limit of not less than \$1,000,000 per occurrence. Such insurance shall include coverage for owned, hired and non-owned automobiles.

3. Workers' Compensation Insurance. Agency shall maintain workers' compensation insurance with statutory limits and employer's liability insurance with limits of not less than \$1,000,000 per accident.

4. Certificates/Insurer Rating/Cancellation Notice. Agency shall, prior to receiving any funding under this Agreement, furnish to RCTC properly executed certificates of insurance, certified copies of endorsements, and policies, if requested by RCTC which shall clearly evidence all insurance required in this Section. Agency shall not allow such insurance to be canceled, allowed to expire or be materially reduced in coverage except on thirty (30) days prior written notice to RCTC.

D. Obligation to Provide Match Funding. Agency must provide funding at least equal to the amounts shown in Exhibit "A", attached hereto and incorporated by reference, as a match to the funds provided for the Project.

3.4 RCTC's Rights and Responsibilities.

A. RCTC shall formally request on behalf of Agency that SCAG amend the FTIP to program up to the amount in accordance with the Funding Plan.

B. RCTC shall provide assistance to Agency, as described in this Agreement, in securing the CMAQ funds in an amount not to exceed \$1,541,700, as further detailed in the Funding Plan.

C. RCTC shall not be obligated to program any amount in excess of the amount identified in subsection B above, or the amount ultimately approved for the Project by Caltrans and FHWA, if less than the amount set forth in subsection B above.

D. RCTC shall process any required FTIP amendments.

E. RCTC may cancel funding for the Project under this Agreement if Agency has not submitted an E-76 Request to Caltrans or has not advanced the Project to the "ready-to-list stage" as required by the Project schedule included in the attached Exhibit "A".

F. RCTC will consider requests for extensions of time if the request if the reason for delay is above and beyond the agencies control.

4. Accounting Records.

4.1 Retention of Records. Agency shall maintain complete and accurate records with respect to costs incurred and other records generated under this Agreement. All such records shall be clearly identifiable. Agency shall allow representatives of RCTC, Caltrans, FHWA, and other designated agencies during normal business hours to examine, audit, and make transcripts or copies of such records. Agency shall maintain all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the expiration of this Agreement and shall allow inspection hereunder during such time.

4.2 Accounting of Funds. When requested by RCTC, Agency shall within fifteen (15) days provide RCTC with a full reporting and accounting of all funds received pursuant to this Agreement during its term.

5. Project Reports.

5.1 Reporting: Agency shall, in a timely manner, provide milestone reports detailing the Project's progress including a financial status report and milestone progress report in a form approved by RCTC, upon RCTC written request.

5.2 Responsibility for Federal Reporting: The responsibility for reporting associated with the CMAQ and/or STP funds shall be exclusively that of the Agency and in no manner the responsibility of RCTC.

6. Annual Audit.

6.1 RCTC shall notify Agency in writing, by the end of the fiscal year, if Agency is required to conduct an annual financial audit of records pertaining to the Project. If an audit is required, it shall be completed and submitted to RCTC by December 31st of the following fiscal year ("Audit Deadline"). In order to ensure compliance with the Audit Deadline, Agency shall respond promptly to the auditor's requests for documentation and records.

6.2 RCTC may, in its sole and absolute discretion, grant an extension of the Audit Deadline upon written request of the Agency, which request shall include an explanation for the delay. No extension of the Audit Deadline shall exceed ninety (90) days.

6.3 Agency shall promptly resolve all audit matters to the satisfaction of RCTC.

6.4 If Agency fails to complete the audit by the Audit Deadline or by the date of any authorized extension, or if Agency fails to promptly resolve all audit matters to the satisfaction of RCTC, RCTC shall have the right to request suspension of Agency's funding by Caltrans.

7. General Provisions.

7.1 Compliance with Federal Procurement Requirements.

A. In addition to the terms specified herein, Agency shall also achieve and maintain full compliance with all federal contracting and procurement requirements applicable to the Project and Agency's organization. It is the responsibility of the Agency to be familiar with and to be in full compliance with all applicable Caltrans and federal requirements.

B. In the event of any failure or alleged failure to comply with federal contracting and procurement requirements on the part of the Agency, Agency shall be solely responsible for any penalties, reimbursement of funds, costs of investigation and remedy of such failures.

7.2 Termination of Agreement.

A. RCTC may, by written notice to Agency terminate the whole or any part of this Agreement at any time, with or without cause, by giving written notice to Agency of such termination, and specifying the effective date thereof. Agency may not terminate this Agreement except for cause. Upon receipt of notice of termination, Agency shall immediately cease expenditure of funds conveyed pursuant to this Agreement and promptly return all unexpended funds to RCTC or as RCTC may direct.

B. In the event this Agreement is terminated in whole or in part as provided in subsection A of this Section, RCTC may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

C. If this Agreement is terminated as provided in subsection A of this Section, RCTC may require Agency, when implementing a Project, to provide to RCTC all finished or unfinished documents, including but not exclusive to, data, studies, drawings, and reports, prepared by Agency in connection with the performance of this Agreement.

7.3 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

To RCTC: Riverside County Transportation Commission
4080 Lemon Street, Third Floor
P. O. Box 12008
Riverside, California 92502-2208
Attn: Anne Mayer, Executive Director
AMayer@rctc.org

To Agency: City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552
Attn: Eric Lewis
E-mail: ericle@moval.org

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. mail, first class postage prepaid and addressed to the party at its applicable address. Notice may also be provided via electronic mail and shall be deemed made the date sent, provided that any notice sent via electronic mail shall also be sent by U.S. mail, per the requirements set forth in the foregoing sentence, within twenty-four (24) hours of the notice via electronic mail. Notice sent via electronic mail that is not followed by notice sent via U.S. mail, as required in this paragraph, shall not be considered notice for purposes of this Agreement.

7.4 Attorneys' Fees. If any party commences an action against the other arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party's reasonable attorneys' fees and costs of suits.

7.5 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified in writing, signed by both parties.

7.6 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Riverside County.

7.7 Time of Essence. Time is of the essence for each and every provision of this Agreement.

7.8 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties, and shall not be assigned by Agency without the prior written consent of RCTC.

7.9 Administration.

A. RCTC's Executive Director, or his or her designee, shall administer this Agreement on behalf of RCTC.

B. Agency hereby designates _____ or his or her designee, to act as its representative to administer this Agreement on behalf of Agency ("Agency's Representative"). Agency's Representative shall have full authority to represent and act on behalf of Agency for all purposes under this Agreement.

7.10 Severability. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

7.11 Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures shall be considered originals.

7.12 Incorporation of Recitals. The Recitals set forth above are true and correct and are incorporated into this Agreement by reference as though fully set forth herein.

7.13 Incorporation of Exhibit. This Agreement contains one (1) exhibit (Exhibit "A") which is attached hereto and incorporated into this Agreement by reference.

7.14 Legal Authority. RCTC and Agency represent and warrant that the persons signing below on behalf of each party is duly authorized to execute this Agreement on behalf of its respective party and that, by so executing, the parties hereto are formally bound to the provisions of this Agreement.

[Signatures on following page]

**SIGNATURE PAGE
TO
FEDERAL FUNDING AGENCY AGREEMENT
FOR RCTC'S 2013 MULTI-FUNDING CALL FOR PROJECT**

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the Effective Date.

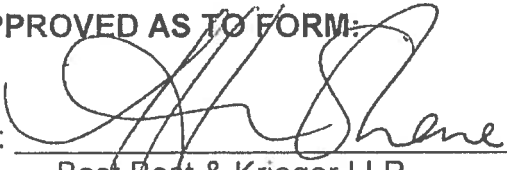
**RCTC:
RIVERSIDE COUNTY
TRANSPORTATION COMMISSION**

**AGENCY:
THE CITY OF MORENO VALLEY**

By: _____
Anne Mayer, Executive Director

By: _____
Title: _____

APPROVED AS TO FORM:

By: 
Best Best & Krieger LLP
Counsel to the Riverside
County Transportation Commission

APPROVED AS TO FORM:

By: _____
Title: _____

ATTEST:

By: _____
Title: _____

EXHIBIT "A"

**SCOPE OF WORK, FUNDING
AND TIMETABLE**

SCOPE OF WORK: Design and construction of ITS, including an Ethernet fiber-optic backbone system, CCTV cameras at 16 key intersections, and new traffic signal controllers at existing 45 signalized intersections.

FUNDING:

PHASE	CMAQ Funds	Local Funds	Other Local - MSRC	TOTAL
CONSTRUCTION	\$1,541,700	\$268,300	\$490,000	\$2,300,000
TOTAL	\$1,541,700	\$268,300	\$490,000	\$2,300,000

TIMETABLE:

Phase	Start*	End*	Comments
Environmental	May 2014	October 2014	
Design (PS&E)	November 2014	April 2015	
Right of Way	N/A	N/A	
Construction	May 2015	January 2016	

*Schedule start and end dates revised based on programming of federal funds in 2013 FTIP through Formal Amendment No. 17.

PROJECT OVERVIEW

Project Title: Transportation Management Center Phase 1B

Total Project Cost: \$2,400,000

Funding Request: \$2,120,000

Project Scope of Work: The proposed work includes the deployment of critical field devices and supporting communications system as a part of the City's traffic management system. Improvements include an Ethernet fiber-optic backbone system and wireless communications, CCTV cameras at 26 key intersections, and new traffic signal controllers/cabinets at 43 existing signalized intersections.

Does Project include pedestrian and/or bicycle facilities? Yes ___ No X

If Yes, please describe the cost or percentage of project that includes pedestrian/bike facilities.

N/A

PROJECT EVALUATION CRITERIA

Please respond to the questions below describing how the project meets each criterion.

Regional Significance (Up to 10 points)

Describe the Regional Significance of the project:

The proposed improvements will provide for responsive traffic management along several corridors within the City that are multi-jurisdictional and multi-modal. Improvements to the Alessandro Boulevard corridor from Perris Boulevard to Heacock Street will allow for the smooth flow of traffic across the City and connect with the City of Riverside through an existing communications intertie that crosses I-215. It is worth noting that the Metrolink's Perris Valley Line will have a station on the west side of I-215 just south of Alessandro Boulevard, RTA plans Bus Rapid Transit along the Alessandro corridor (RTA routes 11 and 20 currently utilize the corridor), and Amtrak Thruway has a bus stop on the east side of I-215 along Alessandro (Route 19a from Bakersfield to Hemet with stops in Sun City, Perris, Riverside, San Bernardino, Ontario, Claremont, Pasadena, and La Crescenta). Improvements to Perris Boulevard will provide traffic management capabilities from Ironwood Avenue, across SR-60, to Harley Knox Road in the City

of Perris. RTA routes 11, 18, 19, and 35 utilize portions of the Perris Boulevard corridor. Improvements to Cactus Avenue/Lasselle Street will provide traffic management capabilities from Perris Boulevard (previously listed) to the Moreno Valley College (a critical RTA transfer location within the City). The Cactus Avenue segment between Perris Boulevard and Lasselle Street will fill a gap in the existing Cactus Avenue corridor ITS system. Once this gap is filled, the Cactus corridor will extend from I-215 to Nason Street (location of the Riverside County Regional Medical Center and another RTA transfer location). RTA routes 18, 19, 20, and 41 utilize the Cactus/Lasselle corridor. Improvements to Eucalyptus Avenue/Towngate Boulevard will improve traffic flow from the Moreno Valley Mall (the primary RTA transfer station within Moreno Valley) to I-215. RTA routes 11, 16, 18, 19, 208, and 210 utilize portions of the Eucalyptus/Towngate corridor. The Heacock Street segment from Cactus Avenue to Ironwood Avenue will provide another corridor leading to SR-60. RTA route 11 utilizes a portion of this segment. Ironwood Avenue from Perris Boulevard to Pigeon Pass Road and then down Pigeon Pass Road to SR-60 will provide another corridor to SR-60. RTA routes 11 and 18 utilize portions of the segments. This project would provide controllers/cabinets and field communication that would be virtually plug-and-play compatible with any future BRT deployment by RTA.

What is the Average Daily Traffic (ADT) for the road segment that the project is located on (Indicate source and year of data)?

Alessandro Boulevard: 27,700 vpd (City count 2009)

Perris Boulevard: 29,500 vpd (City count 2009)

Cactus Avenue/Lasselle Street: 15,000 vpd (City count 2009)

Eucalyptus Avenue/Towngate Boulevard: 16,200 vpd (City count 2009)

Heacock Street: 19,600 vpd (City count 2009)

Ironwood Avenue/Pigeon Pass Road: 18,100 vpd (City count 2009)

Please check the transportation system(s) that the project is located on.

CMP _____
 TUMF X
 NHS X
 Master Bike Plan _____
 Multi-jurisdictional X
 Other X (ITS Master Plan)

Project Readiness (Up to 10 points)

Describe the current status of the project. Points will be applied based on the guidance below:

- 10 points = Ready for construction (PA&ED complete, PS&E and R/W certified)
- 8 points = PA&ED Complete, project within 6 months of construction (e.g. 95% PS&E, R/W certification within 6 months of construction)
- 6 points = PA&ED Complete, project within 12 months of construction (e.g. 60% PS&E, R/W certification within 12 months)
- 4 points = PA&ED Complete, at 35% PS&E, and R/W initiated
- 2 points = PA&ED Complete

Project Status:

This project needs to start with the PA/ED phase. However, an aggressive schedule is achievable due to significant in-house ITS expertise. Since this project is not the initial deployment, it will benefit from the carefully reasoned approach arrived at in the pilot projects. Therefore, since this is the second phase of the City's ITS Master Plan, it is reasonably anticipated that PA/ED could be completed within six months and PS&E would require up to another six months. No right of way is required. The project would be ready to go to bid within twelve months once funds are obligated following the Caltrans LAPM that includes all necessary Caltrans and FHWA approvals.

Local Match (Up to 10 points)

A minimum of 11.47% must be committed in the phase that funding is being requested. Points will be applied based on the guidance below.

- 10 points = 55% or more
- 8 points = 45-54%
- 6 points = 35-44%
- 4 points = 25-34%
- 2 points = 15-24%

Total Project Cost	\$2,400,000
Funding Request	\$2,120,000
Local Match Amount	\$280,000
Local Match Percent	<u>11.7%</u>

Safety (Up to 5 points)

Quantitative: Provide accident information and other documentation that justifies project safety benefits. Collision rate calculations from the Federal Highway Administration (FHWA) website or other accident data is to be provided as an attachment to this application (“Local Agency Support Documentation”), if applicable.

Number of red-light running/rear-end collisions in corridors: 680 collisions

Red-light running/Rear-end Collision Rates:

Alessandro Boulevard: 1.76

Perris Boulevard: 1.24

Cactus Avenue/Lasselle Street: 1.97

Eucalyptus Avenue/Towngate Boulevard: 1.59

Heacock Street: 2.65

Ironwood Avenue/Pigeon Pass Road: 0.84

Qualitative: Discuss how the proposed project will benefit/improve safety.

The project contributes to safety by reducing the number of stops within the corridors, thus reducing the frequency of red-light running and rear-end collisions. Based upon the Safety Index Calculation Procedure for the HSIP Program, signal upgrades with interconnection produce a collision reduction factor of 0.15 (a 15% reduction in collisions).

Air Quality (Up to 5 points)

Quantitative: Provide the input data needed for the Air Quality assessment. Refer to the “Air Quality Benefits Assessment Methodologies” (Attachment C).

Before/After ADT:

Alessandro Boulevard: 27,700 vpd

Perris Boulevard: 29,500 vpd

Cactus Avenue/Lasselle Street: 15,000 vpd

Eucalyptus Avenue/Towngate Boulevard: 16,200 vpd

Heacock Street: 19,600 vpd

Ironwood Avenue/Pigeon Pass Road: 18,100 vpd

Before/After LOS:

Alessandro Boulevard: LOS A

Perris Boulevard: LOS C

Cactus Avenue/Lasselle Street: LOS A

Eucalyptus Avenue/Towngate Boulevard: LOS A

Heacock Street: LOS A

Ironwood Avenue/Pigeon Pass Road: LOS A

Before Average Vehicle Speed:

Alessandro Boulevard: 30.5 MPH

Perris Boulevard: 27.8 MPH

Cactus Avenue/Lasselle Street: 33.6 MPH

Eucalyptus Avenue/Towngate Boulevard: 27.5 MPH

Heacock Street: 27.3 MPH

Ironwood Avenue/Pigeon Pass Road: 28.2 MPH

After Average Vehicle Speed:

Alessandro Boulevard: 46.3 MPH

Perris Boulevard: 46.7 MPH

Cactus Avenue/Lasselle Street: 43.9 MPH

Eucalyptus Avenue/Towngate Boulevard: 40.9 MPH

Heacock Street: 46.9 MPH

Ironwood Avenue/Pigeon Pass Road: 36.5 MPH

Average Delay Savings:

Alessandro Boulevard: 1.4 minutes

Perris Boulevard: 5.5 minutes

Cactus Avenue/Lasselle Street: 1.3 minutes

Eucalyptus Avenue/Towngate Boulevard: 1.1 minutes

Heacock Street: 2.3 minutes

Ironwood Avenue/Pigeon Pass Road: 1.2 minutes

NOTE: Average Vehicle Speeds and Average Delay Savings based upon calculations from the State of California Traffic Light Synchronization Program (TLSP) worksheets provided in the Attachment.

Corridor Lengths:

Alessandro Boulevard: 2.0 miles

Perris Boulevard: 6.25 miles

Cactus Avenue/Lasselle Street: 3.0 miles

Eucalyptus Avenue/Towngate Boulevard: 1.6 miles

Heacock Street: 2.5 miles

Ironwood Avenue/Pigeon Pass Road: 2.35 miles

Qualitative: Describe the Air Quality benefits of project.

Signal synchronization benefits to air quality are well documented. Specific to this project, vehicle emissions are anticipated to be significantly reduced due to the reduced number of stops at signalized intersections. The average vehicle speed improvements range from 29% to 68% with significant travel time reductions.

Cost Benefit (Up to 10 points)

Quantitative: Provide the input data needed for the Cal-B/C cost-benefit methodology published by Caltrans. Refer to the "Cost-Benefit Analysis" form (Attachment D).

Cost Data:

Construction/Implementation Duration: 1 year

Construction/Implementation Cost: \$2,220,000

Post-opening Costs: \$50,000/year

Benefit Data:

Number of Red-light running/Rear-end Collisions: 680 corridor-wide

Expected Collision Rate Before: See Safety data above

Expected Collision Rate After:

Alessandro Boulevard: 1.50

Perris Boulevard: 1.05

Cactus Avenue/Lasselle Street: 1.67

Eucalyptus Avenue/Towngate Boulevard: 1.35

Heacock Street: 2.25

Ironwood Avenue/Pigeon Pass Road: 0.71

Vehicle Hours Delay Reduced per Year: 84,773 (calculated based upon the TLSP worksheets (provided in the Attachment) vehicle minute savings are divided by 60 and then multiplied by the peak hour volume and by 250 for number of annual working days)

Qualitative: Describe any cost benefit aspects, methodologies, value analysis that is associated with the project.

The benefits of this project are driven by the reduced number of collisions that is anticipated due to the improved flow of traffic through the corridor intersections. The project will also provide improved travel times with fewer stops, thus improving air quality and lost productivity.

RTP/SCS Consistency (Up to 10 points)

Describe how the project is consistent with the actions and strategies included in the SCAG 2012 Regional Transportation Plan (RTP), Chapter 4: Sustainability Communities Strategy (SCS) (Attachment E). For example, list which specific actions and/or strategies the project will

implement (Table 4.3), identify if the project is part of a local jurisdiction's completed or ongoing Compass Blueprint effort, provide information regarding the jurisdictions efforts to reduce greenhouse gases (GHG) or vehicle miles traveled (VMT) and how the proposed project can help achieve GHG and VMT reductions, etc.

This project achieves the following 2012 RTP/SCS actions and strategies:

- Work with relevant state and local transportation authorities to increase the efficiency of the existing transportation system.
- Collaborate with local jurisdictions and subregional COGs to continually update the ITS inventory.
- Collaborate with CTCs to regularly update the county and regional ITS architecture.

Furthermore, given the number of transit routes served by the project corridors and transfer stations/locations, transit service will realize improvements related to buses arriving on time. Enhanced on-time arrivals can lead to transit being a more attractive transportation alternative, thereby reducing VMT. The project fits the vision established by the Compass Blueprint of the Alessandro Boulevard corridor for transit-oriented development by delivering reliable travel time for all road users (cars, trucks, bicycles, and buses) through the planned high-density commercial/residential nodes at each major intersection.

In summary, this project will increase the efficiency of the existing transportation system by implementing a critical stage of the City's ITS Master Plan that is consistent with the regional ITS architecture. By improving the efficiency of the existing system, vehicle emissions will be reduced due to the reduced number of stops at intersections. The improved traffic flow across the City and into adjacent jurisdictions should improve the RTA's ability to provide on-time arrivals making it a more attractive transportation alternative, especially within the planned TOD along Alessandro Boulevard.

Is the project included in the 2013 Federal Transportation Improvement Program (FTIP)?

Yes No



RCTC Project Information Form

Section A: Lead Agency

1	Lead Agency:	Moreno Valley	Date	9/23/2013
2	Address:	14177 Frederick Street, PO Box 88005 Moreno Valley, CA 92552		
3	Contact Person:	Eric Lewis, P.E., T.E.	Telephone:	951.413.3140
4	Title:	City Traffic Engineer		
5	Email Address:	ericle@moval.org		
6	If Joint Project, include partner agency name, contact person and telephone:			
	Agency:			
	Contact:			
	Telephone:			

Section B: Proposed Project

7	Project Location/ Street Name(s)	Alessandro Boulevard Perris Boulevard Cactus Avenue Lasselle Street Eucalyptus Avenue Towngate Boulevard Heacock Street Ironwood Avenue Pigeon Pass Road
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8	Project Limits	Alessandro Blvd from Perris Blvd to Frederick Street; Perris Blvd from Ironwood Avenue to Harley Knox Boulevard; Cactus Avenue from Perris Blvd to Lasselle St; Lasselle Street from Cactus Avenue to Krameria Ave; Eucalyptus Ave from I-215 to Towngate Blvd; Towngate Blvd from Eucalyptus Avenue to Frederick Street; Heacock Street from Cactus Avenue to Ironwood Avenue; Ironwood Avenue from Perris Boulevard to Pigeon Pass Road; Pigeon Pass Road from Ironwood Avenue to SR-60.
9	Agency Priority Ranking (if submitting more than one project)	Priority Rank # 3 of 7
10	Project Description:	Transportation Management Center Phase 1B. The project will deploy critical field devices and supporting communications system as a part of the City's traffic management system.

Section C: Project Schedule

	Phase	Start (month/year)	End (month/year)	Comments
11	Environmental	6/2014	12/2014	
12	Design (PS&E)	1/2015	6/2015	
13	Right of Way	N/A	N/A	
14	Construction	7/2015	12/2015	

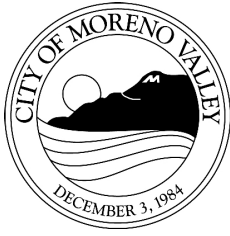
Estimated date to submit project Request for Authorization (obligation package) for Construction to Caltrans Local Assistance is 6/2015.

Section D: Project Funding

16 Total Project Funding and Phase, Grant and Local funds:				
	Grant Funds \$ (000's)	Local Funds \$ (000's) <small>(minimum of 11.47% local match must be in construction phase)</small>	Other Funds \$ (000's)	Totals \$ (000's)
Environmental	26.5	3.5	0	30
Design (PS&E)	61.8	8.2	0	70
Right of Way	0	0	0	0
Construction	2,031.7	268.3	0	2,300
TOTAL	2,120	280	0	2,400

Above costs are to be derived from an Engineer's Cost Estimate.

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Thomas M. DeSantis, Assistant City Manager

AGENDA DATE: August 26, 2014

TITLE: APPROVE RESOLUTION NO. 2014-74 IN SUPPORT OF SB 69 (ROTH) AND AB 1521 (FOX) VEHICLE LICENSE FEE FUNDING FOR NEWLY INCORPORATED CITIES

RECOMMENDED ACTION

Recommendations:

1. Adopt Resolution No. 2014-74. A Resolution of the City Council of the City of Moreno Valley supporting SB 69 and AB 1521 which advocate for provision of Vehicle License Fee revenues for newly incorporated cities.
2. Authorize the Mayor to sign a letter of support.

SUMMARY

Adoption of the 2011 State Budget significantly altered the funding stream for cities by redirecting Vehicle License Fee revenues previously collected by cities. As an unintended consequence of this change, the State's four newly incorporated cities (all of which are in western Riverside County) saw dramatic reductions in the revenues required to provide key services to their residents.

It is recommended that the Council support SB 69 and AB 1521 which have been crafted to safeguard funding for newly incorporated cities as well as future annexations of unincorporated communities into existing cities.

DISCUSSION

For more than 50 years, the majority portion of Vehicle License Fee (VLF) revenues went to cities to provide for local resident services. Newly incorporated cities and inhabited areas annexed by cities were included in these allocations and received a share of VLF revenues based on population growth. However, after the 2004 VLF-property tax swap agreement, the amount VLF revenues received by cities was significantly cut after the VLF rate was reduced from 2% to 65%. To make up for lost revenues, city budgets were backfilled by additional dollar-for-dollar property tax revenues.

While the VLF-property tax swap solved one problem, it created another in that it contained no provisions recognizing that cities would annex inhabited areas (an activity supported by various state policies) or that future incorporations would occur in a state with continued population growth. As a result, newly incorporated cities or areas annexed by cities after the 2004 tax swap received no backfill property tax dollars in order to compensate for lower VLF revenues.

This problem was further exacerbated following the adoption of SB 89 in 2011, which swept all city VLF revenues to fund law enforcement grants that previously had been funded by the state. As a result, recently incorporated cities were significantly harmed. SB 69 remedies this situation allowing newly incorporated cities to participate in the funding solution that was provided to all cities and counties at the time of the 2004 VLF-property tax swap.

AB 1521 and SB 69 also take into consideration the major state policy challenges presented if future incorporations and annexations of county incorporated territory no longer make sense. Cities are not static and need the ability to grow and meet the needs of California's ever-increasing population. In order to ensure successful city growth, whether new or existing, stable revenue sources must be preserved. AB 1521 and SB 69 achieve this by utilizing existing county Educational Revenue Augmentation Fund (ERAF) dollars. By accessing ERAF funds, cities are guaranteed a stable revenue source with no fiscal impact on schools.

Besides addressing the fiscal harm that occurred to cities with the passage of the 2011 State Budget, this solution also provides long-term policy benefits to the State. State policies for achieving sustainability, greenhouse gas reduction, smart growth, infill and transit-oriented development and preserving farmland and open space rely heavily upon the role and success of cities. The fiscal costs of this solution are minor compared with the policy costs of not supporting city-centered, compact growth.

FISCAL IMPACT

There is no fiscal impact to the City of Moreno Valley associated with supporting these legislative remedies. Proposed legislation (SB 69 and AB 1521) would restore funding to our neighboring cities of Eastvale, Jurupa Valley, Menifee, and Wildomar by utilizing existing county Educational Revenue Augmentation Fund (ERAF) dollars. By accessing

ERAF funds, cities are guaranteed a stable revenue source with no fiscal impact on schools. The proposed measures would remedy the burdensome impacts on the affected cities by allowing them to restore and maintain services to their communities.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies, and corporations.

ATTACHMENTS

Attachment 1: Proposed Resolution
Attachment 2: Letter of Support

Prepared By:
Julie Reyes
Sustainability/Intergovernmental Program Manager

Department Head Approval:
Thomas M. DeSantis
Assistant City Manager

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RESOLUTION NO. 2014-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, SUPPORTING SB 69 AND AB 1521 WHICH ADVOCATE FOR PROVISION OF – VEHICLE LICENSE FEE REVENUES FOR NEWLY INCORPORATED CITIES

WHEREAS, the Riverside Division of the League of California Cities is supporting both SB 69 and AB 1521 relating to municipal incorporations and property tax allocations; and

WHEREAS, these bills rectify a critical problem affecting several of the State's newest cities of Eastvale, Jurupa Valley, Menifee and Wildomar, and cities that annexed inhabited unincorporated territory to improve service delivery in furtherance of Local Agency Formation Commission (LAFCO) policies; and

WHEREAS, SB 69 and AB 1521 will provide new cities and annexations with revenue by utilizing existing county Educational Revenue Augmentation Fund (ERAF) dollars. By accessing ERAF funds, cities are guaranteed a stable revenue source with no fiscal impact on schools.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby supports both SB 69 and AB 1521; and
2. The City Council supports these measures to remedy the burdensome impacts on the affected cities by allowing them to restore and maintain services to their communities; and
3. The City Clerk shall communicate this action of the City Council local and state elected representatives.

APPROVED AND ADOPTED this 26th day of August, 2014.

1
Resolution No. 2014-74
Date Adopted: August 26, 2014

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2014-74²
Date Adopted: August 26, 2014

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. 2014-74 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. 2014-74
Date Adopted: August 26, 2014

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August 26, 2014

The Honorable Richard Roth
California State Senate
State Capitol Building, Room 4034
Sacramento, CA 95814
FAX: (916) 651-4931

The Honorable Steve Fox
California State Assembly
State Capitol Building, Room 3132
Sacramento, CA 95814
FAX: (916) 319-2136

RE: AB 1521 (Fox) and SB 69 (Roth). Local government finance: vehicle license fee adjustment.

Notice of Support

Dear Senator Roth and Assembly Member Fox,

The City of Moreno Valley is pleased to support AB 1521 and SB 69, which together would restore funding stability to recently incorporated cities and cities that annexed inhabited territory, and establish a foundation to support sustainable and compact growth policies.

For more than 50 years, the majority portion of Vehicle License Fee (VLF) revenues went to cities to provide for local resident services. Newly incorporated cities and inhabited areas annexed by cities were included in these allocations and received a share of VLF revenues based on population growth. However, after the 2004 VLF-property tax swap agreement, the amount VLF revenues received by cities was significantly cut after the VLF rate was reduced from 2% to 0.65%. To make up for lost revenues, city budgets were backfilled by additional dollar-for-dollar property tax revenues.

While the VLF-property tax swap solved one problem, it created another in that it contained no provisions recognizing that cities would annex inhabited areas (an activity supported by various state policies) or that future incorporations would occur in a state with continued population growth. As a result, newly incorporated cities or areas annexed by cities after the 2004 tax swap received no backfill property tax dollars in order to compensate for lower VLF revenues.

This problem was further exacerbated following the adoption of SB 89 in 2011, which swept all city VLF revenues to fund law enforcement grants that previously had been funded by the state. As a result, recently incorporated cities were significantly harmed. SB 69 remedies this situation by allowing newly incorporated cities to participate in the funding solution that was provided to all cities and counties at the time of the 2004 VLF-property tax swap.

AB 1521 and SB 69 also take into consideration the major state policy challenges presented if future incorporations and annexations of county incorporated territory no longer make sense. Cities are not static and need the ability to grow and meet the needs of California's ever-increasing population. In order to ensure successful city growth, whether new or existing, stable revenue sources must be preserved. AB 1521 and SB 69 achieve this by utilizing existing county Educational Revenue Augmentation Fund (ERAF) dollars. By accessing ERAF funds, cities are guaranteed a stable revenue source with no fiscal impact on schools.

Besides addressing the fiscal harm that occurred to cities with the passage of SB 89 in 2011, this solution also provides long-term policy benefits to the state. State policies for achieving sustainability, greenhouse gas reduction, smart growth, infill and transit-oriented development and preserving farmland and open space rely heavily on the role and success of cities. The fiscal costs of this solution are minor compared to the policy costs of not supporting city-centered, compact growth.

For these reasons, the City of Moreno Valley supports AB 1521 and SB 69.

Sincerely,

Jesse Molina
Mayor

cc: Assembly Member Jose Medina
Supervisor Marion Ashley
Mayor Ike Bootsma, City of Eastvale
Mayor Frank Johnston, City of Jurupa Valley
Mayor Scott Mann, City of Menifee
Mayor Marsha Swanson, City of Wildomar
Erin Sasse, League Regional Public Affairs Manager
Dan Carrigg, League of California Cities, FAX: (916) 658-8240

**MINUTES – REGULAR MEETING OF JULY 8, 2014
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District

FROM: Betsy Adams, Parks and Community Services Director

AGENDA DATE: August 26, 2014

TITLE: LASSELLE SPORTS PARK - EXECUTION OF EASEMENT DEED FOR STORM DRAIN PURPOSES TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (RCFC&WCD)

RECOMMENDED ACTION

Recommendations:

1. Adopt Resolution No. CSD 2014-12. A Resolution of the Board of Directors of the Moreno Valley Community Services District of the City of Moreno Valley, California, Authorizing the Execution of an Easement Deed for Storm Drain Purposes Over Lasselle Sports Park APN 312-130-024 to the Riverside County Flood Control and Water Conservation District.
2. Direct the City Clerk to forward the signed Easement Deed to the Riverside County Flood Control and Water Conservation District (RCFC&WCD) for further processing and recordation.

SUMMARY

Issue an easement deed to Riverside County Flood Control and Water Conservation District for Lasselle Sports Park.

DISCUSSION

The Moreno Valley Ranch Development Agreement required the master developer to provide a sports park on Lasselle Street. However, it was the City's responsibility to

acquire a small parcel from RCFC&WCD to be used as a parking lot for the sports park. In 2006, when RCFC&WCD granted the 2.97 acres to the City for a parking lot, they withheld an easement for access to their drainage channel and contiguous property. RCFC&WCD requires an easement for its storm drain to the channel, west of the park. The Easement Deed will provide RCFC&WCD the legal authorization to use, repair, construct, reconstruct, inspect, operate, and maintain the underground storm drain. The proposed storm drain easement is 26' wide by 444.64' in length.

ALTERNATIVES

1. Authorize the Board to execute the Easement Deed for flood control and drainage purposes over Lasselle Sports Park APN 312-130-024. Direct the City Clerk to forward the signed Easement Deed to RCFC&WCD for further processing and recordation. *This alternative is recommended by staff.*
2. Do not authorize the Board to execute the Easement Deed for flood control and drainage purposes over Lasselle Sports Park APN 312-130-024. Do not direct the City Clerk to forward the signed Easement Deed to RCFC&WCD for further processing and recordation. *This alternative is not recommended by staff.*

FISCAL IMPACT

None.

NOTIFICATION

Publication of the agenda.

ATTACHMENTS

Attachment 1 – Vicinity Map
Attachment 2 – Proposed Resolution

Prepared By:
Tony Hetherman
Parks Projects Coordinator

Department Head Approval:
Betsy Adams
Parks and Community Services Director



Lasselle Sports Park

Attachment 1



Legend

- Public Facilities
 - Public Facilities
 - ★ Fire Stations
- Parcels
- ▭ City Boundary
- ⊞ Sphere of Influence

Notes

2,148.3 0 1,074.17 2,148.3 Feet

DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any errors, omissions or damages resulting from the use of this map.

WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 2/5/2014

Attachment 1

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RESOLUTION NO. 2014-12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE EXECUTION OF AN EASEMENT DEED FOR STORM DRAIN PURPOSES OVER LASSELLE SPORTS PARK APN 312-130-024 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

WHEREAS, the Riverside County Flood Control and Water Conservation District has requested that the Board of Directors of the Moreno Valley Community Services District execute an easement deed for storm drain purposes over Lasselle Sports Park APN 312-130-024 to the Riverside County Flood Control and Water Conservation District, and

WHEREAS, it is in accordance with Government Code, Section 27281, for Board of Directors of the Moreno Valley Community Services District to perform this action by resolution.

"NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Moreno Valley Community Services District that execution of easement deed for storm drain purposes Lasselle Sports Park APN 312-130-024, attached hereto as Exhibit A to this Resolution, is authorized."

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor of the City of Moreno Valley
acting in the capacity of President of the
Board of Directors of the Moreno Valley
Community Services District

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

2
Resolution No. CSD 2014-12
Date Adopted: August 26, 2014

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. CSD 2014-12 was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. CSD 2014-12
Date Adopted: August 26, 2014

Recorded at request of, and return to:
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, California 92501-1770

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Perris Valley MDP Lines V-1 & V-1A
Project No. 4-0-00478

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX \$ NONE

RCFC Parcel No. 4478-1 & -2

EASEMENT DEED

The MORENO VALLEY COMMUNITY SERVICES DISTRICT,
hereby Dedicates in Perpetuity to Riverside County Flood Control and Water Conservation District,
a body politic, a **storm drain easement** for flood control and drainage purposes, including but not limited to
the construction, use, repair, reconstruction, inspection, operation and maintenance of storm drain facilities,
and all appurtenant works, including ingress and egress thereto, over, under and across that certain real
property situated in the City of Moreno Valley, County of Riverside, State of California, described in legal
description attached hereto as Exhibit "A" and shown in Exhibit "B" and made a part hereof.

Assessor Parcel Number: 312-130-024

MORENO VALLEY COMMUNITY
SERVICES DISTRICT:

Date _____

By: _____
JESSE L. MOLINA,
President of the Board of Directors

ATTEST:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

(SEAL)

4
Resolution No. CSD 2014-12
Date Adopted: August 26, 2014

Exhibit "A"

Perris Valley MDP – Lines V-1 & V-1A
Parcel 4478-1

Being a portion of that certain parcel described in Instrument No. 2006-0626481, recorded August 24, 2006, records of Riverside County, State of California within the city of Moreno Valley, described as follows:

A strip of land 26 feet wide, lying 13 feet on each side of the following described line:

Beginning at a point on the Westerly line of said certain parcel and being on a line parallel with and 40.00 feet Northerly, measured at right angles, from the Northerly line of Parcel 15 as shown on Parcel Map Book 159, Pages 3 through 14, records of said county, said point being North 00° 36' 00" East 40.00 feet from the Northwest corner of said Parcel 15;

Thence South 88° 30' 59" East, a distance of 388.31 feet along said parallel line to the beginning of a tangent curve, concave Southwesterly, having a radius of 90.00 feet;

Thence Southeasterly along said curve, through a central angle of 39° 00' 08", a distance of 61.27 feet to the Westerly line of Lot W of said Parcel Map Book and the Point of Termination, a radial to said point bears North 40° 29' 09" East.

The sidelines of said strip are to be lengthened or shortened to terminate on the West at the Westerly line of said certain parcel and on the East on said Westerly line of Lot W.




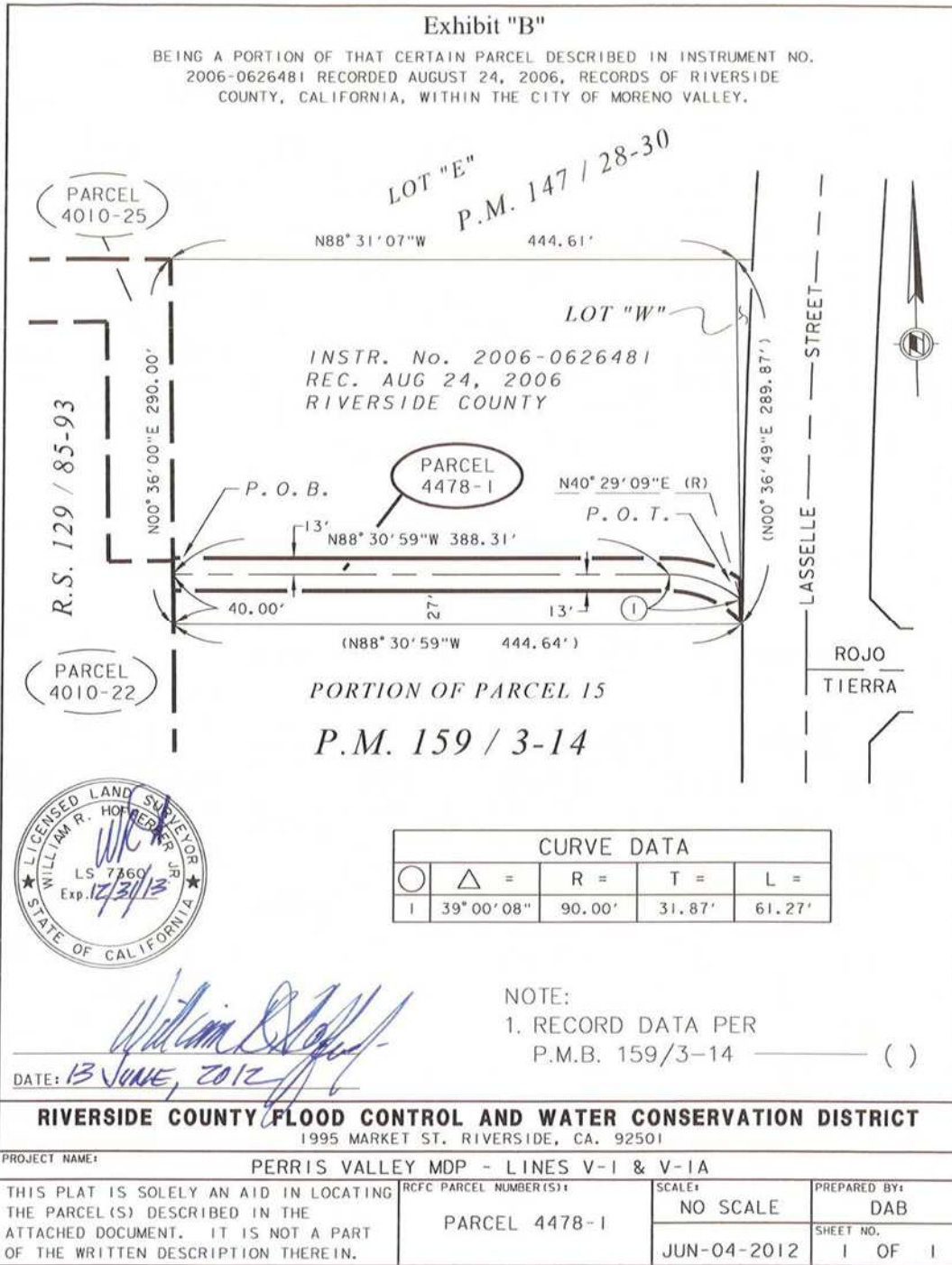

WILLIAM R. HOFFERBER JR.
Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District
Date: 13 JUNE, 2012

Exhibit "B"

BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT NO. 2006-0626481 RECORDED AUGUST 24, 2006, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN THE CITY OF MORENO VALLEY.



CURVE DATA				
⊙	△ =	R =	T =	L =
1	39°00'08"	90.00'	31.87'	61.27'

NOTE:
1. RECORD DATA PER P.M.B. 159/3-14 ()

William R. Hoffner
DATE: 13 JUNE, 2012

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: PERRIS VALLEY MDP - LINES V-1 & V-1A

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.	RCFC PARCEL NUMBER(S): PARCEL 4478-1	SCALE: NO SCALE	PREPARED BY: DAB
		JUN-04-2012	SHEET NO. 1 OF 1

Exhibit "A"

**Perris Valley MDP – Lines V-1 & V-1A
Parcel 4478-2**

Being a portion of Lot W as shown on Parcel Map Book 159, Pages 3 through 14, records of Riverside County, State of California within the city of Moreno Valley, described as follows:

A strip of land 26 feet wide, lying 13 feet on each side of the following described line:

Commencing at a point on the Westerly line of that certain parcel described in Instrument No. 2006-0626481, recorded August 24, 2006, records of said county and being on a line parallel with and 40.00 feet Northerly, measured at right angles, from the Northerly line of Parcel 15 as shown on said Parcel Map Book, said point being North 00° 36' 00" East 40.00 feet from the Northwest corner of said Parcel 15;

Thence South 88° 30' 59" East, a distance of 388.31 feet along said parallel line to the beginning of a tangent curve, concave Southwesterly, having a radius of 90.00 feet;

Thence Southeasterly along said curve, through a central angle of 39° 00' 08", a distance of 61.27 feet to the Westerly line of said Lot W and the Point of Beginning, a radial to said point bears North 40° 29' 09" East;

Thence continuing along said curve, through a central angle of 01° 16' 19", a distance of 2.00 feet to the Easterly line of said Lot W and the Point of Termination, a radial to said point bears North 41° 25' 28" East.

The sidelines of said strip are to be lengthened or shortened to terminate on the West at the Westerly line of said Lot W and on the East on the Easterly line of said Lot W also being the Westerly right of way of Lassalle Street as shown on said Parcel Map Book.



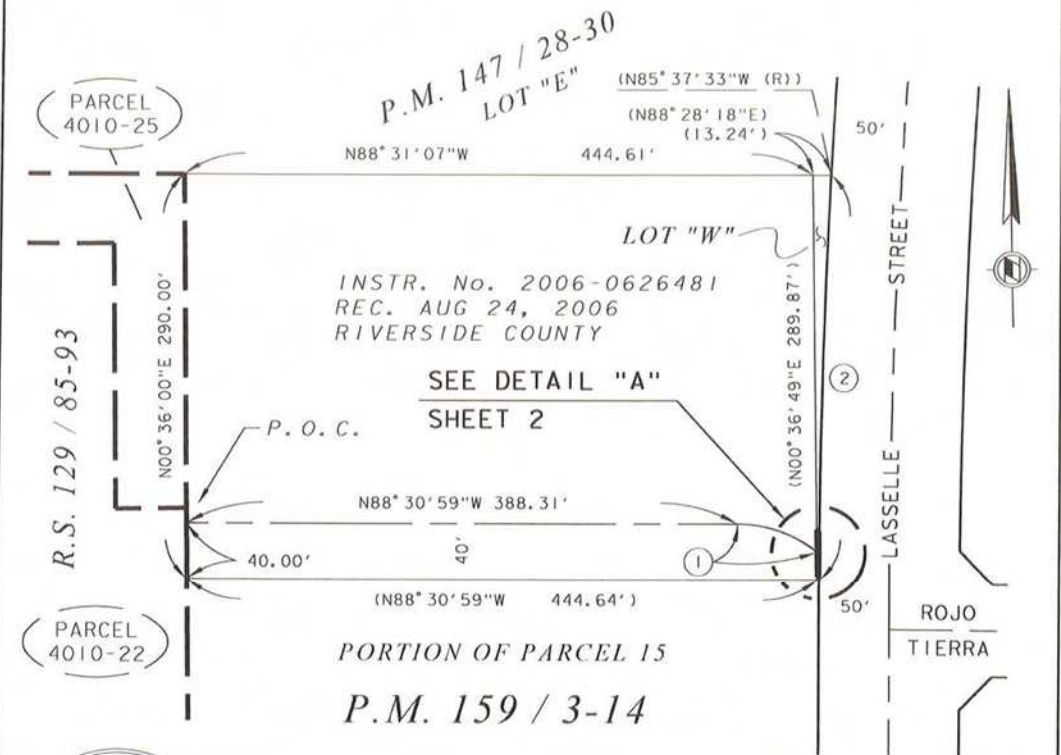

WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 13 JUNE, 2012

Exhibit "B"

BEING A PORTION OF LOT W AS SHOWN ON PARCEL MAP BOOK 159 PAGES 3 THROUGH 14,
RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN THE CITY OF MORENO VALLEY.



CURVE DATA				
○	△ =	R =	T =	L =
1	39° 00' 08"	90.00'	31.87'	61.27'
2	(02° 44' 46")	(6050.00')	-	(289.97')

NOTE:
1. RECORD DATA PER P.M.B. 159/3-14 ()

William R. Hornberger
DATE: 13 JUNE, 2012

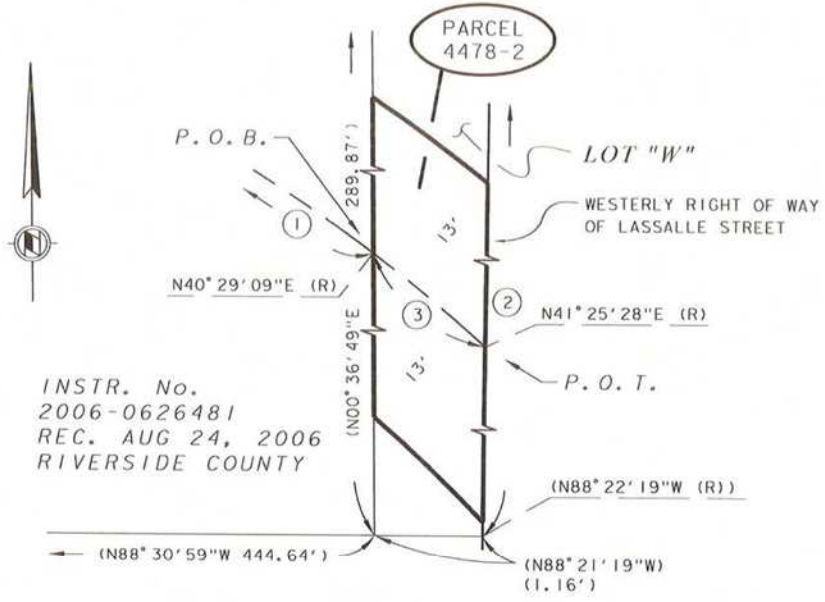
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: PERRIS VALLEY MDP - LINES V-1 & V-1A

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.	RCFC PARCEL NUMBER(S): PARCEL 4478-2	SCALE: NO SCALE	PREPARED BY: DAB
		JUN-04-2012	SHEET NO. 1 OF 2

Exhibit "B"

BEING A PORTION OF LOT W AS SHOWN ON PARCEL MAP BOOK 159 PAGES 3 THROUGH 14, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN THE CITY OF MORENO VALLEY.



INSTR. No.
2006-0626481
REC. AUG 24, 2006
RIVERSIDE COUNTY

DETAIL "A"
NOT TO SCALE



CURVE DATA				
○	△ =	R =	T =	L =
1	39° 00' 08"	90.00'	31.87'	61.27'
2	(02° 44' 46")	(6050.00')	-	(289.97')
3	01° 16' 19"	90.00'	1.00'	2.00'

NOTE:
1. RECORD DATA PER
P.M.B. 159/3-14 ()

William R. Hoffberger
DATE: 13 JUNE, 2012

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT 1995 MARKET ST. RIVERSIDE, CA. 92501			
PROJECT NAME: PERRIS VALLEY MDP - LINES V-1 & V-1A			
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.	RCFC PARCEL NUMBER(S):	SCALE:	PREPARED BY:
	PARCEL 4478-2	NO SCALE	DAB
		JUN-04-2012	SHEET NO. 2 OF 2

CERTIFICATE OF ACCEPTANCE

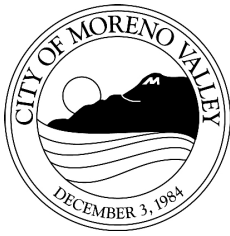
This is to certify that the interest in real property conveyed by the Easement Deed, dated _____ from the MORENO VALLEY COMMUNITY SERVICE DISTRICT to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT is hereby accepted by the undersigned officer pursuant to authority conferred by resolution of the Board of Supervisors of said District adopted on May 12, 1961, and the grantee consents to the recordation thereof by its duly authorized officer.

Date _____

By: _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

Project: Perris Valley MDP Lines V-1 & V-1A
Project No. 4-0-00478
APN: 312-130-024
RCFC Parcel No. 4478-1 & -2

10
Resolution No. CSD 2014-12
Date Adopted: August 26, 2014



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Betsy Adams, Director of Parks and Community Services

AGENDA DATE: August 26, 2014

TITLE: ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD

RECOMMENDED ACTION

Recommendations:

1. Authorize the acceptance of grant monies in the amount of \$561,056 for Fiscal Year (FY) 2014/2015 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services.
2. Adopt Resolution No. CSD 2014-13. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2014/2015

SUMMARY

This report recommends the acceptance of Child Development Grant Funds to continue "A Child's Place" licensed after school program. This program is supported by grant funds and parent fees.

DISCUSSION

The focus of the grant submitted by the City of Moreno Valley Parks and Community Services Department was based on the high demands assessed by the department within its own programs. This included the need for after school care during the traditional school year and full day care on school vacation days. The program utilizes five elementary schools: Creekside, Sunnymead, Rainbow Ridge, and Armada during the school year and Red Maple during school breaks. A Child's Place is for low-income parents working or going to school and accommodates up to 142 children between the ages of kindergarten through 12 years of age.

A Child's Place is state licensed and operates under the following conditions. The healthy social and emotional development of every child is addressed by providing activities, schedules, materials, and equipment to ensure that children are both challenged and successful. Programming for the students includes a nutritious snack served daily, arts and crafts, indoor and outdoor games, story time, homework time, and social time. The program also includes field trips with bus transportation, parent conferences, and special parenting classes and programs with topics including health issues, substance abuse, nutrition, personal safety, community awareness, literacy, and more. The program works closely with parents and school site staff to incorporate applicable school rules into the program and provide emotional support for children.

A Child's Place operates at schools utilizing the "modified traditional" school schedule between the hours of 2:00 p.m. and 6:00 p.m. on school days and 7:00 a.m. to 6:00 p.m. on school vacation days, Monday through Friday.

As part of the City's policy, the City Council must formally accept this funding from the California Department of Education, Child Development Services and adopt the corresponding resolution.

ALTERNATIVES

1. Authorize the Board to accept grant monies in the amount of \$561,056 for FY 2014/2015 from the California Department of Education, Child Development Division for the purpose of providing school age child care and development services; and approve the proposed resolution to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing school age child care and development services.
2. Do not accept grant funding and eliminate the Child Care Grant Program.

FISCAL IMPACT

The proposed grant funds program expenditures are on a cost reimbursement basis. The grant funds as well as food program revenue and program fees are used for providing school age child care and development services and are restricted to this

program. There is no impact to the General Fund. A budget adjustment to increase revenue to grant award amount will be done. Expenditures are budgeted in the FY 2014-2015 Operating Budget (2201-50-58-75011).

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget	Proposed Adjustments	FY 14/15 Amended Budget
Receipt of Grant	Child Care	2201-50-58-75011-486000	Rev	\$547,461	\$13,595	\$561,056

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment 1: Proposed Resolution

Prepared By:
Patty Grube
Management Analyst

Department Head Approval:
Betsy Adams
Director of Parks and Community Services

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RESOLUTION NO. CSD 2014-13

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE APPROVAL OF THE GOVERNING BOARD TO ENTER INTO A TRANSACTION WITH THE CALIFORNIA DEPARTMENT OF EDUCATION FOR THE PURPOSE OF PROVIDING CHILD CARE AND DEVELOPMENT SERVICES AND TO AUTHORIZE DESIGNATED PERSONNEL TO SIGN CONTRACT DOCUMENTS FOR FY 2014/2015

WHEREAS, the Moreno Valley Community Services District Board of Directors desires to provide school age child care services to the citizens of Moreno Valley during FY 2014/2015; and

WHEREAS, the Moreno Valley Community Services District Board of Directors further desires to enter into this transaction with the California Department of Education for the purpose of providing child care and development services; and

WHEREAS, the Moreno Valley Community Services District Board of Directors authorizes the persons listed to sign the transaction for the Governing Board

Betsy Adams, Director of Parks and Community Services _____

Mel Alonzo, Parks & Community Services Division Manager _____

Richard Teichert, Chief Financial Officer _____

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Accept the grant monies from the California Department of Education, Child Development Division, in the amount of \$561,056 per fiscal year to provide child care services for FY 2014/2015; and
2. Adopt a resolution to certify the approval of the Governing Board to enter into local agreement number/s CCTR-4172, Project Number 33-2186-00-4 with the California Department of Education for the purpose of providing child care and development services; and
3. Authorize designated personnel to sign contract documents on behalf of the Governing Board for FY 2014/2015.

1
Resolution No. CSD 2014-13
Date Adopted: August 26, 2014

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the Board
of Directors of the Moreno Valley Community
Services District

ATTEST:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Legal Counsel of the Moreno
Valley Community Services District

2
Resolution No. CSD 2014-13
Date Adopted: August 26, 2014

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. CSD 2014-13 was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District of the City of Moreno Valley at a regular meeting held on the 26th day of August, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

3
Resolution No. CSD 2014-13
Date Adopted: August 26, 2014

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**MINUTES – REGULAR MEETING OF JULY 8, 2014
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council and Mayor and City Council acting in the capacity of Chairperson and Commissioners of the Moreno Valley Housing Authority

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 26, 2014

TITLE: PA13-0045 (TR 36598) – APPROVE FINAL MAP AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS. DEVELOPER – HABITAT FOR HUMANITY RIVERSIDE, INC., A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, RIVERSIDE, CA, 92507

RECOMMENDED ACTION

Recommendations:

1. Approve Final Map for PA13-0045, authorize the City Clerk to sign the map and transmit said map to the County Recorder’s Office for recordation.
2. Authorize the Executive Director of the Moreno Valley Housing Authority to sign the map.
3. Accept the Agreement and Security for Public Improvements for Habitat for Humanity Riverside, Inc., a California non-profit corporation.
4. Authorize the Mayor to execute the Agreement.
5. Direct the City Clerk to forward the signed Agreement to the County Recorder’s Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public

improvements are not completed within said timeframe.

SUMMARY

This report recommends approval of the agreement by the City of Moreno Valley and Habitat for Humanity Riverside, Inc., a California non-profit corporation, to construct the required public improvements that are located on the south side of Myers Avenue between Heacock Street and Indian Street. The project is funded by Habitat for Humanity Riverside, Inc.

DISCUSSION

On December 12, 2013, the Planning Commission of the City of Moreno Valley approved Tentative Tract Map No. 36598 (PA13-0045) and Variance (P13-125). The developer proposes to subdivide 1.36-gross acres and construct eight residential single-family lots. The project site is located on the south side of Myers Avenue between Heacock Street and Indian Street.

Habitat for Humanity Riverside, Inc., the developer of this project, has completed an Agreement for Public Improvements. The developer agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the agreement is executed. The public improvements include, but are not limited to: asphalt, base, curb, gutter, sidewalk, driveway approaches, street lights, striping, signage, water and sewer, and storm drain facilities. The City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

Tract Map No. 36598 is in substantial conformance with the approved tentative map. The developer has requested that the map be approved for recordation. The Conditions of Approval for this project require that the developer provide surety for the required improvements. Public improvements are to be constructed along the south side of Myers Avenue between Heacock Street and Indian Street.

Accompanying the agreement is a Faithful Performance bond in the amount of \$630,000 and a Material and Labor bond in the amount of \$315,000 issued by SureTec Insurance Company.

The subject property was originally a City of Moreno Valley Redevelopment Agency (RDA) property and was transferred to the Housing Authority as a result of the dissolution of the RDA. The property has been conveyed to Habitat for Humanity for the development of affordable housing. A Deed of Trust was recorded against the property and the Housing Authority remains as a beneficiary of the Deed of Trust. As the holder of beneficial interests, the Housing Authority is required sign the final map pursuant to Government Code 66436.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

ATTACHMENTS

- Attachment 1 – Vicinity Map
- Attachment 2 – Agreement for Public Improvements
- Attachment 3 – Faithful Performance Bond
- Attachment 4 – Material and Labor Bond

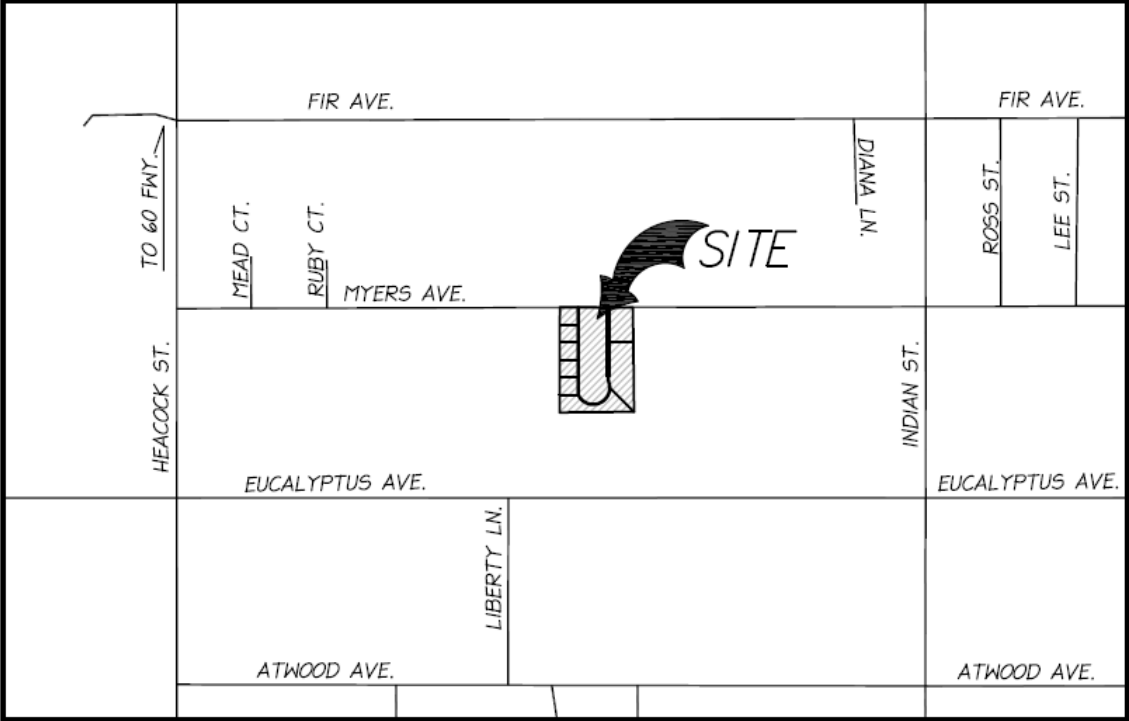
Prepared By:
Zara Terrell
Management Analyst

Department Head Approval:
Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

Concurred By:
Vicente Giron
Associate Engineer

Concurred By:
Mark W. Sambito, P.E.
Engineering Division Manager

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VICINITY MAP

THOMAS GUIDE - PAGE 717, E-3 (2008 EDITION)
SECTION 6, TOWNSHIP 3 SOUTH RANGE 3 WEST
NOT TO SCALE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PA13-0045 (TR 36598)

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**AGREEMENT FOR PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA13-0045 (TR 36598)**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and Habitat for Humanity Riverside, Inc., herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as PA13-0045 (TR 36598) agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within TWENTY-FOUR (24) months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Faithful Performance security shall be in the sum of SIX HUNDRED THIRTY THOUSAND AND NO/100 Dollars (***\$630,000.00***). The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto.

Labor and Material security shall be in the sum of THREE HUNDRED FIFTEEN THOUSAND AND NO/100 Dollars (***\$315,000.00***). The estimated cost securing payment of labor and materials is fifty (50) percent of the total cost estimate of the improvements.

Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Upon entering the warranty period, the City shall retain ten percent of the original faithful performance security. Developer reserves the right to substitute the form of security, in accordance with the Moreno Valley Municipal Code, at any time during the term of this agreement, subject to approval of the City Engineer and City Attorney.

SECOND: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which

the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to substitute the form of security in accordance with the City's Municipal Code at anytime during the term of this agreement, subject to approval by the City Engineer and City Attorney.

THIRD: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

FOURTH: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FIFTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

SIXTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SEVENTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Developer further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

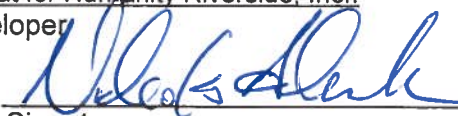
City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

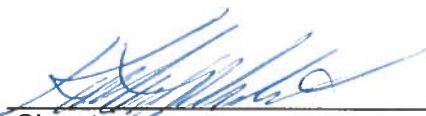
Developer:
Habitat for Humanity Riverside, Inc.
2180 Iowa Avenue
Riverside, CA 92507

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

Habitat for Humanity Riverside, Inc.:
Developer

BY: 
Signature
Nicholas Adcock
Print/Type Name
Treasurer
Title

BY: 
Signature
KATHY MICHAEL
Print/Type Name
EXEC DIRECTOR
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Nicholas Adcock
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nicholas Adcock

- Individual
- Corporate Officer — Title(s): Treasurer (HFHR Board of Directors)
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside



On August 13, 2013 before me, Jessica Lauzon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Kathy Michalak
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

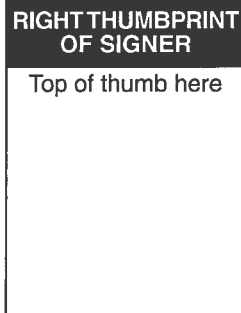
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kathy Michalak

- Individual
- Corporate Officer — Title(s): Executive Director
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 2 of 8

7/16/14
VBC

PROJECT: PA13-0045 / P13-125 PUBLIC STREET WORK
DATE: 07/13/14
PREPARED BY: Vince Giron

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	172	S.F.	3.25	559
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on \$150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	487	L.F.	3.00	1,461
Sawcut (12" Waterline in Myers)	2400	L.F.	3.00	7,200
Utility Trench	270	L.F.	17.00	4,590
Trench Repaving	730	S.F.	12.00	8,760
Trench Repaving (12" Waterline in Myers)	3600	S.F.	12.00	43,200
Redwood Header	0	L.F.	6.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	400.00	0
Remove & Dispose Existing Pavement & Base	113	SF	3.00	339
Remove Existing Curb & Gutter	90	L.F.	12.00	1,080
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	660	L.F.	25.00	16,500
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	813	S.F.	10.25	8,333
Sidewalk	3176	S.F.	4.25	13,498
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	784	S.F.	6.50	5,096
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Reinforced P.C.C. Retaining Walls	0	C.Y.	780.00	0
				0
			SUBTOTAL	110,616
Traffic Improvements (Plan Checked by Trans. Eng. Staff/Inspected by LDD Staff)				
Traffic Striping/raised pavement markers	0	L.S.	-	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	-	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	1	EA.	200.00	200
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	2	EA.	200.00	400
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	10,000.00	0
Traffic Control (DIF Street Name)	0	L.S.	10,000.00	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	1,100

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 3 of 8

7/16/14
UBG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Bondable Street Work Only (Not Plan Checked but Inspected)				
Undergrounding of Utilities	230	L.F.	203.00	46,690
Cluster Mail Boxes	1	EA.	4,500.00	4,500
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	2	EA.	300.00	600
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	51,790
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
100W HPSV or Equivalent (9,500 Lumens)	3	EA.	5,000.00	15,000
200W HPSV or Equivalent (22,000 Lumens)	0	EA.	6,000.00	0
250W HPSV or Equivalent	0	EA.	6,000.00	0
100W LED or Equivalent	0	EA.	5,000.00	0
145W LED or Equivalent	0	EA.	5,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	15,000
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	50.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0.00	0
Access Ramp PCC	0	S.F.	0.00	0
Low-Flow Pipe System	0	L.F.	0.00	0
Headwalls	0	EA.	0.00	0
Outlets	0	EA.	0.00	0
Risers	0	EA.	0.00	0
Forebay PCC	0	S.F.	0.00	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering (Plan Checked and Inspected by Transp. Eng. Staff)				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	50,000.00	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 4 of 8

7/16/14
VBC

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	310	L.F.	140.00	43,400
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	481.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6000.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (10') (DIF Street Name)	0	EA.	6000.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	1	EA.	2500.00	2,500
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 5 of 8

7/16/14
VBG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	1	EA.	6500.00	6,500
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	1	EA.	3500.00	3,500
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0.00	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000	0
			SUBTOTAL:	55,900

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 6 of 8

7/16/14
VBC

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	396	L.F.	35.00	13,860
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900 (Myers Ave)	1200	L.F.	60.00	72,000
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0.00	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve (Myers Ave)	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	2	EA.	1,800.00	3,600
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	2	EA.	4,000.00	8,000
6" Standard Fire Hydrants (Myers Ave)	2	EA.	4,000.00	8,000
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	8	EA.	800.00	6,400
1" Service w/ 5/8" Service	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12" (Myers Ave)	4		750.00	3,000
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	8		320.00	2,560
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	1	EA.	1,750.00	1,750
8" Hot Tap	1	EA.	2,200.00	2,200
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	0
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	235.00	0
	0		0.00	0
			SUBTOTAL:	127,310

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 7 of 8

7/16/14
VSG

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	425	L.F.	55.00	23,375
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	0	L.F.	70.00	0
15" V.C. Pipe	0	L.F.	80.00	0
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	4	EA.	730.00	2,920
Clean Out Lateral	8	EA.	200.00	1,600
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	4	EA.	3,140.00	12,560
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
Pavement around MH	0	S.F.	14.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	8	EA.	90.00	720
TV Sewer	425	L.F.	1.20	510
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	41,685

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 8 of 8

7/16/14
VBG

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: PA13-0045 / P13-125

DATE: 07/13/14
PREPARED BY: Vince Giron

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	\$63,396
OFFSITE STREET WORK	:	\$110,616
SPECIAL DISTRICTS	:	\$15,000
MORENO VALLEY UTILITIES	:	\$0
WATER QUALITY BASIN	:	\$0
TRANSPORTATION ENGINEERING	:	\$0
STORM DRAIN SYSTEM	:	\$55,900
WATER SYSTEM	:	\$127,310
SEWER SYSTEM	:	\$41,685
TRAFFIC IMPROVEMENTS	:	\$1,100
MONUMENTS/OTHER	:	\$51,790
TOTAL COST (VALUE) OF IMPROVEMENTS:		\$466,797
+20% CONTINGENCY:		\$93,359
+50% CONTINGENCY FOR 12" WATERLINE ON MYERS AVE ONLY:		\$69,000
<u>GRAND TOTAL:</u>		\$629,157

FAITHFUL PERFORMANCE SECURITY AMOUNT: \$630,000

LABOR & MATERIAL SECURITY AMOUNT: \$315,000

*The cost for securing payment of Labor and Materials is fifty (50) percent of the total cost estimate of the improvements.

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ISSUED IN FOUR ORIGINAL COUNTERPARTS
COUNTERPART NO. 1 OF 4

FAITHFUL PERFORMANCE BOND

ORIGINAL

**City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)**

Public Improvements <u>\$630,000</u>	Project No. <u>PA13-0045 (TR 36598)</u>
Bond No. <u>4394746</u>	Premium <u>\$12,450.00</u>
Surety <u>SureTec Insurance Company</u>	Principal <u>Habitat for Humanity Riverside, Inc.</u>
Address <u>3033 Fifth Avenue, Suite 300,</u>	Address <u>2180 Iowa Avenue</u>
City/Zip <u>San Diego, CA 92103</u>	City/Zip <u>Riverside, CA 92507</u>

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HABITAT FOR HUMANITY RIVERSIDE, INC.,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA13-0045 (TR 36598)**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SureTec Insurance Company, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **SIX HUNDRED THIRTY THOUSAND AND NO/100** Dollars (*****\$630,000.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.


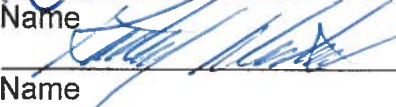
FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA13-0045 (TR 36598)

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

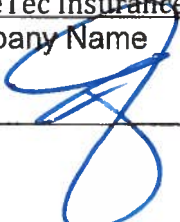
When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on August 13, 2014.

NAME OF PRINCIPAL: Habitat for Humanity Riverside, Inc.
Company Name

AUTHORIZED SIGNATURE(S): By  Nicholas Adcock, Treasurer (HFHR Board of Directors)
Name Title
By  Kathy Michalak, Executive Director
Name Title

NAME OF SURETY: SureTec Insurance Company
Company Name

AUTHORIZED SIGNATURE: 
Julia B. Gladding, ITS ATTORNEY-IN-FACT

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY**

Approved as to form:
Date: _____

City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ANALYST\Agreement Bond Packets\PA13-0045 (TR 36598) - Faithful Performance Bond.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Nicholas Adcock
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nicholas Adcock

- Individual
- Corporate Officer — Title(s): Treasurer (HFHR Board of Directors)
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Kathy Michalak
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

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Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kathy Michalak

- Individual
- Corporate Officer — Title(s): Executive Director
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

COUNTERPART NO. 1 OF 1

POA #: 510018

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Kenneth A. Coate, Julia B. Gladding

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2015 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

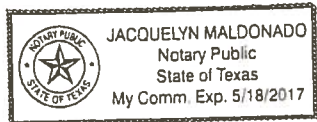
SURETEC INSURANCE COMPANY

By: [Signature]
John Knox Jr., President

State of Texas ss:
County of Harris



On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



[Signature]
Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

AUG 13 2014

Given under my hand and the seal of said Company at Houston, Texas this _____ day of _____, A.D.

[Signature]
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812 0500 any business day between 8:00 am and 5:00 pm CST.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On AUG 13 2014 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Julia B. Gladding
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public Jessica Lauzon



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

ISSUED IN FOUR ORIGINAL COUNTERPARTS
COUNTERPART NO. 1 OF 4

MATERIAL AND LABOR BOND

ORIGINAL

**City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)**

Public Improvements \$315,000

Project No. PA13-0045 (TR 36598)

Bond No. 4394746

Premium INCLUDED IN THE PREMIUM CHARGED
FOR THE PERFORMANCE BOND

Surety SureTec Insurance Company

Principal Habitat for Humanity Riverside, Inc.

Address 3033 Fifth Avenue, Suite 300,

Address 2180 Iowa Avenue Fleet Street,

City/Zip San Diego, CA 92103

City/Zip Carlsbad, CA 92008

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HABITAT FOR HUMANITY RIVERSIDE, INC.,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA13-0045 (TR 36598)**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **THREE HUNDRED FIFTEEN THOUSAND AND NO/100** Dollars (*****\$315,000.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA13-0045 (TR 36598)


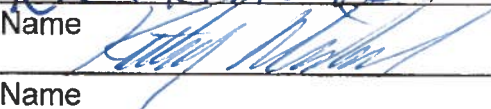
Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.


In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on August 13, 2014.

NAME OF PRINCIPAL: Habitat for Humanity Riverside, Inc.
Company Name

AUTHORIZED SIGNATURE(S):

By:		Nicholas Adcock, Treasurer (HFHR Board of Directors)
	Name	Title
By:		Kathy Michalak, Executive Director
	Name	Title

NAME OF SURETY: SureTec Insurance Company
Company Name

AUTHORIZED SIGNATURE:  _____
Julia B. Gladding, ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside



On August 13, 2013 before me, Jessica Lauzon, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Nicholas Adcock
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Title or Type of Document: _____

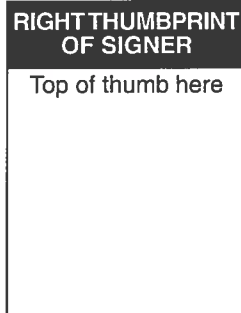
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nicholas Adcock

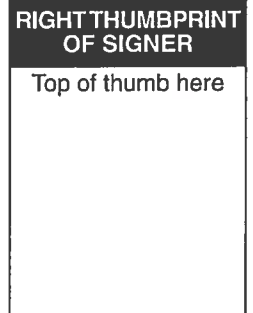
- Individual
- Corporate Officer — Title(s): Treasurer (HFHR Board of Directors)
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On August 13, 2013 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Kathy Michalak
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Signer's Name: Kathy Michalak

- Individual
- Corporate Officer — Title(s): Executive Director
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:
Habitat for Humanity Riverside

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

COUNTERPART NO. 1 OF 4

POA #: 510018

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Kenneth A. Coate, Julia B. Gladding

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2015 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

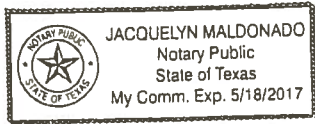
SURETEC INSURANCE COMPANY

By: [Signature]
John Knox Jr., President



State of Texas ss:
County of Harris

On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



[Signature]
Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this AUG 13 2014 day of _____, A.D.

[Signature]
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call: (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On AUG 13 2014 before me, Jessica Lauzon, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Julia B. Gladding
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Jessica Lauzon
Signature of Notary Public Jessica Lauzon

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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RIGHT THUMBPRINT OF SIGNER

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Signer Is Representing: _____

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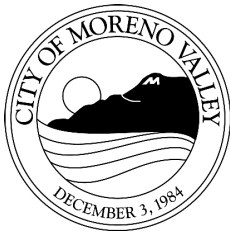
Signer Is Representing: _____

**MINUTES – REGULAR MEETING OF JULY 8, 2014
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Rick Teichert, Chief Financial Officer

AGENDA DATE: August 26, 2014

TITLE: PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #1 TO THE 2014-15 ANNUAL ACTION PLAN AFFECTING THE HOME PROGRAM AND ADDING THE EMERGENCY SOLUTIONS GRANT (ESG) TO MORENO VALLEY'S CONSOLIDATED PLAN

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendment, ESG and HOME.
2. Review and adopt the proposed Substantial Amendment to the FY 2014/15 Annual Action Plan.
3. Approve the necessary Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments.
4. Authorize the City Manager to reallocate grant funds between HUD-approved grant activities and to execute the necessary agreements for approved grant activities.

SUMMARY

This report asks City Council to conduct a Public Hearing and consider staff recommendations to approve an amendment to the 2014/15 Annual Action Plan that would:

- Add an Emergency Solutions Grant (ESG) preliminary program to the City's consolidated planning documents; and

- Increase the budget of one HOME activity in order to better meet upcoming HOME commitment deadlines.

DISCUSSION

As a recipient of federal grant funding, the City of Moreno Valley is mandated to complete a five-year Consolidated Plan and an Annual Action Plan update that details the use of its grant funds. In cases where a Plan needs to be updated because an activity is added, removed, or experiencing a 20% change in scope or budget, cities must notify its citizens of the proposed changes and provide them the opportunity to comment. A Public Hearing must also be held before the amendment is forwarded to the Department of Housing and Urban Development (HUD) for review and final approval.

On May 6, 2014, the Moreno Valley City Council approved the FY 2014/15 Annual Action Plan and within it awarded allocations to thirty-one CDBG projects and three HOME projects and no ESG activities as a proposed program was still under development.

This report proposes a two-part substantial amendment:

1. EMERGENCY SOLUTIONS GRANT (ESG)

The first part of this amendment requests that Council approve the preliminary ESG program for addition into the 2014/15 Annual Action Plan and corresponding consolidated planning documents. The Emergency Solutions Grant (ESG), under the HEARTH Act of 2009, provides for grants to assist, protect, and improve living conditions of the area's homeless. In 2013, changing census demographics caused Moreno Valley to become eligible for this formula grant for the first time in its history.

HUD has allocated a total of \$291,170 to the City of Moreno Valley to establish an ESG program; 2013 award of \$135,581 and 2014 award of \$155,589. This grant must be used to rapidly re-house homeless and/or assists households that are at risk of becoming homeless¹. To officially secure the allocation, HUD has asked the City to adopt a Substantial Amendment, complete the program certifications and specific requirements (Attachment A), and submit it to the HUD office.

ESG funds may be utilized for these program categories: (1) street outreach, (2) emergency shelter, (3) homelessness prevention, (4) rapid re-housing assistance, and (5) toward managing the Homeless Management Information System (HMIS); as well as administrative activities (administrative activities are capped at 7.5% of a recipient's allocation).

¹ Participants must meet the HUD definition of 'homeless' or 'at risk of homelessness' as provided in 24 CFR Part 576.2

The ESG regulation was revised in 2012 to allow the homeless prevention and rapid re-housing activities of the Homelessness Prevention and Rapid Re-housing Program (HPRP) to continue under the new ESG. Because Moreno Valley managed a successful HPRP program from 2009-2012, staff would like to continue that precedence and recommend the most successful activities from the HPRP be repeated under the ESG program. The use of the anticipated \$291,170 of ESG funding is proposed as follows:

- Administration (7.5% limit) - \$21,837
- Homeless Management Information System (HMIS) - \$5,000
- Homeless Prevention and Rapid Re-housing Activities - \$264,333

Administration

A maximum of 7.5% percent of the ESG grant (\$21,837) shall be reserved for grant planning and management of subgrantees. Staff proposes to implement the ESG grant through local social service providers that serve Moreno Valley residents. Appropriate governmental and/or non-profit organizations will be selected to distribute the ESG funds to program participants and track participant progress towards regaining housing stability.

Homeless Management Information System (HMIS)

ESG grantees/subgrantees are required to use this Federal on-line system to register all clients, track services provided, as well as complete reporting. HMIS is maintained by the County of Riverside, Homeless Services Unit as part of their Continuum of Care (CoC) duties. ESG funding is eligible to pay for the costs maintaining this system. Examples of eligible costs are: purchasing software licenses, paying for electricity and high speed data transmission, and HMIS training.

Homeless Prevention and Rapid Re-housing Activities

Based on the high demand experienced under the HPRP program and the high priority placed on these activities both at the City and County level, it is proposed that the Council consider allocating the majority of the ESG funding to the eligible activities under this category. Component services generally consist of short-term and medium-term rental assistance and rental arrears. These forms of assistance were offered under the City HPRP program and again, staff recommends the ESG program be modeled using the most successful HPRP activities.

ESG - Proposed Homeless Prevention and Rapid Re-housing Activities	
Monthly Rental Assistance	Rental assistance will provide participants with a rental subsidy for 1 up to 6 months as determined by a case manager. In general, assisted families will pay no more than 30% of their income toward rent.
Rental Arrears Assistance	Participants may pursue up to \$2,000 in assistance to cover rental arrears. Participants must prove a hardship that prevented them from paying the rent. They must also show the financial resources to continue regular rent payments once assistance is received.

ANTICIPATED ESG PROGRAM SCHEDULE

Submittal of ESG Substantial Amendment to HUD	August 28, 2014
HUD execution of ESG Grant Agreement	September 30, 2014
180-day deadline to obligate funds to subgrantees	March 30, 2015
24-month deadline to expend ESG funds	September 30, 2016

At the time this report was submitted, Staff was in the process of completing the required consultation with the area's Continuum of Care, as well as attaining feedback from Moreno Valley's HUD representative, and the general public. Should the input collected lead staff to modify the recommendations, Council will be updated verbally during the August 26, 2014 City Council meeting.

2. MOBILE HOME GRANT PROGRAM FUNDED BY HOME:

The second part of the Substantial Amendment requests an increase to the budget of an already-approved HOME activity known as the "Brush with Kindness Critical Home Repair" mobile home grant program. The amendment proposes to increase the original budget from \$78,000 to \$120,000 and allow for repair of 8 units at a per-unit subsidy amount of \$15,000. This program is to be administered in partnership with Habitat for Humanity, Riverside. The increase will allow staff to more fully address health, code, safety, and accessibility issues of homes occupied by low-income owners. The change would also allow the City to meet an upcoming HOME commitment deadline.

ALTERNATIVES

1. Adopt Substantial Amendment to the FY 14/15 Annual Action Plan; approve the Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved grant activities and to execute the necessary agreements for approved grant activities. **Staff recommends this action because it complies with HUD's substantial amendment requirements, adheres to the mandatory administrative caps, and would allow for the City to better meet the required expenditure goals for the HOME and ESG grants.**
2. **DO NOT** Adopt Substantial Amendment to the FY 14/15 Annual Action Plan; approve the Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved grant activities and to execute the necessary agreements for approved grant activities. **Staff does not recommend this action because it prevents the City from complying with HUD's substantial amendment requirements and meeting the required expenditure goals for the HOME and ESG grants.**

FISCAL IMPACT

The recommended actions to the ESG and HOME programs pose **NO FISCAL IMPACT TO THE GENERAL FUND**. The proposed HOME project will be funded with past year HOME project savings and ESG with brand new entitlement funding. The Emergency Solution Grant program has a mandatory 100% match requirement that the City shall request its ESG subgrantees to fulfill as a dollar for dollar match or with in-kind services. Per federal law, these funds are to be used solely for designated activities. The Revenue/Expenditure Appropriations and Budget Adjustments are expected to be as follows:

ESG Budget and Revenue/Expenditure Appropriations

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15	Proposed Adjustments	FYs 14/15 Amended Budgets
Receipt of Grant	ESG	2300-30-33-72751-485000	REV	\$0	\$291,170	\$291,170
Administration	ESG	2300-30-33-72751-611110	EXP	\$0	\$21,837	\$21,837
HMIS	ESG	2300-30-33-72751-733209	EXP	\$0	\$5,000	\$5,000
Homelessness Prevention and Rapid Re-housing	ESG	2300-30-33-72751-733210	EXP	\$0	\$264,333	\$264,333

HOME Revenue/Expenditure Appropriations

Description	Fund	GL Account No.	Type (Rev/Exp)	Total Amended Amount
Mobilehome Grant Program	HOME	PN – GR HM PRG-MOB HM- HOME Grant 14/15, Home Programs, Habitat, Mobilehome Grant GL – 2506-30-33-72657-733102	EXP	\$120,000

HOME Budget Adjustments

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15	Proposed Adjustments	FYs 14/15 Amended Budgets
HOME Federal Grant Program	HOME	GL – 2506-30-33-72657-733102 PN – GR HM PRG-MOB HM- HOME Grant 14/15, Home Programs, Habitat, Mobilehome Grant	EXP	\$678,000	\$42,000 ²	\$720,000

² Mobilehome Grant Program

CITY COUNCIL GOALS

Approval of the proposed substantial amendments will assist to uphold four of the six pre-established City Council Goals.

POSITIVE ENVIRONMENT

Create a positive environment for the development of Moreno Valley's future.

COMMUNITY, IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

REVENUE DIVERSIFICATION AND PRESERVATION. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

PUBLIC SAFETY

Activities will directly or indirectly help to provide a secure environment for individuals in the community.

NOTIFICATION

Notice of this meeting and announcement of Public Comment Period was originally posted via the City Clerk's office to various City satellite offices and published in the Press-Enterprise newspaper on July 25, 2014. The official 30-day public review period occurred from July 25, 2014 through August 25, 2014. Respondents were given the opportunity to provide comments via email, telephone, and walk-in.

ATTACHMENTS

1. Detailed ESG Substantial Amendment
2. Proposed FY 2014-2015 Annual Action Plan Substantial Amendment, ESG & HOME
3. Copies of Notice of Public Comment Period and Public Hearing Notice

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Rick Teichert
City Financial Officer

Concurred By:
Marshall Eyerman
Financial Resources Division Manager



City of Moreno Valley
Emergency Solutions Grant (ESG)
Substantial Amendment
to the 2014/15 Action Plan

**14177 Frederick Street, P.O. Box 88005,
Moreno Valley, CA 92552-0805**

Public Comment period July 25, 2014 - August 25, 2014
Review and Adoption by the MV City Council - August 26, 2014

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- Attachment A: PUBLIC HEARING NOTICE & AGENDA
- Attachment B: CITIZEN COMMENTS & RESPONSES
- Attachment C: FY 2014 DETAILED BUDGET TABLE
- Attachment D: CONSOLIDATED PLAN LISTING OF ACTIVITIES

SECTION 1: GENERAL PROGRAM OVERVIEW

INTRODUCTION

The Department of Housing & Urban Development (HUD) issues Emergency Shelter Grant (ESG) grants to assist, protect, and improve living conditions for the homeless.

Specifically the ESG program provides funding to:

- Rapidly re-house homeless individuals and families;
- Prevent families and individuals from becoming homeless;
- Engage homeless individuals and families living on the street;
- Improve the number and quality of emergency shelters for homeless individuals and families;
- Help operate these shelters; and
- Provide essential services to shelter residents.

ESG funds may be utilized for the following categories:

- § street outreach,
- § emergency shelter,
- § homelessness prevention,
- § rapid re-housing assistance, and
- § toward managing the Homeless Management Information System (HMIS);
- § as well as administrative activities (administrative activities are capped at 7.5% of a recipient's allocation).

In 2013 when HUD announced its allocations of grants to entitlement cities nationwide, the City of Moreno Valley was awarded its first Emergency Shelter Grant (ESG) in its history. HUD awarded the City \$135,581 in funds to provide homeless assistance. The following year HUD announced the City was allotted a second allocation of \$155,589 bringing the City's total ESG allocation for 2013 and 2014 to \$291,170.

The City is tasked with implementing a new, full ESG program focused on homeless prevention services that best meet the needs of its homeless/at-risk population and the programs federal requirements, 24 CFR Part 91 and 576.

SF-424 & CERTIFICATIONS
(BEHIND THIS PAGE)

ESG BACKGROUND

The Emergency Solutions Grant (ESG) started as the Emergency *Shelters* Grant under the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. In 2012, HUD revised regulations based on lessons learned from the Homeless Prevention and Rapid Re-Housing Program (HPRP) funding under Title XII of the American Recovery and Reinvestment Act (ARRA) also of 2009. The revision changed the name of the grant program along with its overall focus from addressing only the needs of the people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. It basically allowed the homeless prevention and rapid re-housing activities of HPRP to continue under the new ESG.

Announcement of award of the Moreno Valley's first ESG award came in March 2013. The City was advised that along with its Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME grant), changing census demographics caused MV to become automatically eligible for an ESG entitlement grant. The announcement came as the City was in the process of constructing its 2013 Action Plan. Because the announcement was so new the City did not have sufficient time to create and implement the new program in time to include it in the 2013 Action Plan. The HUD Los Angeles Field Office authorized the City to move forward with its existing Consolidated Planning Programs while it developed its new ESG program. In 2014, along with the announcement of the CDBG and HOME entitlement grants the City was issued a second ESG allocation in the amount of \$155,589 bringing the City's total ESG allocation for 2013 and 2014 to \$291,170. The City is now working with HUD to amend the ESG program into all current City Consolidated Planning documents.

SECTION 2: FORMING MORENO VALLEY'S ESG PROGRAM

DESCRIPTION OF RIVERSIDE COUNTY CONTINUUM OF CARE (COC)

The McKinney-Veto Homeless Assistance Act requires that communities operate a Continuum of Care (CoC) program designed to assist homeless persons with housing and/or services with the ultimate goal of long term stability. Riverside County's Department of Public Social Services (DPSS) has been the lead agency in coordinating the area's CoC including securing membership and ensuring that CoC's various legal responsibilities are met. Current members include the County, various entitlement cities, non-profit/service providers, homeless persons, and members of the public.

As a collaborative, the group must assess the needs of the area's homeless and affordable housing needs then develop a regional plan to address them. They also promote a community-wide commitment to ending homelessness, provide for funding for local efforts to address homelessness, and promote effective use of mainstream programs, including designing and operating a software system called the Homeless Management Information System (HMIS) intended to minimize duplication of services. The CoC has a Board of Governance, an 'All County' Group, and six very active subcommittees who each meet monthly and work toward the common goal.

AREA HOMELESS STATISTICS

The Riverside County Department of Public Social Services (DPSS) serves as the lead agency for the areas Continuum of Care (CoC). Moreno Valley is a very active member of the CoC. As part of the planning process, DPSS conducts a homeless census and survey biannually. The census consists of a one day "point-in-time count" (PIT) of homeless persons countywide. Moreno Valley City staff participate in the PIT counts conducted by the County.

Three years ago, the 2011 PIT homeless count found a total of 6,203 homeless (sheltered and unsheltered) individuals throughout the County. In 2011 there were a total of 237 homeless individuals counted in the City of Moreno Valley. This number is significantly higher than the 2009 count which showed 28 homeless individuals. The 2009 and 2011 counts were conducted utilizing a significantly different count methodology however, and the 2011 Count is not widely accepted as valid.

The most recent census/survey was conducted in 2013¹. The latest PIT data counted a total of 2,978 sheltered and unsheltered homeless individuals (adults and children) Countywide. Of these, 1,888 (63%) were unsheltered. The largest subpopulation of the unsheltered persons

¹ A detailed report, *The Riverside County 2013 Homeless Count and Subpopulation Survey*, can be obtained on the Continuum of Care's website at <http://endhomeless.info/reports.asp>.

counted were single individuals (totaling 1644), followed by chronically homeless persons (totaling 995).

The PIT data reported 50 unsheltered homeless persons in the City of Moreno Valley. Of those, the largest subpopulation were 'single adults' (totaling 48), followed by 'men' (totaling 40).

It is important to note that references found within the report indicate that the "annual estimates" of homeless persons in a jurisdiction are likely to be anywhere from three to six times as high as point-in-time (PIT) estimates.²

AREA HOMELESS PRIORITIES

County Priorities

The County of Riverside's Continuum of Care has established a 10-Year Plan to End Homelessness that provides 11 key recommendations for implementation that would significantly reduce homelessness in Riverside County. The plan focuses on the following activities: Strengthening Homeless Prevention Efforts; Expanding Existing Homeless Services; Ending Chronic Homelessness; and Developing Affordable Housing.

1. Homeless Prevention - each jurisdiction within the County will implement a centralized homeless prevention program. Households at-risk of becoming homeless will be eligible to receive a wide-range of supplemental resources available under "one roof" in order to maintain their housing.
2. Discharge Planning - establish county-wide protocols and procedures to prevent people from being discharged from public and private institutions into homelessness and decrease the number of persons being discharged into homelessness by at least 10% annually.
3. Street Outreach - expand street outreach programs in order to bring social services directly to chronically homeless persons in a more "assertive" way in order decrease the number of chronic homeless individuals each year by at least 10% and help prevent additional persons from living on the streets.
4. Emergency Shelter Beds - create 150 additional shelter beds, spread out throughout the County, for individuals living on the streets and require participation in a case management plan as a condition of admission.
5. Transitional Housing Beds - create 75 additional transitional housing units consisting of 225 beds to serve families who are living on the streets and require participation in a case management plan as a condition of admission.
6. Permanent Supportive Housing - create at least 100 beds or units of permanent supportive housing for chronic homeless persons annually for the next five (5) years for a total of 500 units.

² Based on the publication "Estimating the Need" by the Corporation for Supportive Housing, page 4 of the 2013 PIT report.

7. Permanent Affordable Housing - develop 1,500 units of permanent affordable housing for low-income families and individuals.
8. HMIS - engage full participation from all emergency shelter, transitional housing, permanent supportive housing and related supportive service programs in the County of Riverside Homeless Management Information System.
9. Strengthen Linkages to Mainstream Resources - create a streamlined benefits application system featuring a single application process for multiple programs in order to expedite enrollment and access to available resources for homeless and at-risk homeless individuals and families.
10. A Housing Trust Fund - create a Housing Trust Fund that receives an ongoing dedicated source(s) of public funding to support the production and preservation of affordable housing.
11. Inclusionary Housing Practices - encourage Riverside County and local jurisdictions to explore inclusionary housing practices that promote housing creation with incentives such as zoning bonuses, expedited permits, reduced fees, cash subsidies, or other enticements for developers who build affordable housing for homeless individuals and families.

City Priorities

In line with the HUD requirements and County priorities, the City has developed its own comprehensive Homeless Strategy that involves reaching out to homeless persons, assessing and addressing their individual emergency/ housing needs through a variety of mechanisms including but not limited to the County Mental Health Homeless Intervention Team (HIT) and by way of partnership with various service providers, including local shelters.

The City is providing CDBG funding to organizations to assist the homeless:

- Community Assistance Program (Food Distribution)
- Lutheran Social Services (Transitional Living Program)
- PW Enhancement Center (Emergency Motel Vouchers)
- Operation Safehouse (Emergency Youth Shelter)
- Alternatives to Domestic Violence (Emergency Shelter)
- Path of Life Shelter (Emergency and Transitional Housing).

These public service providers assist homeless persons with food distribution, counseling, or emergency voucher programs are often the primary source for referrals and assistance to homeless persons. Lutheran Social Services and Path of Life provide their participants with long term shelter under their transitional living programs but also assist those threatened with homelessness by providing referrals and coordinating with other agencies to locate assistance for the families or individuals. Alternatives to Domestic Violence provides emergency shelter to persons who flee their homes due to domestic violence situations and Operation Safehouse,

which houses runaway or endangered youth in various circumstances; providing a safe haven for children therefore keeping them off the streets.

The City’s performance goals under the Homeless Strategy for the 5 year Consolidated Planning Cycle 2013-18 are summarized in the table below.

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Goal/ Performance Indicator
Homeless Strategy	2013	2018	Homeless	City-wide	Homeless	Provide 2250 Homeless Person Overnight Shelter: Provide 250 Persons with Homelessness Prevention

CITIZEN PARTICIPATION

In accordance with City’s Citizen Participation Plan, whenever there is a change to the City’s Consolidated Plan and Action Plans that was not originally included in the version approved by Council, whether an addition, deletion, change in location, or 20% change in scope or budget, a ‘substantial amendment’ must be completed. This process is intended to keep the public informed and able to comment on the projects and activities funded by Federal monies.

The City’s Citizen Participation Plan that there must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it including notice of a hearing 30 days before one occurs, a written description of the changes need to be made available to the public, and careful consideration must be given to all comments and views expressed by the public, whether given as verbal testimony at the Public Hearing or submitted in writing during the review and comment period.

The City of Moreno Valley published a notice a notice of Substantial Amendment in the *Press Enterprise*, a newspaper of general circulation (see Attachment A). The public notice was also placed on the City of Moreno Valley internet at www.moval.org to inform citizens and other interested parties that the City intended to substantially amend its 2013-2018 Consolidated Plan and Annual Action Plan(s) 2013 and 2014. The public notice also provided information about the following:

1. A brief description of the City’s ESG;
2. Proposed budget allocations;
3. The 30-day comment period and procedure for submitting comments; and
4. The time and location of the City Council meeting where the ESG Substantial Amendment will be considered for approval.

On August 26, 2014, the City of Moreno Valley City Council, at their regular 6:00 P.M. meeting, _____ the Substantial Amendment to receive HUD's ESG program funding.

Comments from attendees including members of the public are included as Attachment B.

CONSULTATION WITH COC

The City of Moreno Valley is a participant in the Riverside County CoC. When the City was first made aware that it was awarded ESG funding it took multiple steps to ensure it became informed of allowable grant uses and requirements. Moreno Valley staff communicated about timelines and technical assistance with HUD staff, heavily researched ESG regulation, formed an internal city group/committee with members of the City Manager's office to discuss the City's homeless issues and needs.

Initially, based on feedback collected during Community Meetings hosted by Mayor Tom Ownings, staff began to explore the possibility of developing a 'Homeless Drop-In Center' in Moreno Valley utilizing the ESG funding. The City reached out to other Continuum of Care members to discuss this concept and to view/tour existing centers. MV staff met with Riverside City and County staff to visit 2 of the buildings within their 'one-stop multi-service campus' located on the cul-de-sac at Hulen Place. On October 22, 2013 MV staff toured 'The Place' which is a safe center that provides supportive services to the chronically homeless such as referrals, food, access to showers, and laundry facilities. On December 17, 2013, staff toured the 'Access Center' which provides a multitude of services to the City's homeless ranging from computer resources, health care, life skills, counseling, referrals, to many other stabilization services.

On November 19, 2013 Moreno Valley met with the Administrative Services Manager II of the Homeless Programs Unit for Riverside County Department of Social Services to consult on the one stop concept and potential funding strategies and challenges. Also, at staff's request, the DPSS Deputy Director for the Department of Mental Health provided Moreno Valley with cost projections based around the operational budget for 'The Place' to help the City further evaluate whether a drop-in center would be feasible for MV.

In early 2014, Moreno Valley staff concluded that the Center would be a positive long-term project, but found that additional funding resources would be needed in addition to the ESG funding in order to leverage a drop-in center. The mandated limits on the amount of ESG funding that can be applied toward shelter operations (60% of an annual allocation) disallow for the use of the full grant toward the center therefore ESG alone would only cover a fraction of the overall costs. The fact that a potential site had/has not been identified posed an additional challenge. The City would be required to take time to locate/identify a suitable site, gain all necessary approvals, and complete the acquisition. This represented a complex set of tasks that

are not conducive to the grant obligation and expenditure deadlines, therefore the City determined it needed to switch focus and explore other options.

The City has now determined a final proposed use for ESG monies and have initiated additional consultation with the CoC. In July, County CoC staff were provided with a copy of the Moreno Valley's Substantial Amendment for review and comment. The City specifically sought feedback on the potential sole source approach, subgrantee recommendations, and HMIS allocation. MV grant administrating staff anticipates the Substantial Amendment will be supported by the CoC.

PROPOSED ACTIVITIES, BUDGET, AND SCHEDULE

The anticipated \$291,170 (2013 award of \$135,581 and 2014 award of \$155,589) shall be used as follows:

- Administration (7.5% limit) - \$21,837
- Homeless Management Information System (HMIS) - \$5,000
- Homeless Prevention and Rapid Re-housing Activities - \$264,333

The City anticipates serving persons who meet the definition of homeless and/or at-risk of homelessness and estimates the ESG homeless prevention and rapid re-housing will serve 100 persons low income families avoid becoming homeless (HP) and help homeless persons transition to permanent housing (RR). The corresponding standard objective and outcome categories is Decent Housing/ Sustainability (DH3)

ANTICIPATED ESG PROGRAM SCHEDULE

ESG FY 2013 and 2014 funding must be fully expended within 24 months from the date HUD signs the ESG Grant Agreement. The City expects to follow the schedule below:

Submittal of ESG Substantial Amendment to HUD	August 28, 2014
HUD execution of ESG Grant Agreement	September 30, 2014
180-day deadline to obligate funds to subgrantees	March 30, 2015
24-month deadline to expend ESG funds	September 30, 2016

REASONS BEHIND ESG RECOMMENDATION

The City of Moreno Valley's recommendation for the ESG proposed set of activities is a result of evaluating community needs, Consolidated Planning strategies, and Continuum of Care long-term recommendations to end homelessness. When determining MV's future ESG activities, the City took into serious consideration that the Riverside County 10-year Strategy to End Homelessness' number one recommendation to counter the homeless issue which is 'homeless prevention.' Also, heavily considered was that fact that the Moreno Valley community has and continues to show a high demand for rental assistance. This was demonstrated by the success of the homelessness prevention and rental rehabilitation activities under the City's HPRP

program (2009-2012). Based on the high demand experienced under the HPRP program and the high priority placed on these activities both at the City and County level, the City is proposing set of ESG activities described in this amendment.

SECTION 3: PROGRAM SPECIFIC REQUIREMENTS

PROCESS FOR MAKING SUBAWARDS

HUD has indicated that it is critical for Moreno Valley to implement the new ESG program as soon as possible; therefore, the City would like to act immediately to contract, sole source, if at all possible with the Riverside County Economic Development Agency, Housing Division (EDA) to administer the Rapid Re-Housing (RR) and Homeless Prevention (HP) service ESG activities. This consideration is based on two main reasons: (1) the City is aware that EDA possesses the staffing capacity, knowledge and experience to effectively implement and administer the Homeless Prevention and Rapid Re-Housing activities; and (2) the selection of one qualified and capable organization is a much more efficient and effective process to implement the homeless prevention services and re-housing activities. The EDA Housing Division has prior experience in servicing homeless individuals and families and is an active member of the Riverside Continuum of Care. The Sole Source process will avoid any additional delay in program implementation in providing homelessness prevention and rapid re-housing activities/services.

Should the City be unable to partner with EDA, the City will maintain interest in entering into a direct sub-grant agreement with one or two agencies with the correct mix of experience and expertise to administer the proposed ESG activities, and is prepared to award funding through a competitive Request for Proposal (RFP) process. The applicants awarded through this RFP process will also be approved by City Council.

The ESG program permits funding for HMIS. The City acknowledges that HMIS is an important component of ESG and would like to allocate funding toward its operations. Because the Riverside County Department of Social Services (DPSS) is the lead agency and sole provider of HMIS services, DPSS is selected to receive funding for the local HMIS.

MATCH

The Emergency Solution Grant program has a mandatory 100% match requirement that can be met as a dollar for dollar match or with in-kind services. The City shall request its ESG subgrantees to provide the match with an equal amount of cash or in-kind services including, Federal, State, and Private Resources.

HOMELESS PARTICIPATION REQUIREMENT

The 'homeless requirement' under 24 CFR 576.405(a) and 91.220 (1)(4) (iv) indicates that the City's policy making entity must have at least one homeless or formerly homeless individual on its panel. The City's decision making entity is its City Council which consists of 5 elected officials. Staff is unable to confirm whether or not they were homeless at any point. The regulations offer that a City can also *specify a plan* for reaching out to homeless and formerly homeless

individuals to hear from their experiences what services would be most helpful in either preventing experiences of homelessness or assisting people who are literally homeless.

The Riverside County Continuum of Care (CoC) board is comprised of public and private agencies along *with community residents including homeless and formally homeless individuals*. The City proposes that the consultation with the CoC serve as the plan to meet the homeless participation requirement. The CoC was designed to assess the need for homeless and affordable housing services in the region and to develop and recommend a plan of action on behalf of at risk and homeless individuals and families.

WRITTEN STANDARDS FOR PROVISIONS OF ESG ASSISTANCE

Activities required under ESG, i.e, homeless prevention and rapid re-housing activities will be focused on housing stabilization, linking program participant to community resources and mainstream benefits, and helping them develop a plan for preventing future house instability. The City of Moreno Valley will work with (a) selected subgrantee(s) partner(s) to establish a clear process for determining the type, level, and duration of assistance for each program participant. The City will require the subgrantee(s) of the ESG allocation to establish and implement written standards for the ESG program prior to executing the grant contract with the City.

The written standards shall include:

1. Standard policies and procedures for evaluating individuals for evaluating individuals and families eligibility for assistance under ESG
2. Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance
3. Policies and procedures for coordination among emergency shelter providers, essential service providers, homelessness prevention and rapid re-housing assistance providers and mainstream service and housing providers
4. Standards for determining the share of rent and utilities cost that each program participant must pay, if any, while receiving homeless prevention and rapid re-housing assistance
5. Standards for determining how long a particular program participant will be provided with rental assistance and whether the amount of that assistance will adjusted over time
6. Standards for determining the type amount, and duration of housing stabilization and/or relocation services to provide a program participant, including the limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number

of months the program participant receives assistance, or the maximum number of times the program participant may receive assistance.

PERFORMANCE STANDARDS

Being ESG is a brand new program Moreno Valley fully expects that the performance standards will evolve over time however, for the first year of implementation, the City plans to base its performance standards off lessons learned from the City's Homeless Prevention and Rapid Re-Housing program (HPRP). The City successfully closed out its HPRP program in 2012 and under it offered the same activities the proposed ESG program. The 2 programs are similar and the information is still recent and relevant.

1. Performance Measure for Rapid Re-Housing (RR)

The City would work with the ESG subgrantee(s) to establish targets to individuals and families who are literally homeless, meaning those who qualify under 24 CFR Part 576.2 paragraph (1) of the definition of homeless; To help homeless persons living on the streets , in an emergency shelter, or place not meant for human habitation transition into permanent housing and achieve stability in that housing.

The City is currently estimating that 50 persons will receive RR homeless prevention & rapid rehousing services.

2. Performance Measure for Homeless Prevention (HP)

The City would work with the ESG subgrantee(s) to establish a priority targeting those who are at imminent risk, or at risk, of homelessness, meaning those who qualify under 24 CFR Part 576.2, paragraph (2) and (3) of the homeless definition or those who qualify as at risk of homelessness individuals and families in a shelter or an unsheltered situation; To help such persons regain stability in their current housing or other permanent housing.

The City is currently estimating that 50 persons will receive HP homeless prevention & rapid rehousing services.

3. Performance Measure for HMIS (Homeless Management Information System)

The City will make aim to engage full participation from all ESG subgrantees and is currently estimating that 100 persons receiving homeless prevention & rapid rehousing services to be counted through HMIS.

**CITY OF MORENO VALLEY
FY 2014/15 ANNUAL ACTION PLAN
AMENDMENT NO. 1 AFFECTING ESG & HOME**

The Annual Action Plan addresses the City’s plan for use of CDBG and HOME funds during Fiscal Year 2014/15. The plan is based upon the 5-year, 2013-2018 Consolidated Plan and facilitates the strategies outlined in the (Consolidated) Plan by addressing community needs through various mechanisms.

This amendment to the FY 2014/15 Action Plan requires citizen participation (including public hearing, public notice and 30-day review period) because the issue is considered a “substantial amendment.” A more detailed description of the proposed substantial amendment was made available for public review from July 25, 2014 through August 25, 2014. A public hearing was conducted on August 26, 2014 Moreno Valley City Council Meeting at 6:00 p.m.

The amendment includes the following changes:

1. **Emergency Solutions Grant (ESG) Program** - Adds a preliminary ESG program to the City’s consolidated planning documents and helps secure the ESG allocation from the Department of Housing and Urban Development (HUD). ESG funding would constitute brand new entitlement funding for the City of Moreno Valley.

The total anticipated award of \$291,170 (2013 award of \$135,581 and 2014 award of \$155,589) is proposed toward the following activities:

- Administration (7.5% limit) - \$21,837
- Homeless Management Information System (HMIS) - \$5,000
- Homeless Prevention and Rapid Re-housing Activities - \$264,333

2. **Mobilehome Grant Program (funded under the ‘HOME’ program)** - Amend the 2014-15 Action Plan to allow for additional HOME funding toward a mobile home repair (grant) program to be administered in partnership with Habitat for Humanity, Riverside. This change increases the original \$78,000 allocation to \$120,000 to allow for interior and exterior repair of 8 units (\$15,000 per unit). The increase will allow the City to more fully address health, code, safety, and accessibility issues of homes occupied by low-income owners. The change would also allow the City to meet an upcoming HOME commitment deadline.

Approved by: _____
Michelle Dawson, City Manager

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THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): *West / Moreno Valley Zone*

PROOF OF PUBLICATION OF

Ad Desc. Ordinance No. 878 /

I am a citizen of the United States I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, under date of February 4, 2013, Case Number RIC 1215735, under date of July 25, 2013, Case Number RIC 1305730, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: *6/24/14*
At: Riverside, California



Ad Number:

Ad Copy:



CITY OF MORENO VALLEY NOTICE OF PUBLIC COMMENT PERIOD

PROPOSED AMENDMENT TO FY 2014-15 ACTION PLAN

As a recipient of federal grant funding, the City of Moreno Valley is mandated to complete a five-year Consolidated Plan and an Annual Action Plan that details the use of its grant funds. In cases where there are changes to an approved Plan, cities must notify their citizens of the proposed change and provide them the opportunity to comment. A Public Hearing must also be held prior to the 'Substantial Amendment' being forwarded to the Department of Housing and Urban Development (HUD) for review and final approval.

This 'Substantial Amendment' proposes the following changes:

- 1) To add the proposed Emergency Solutions Grant (ESG) activities to the 5-year Consolidated Plan and corresponding Annual Plans. The anticipated \$291,170 (2013 award of \$135,581 and 2014 award of \$155,589) is proposed as follows:
 - Administration (7.5% limit) - \$21,837
 - Homeless Management Information System (HMIS) - \$5,000
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Anyone interested in providing comments or obtaining additional information may do so by contacting the City of Moreno Valley's Financial Resources Division within the Finance Department, at 14177 Frederick Street, Moreno Valley, CA, 951.413.3450, np@moval.org. The proposed Amendment will be made available for public review from July 25, 2014 through August 25, 2014. Comments must be received no later than 5:30 pm on August 25, 2014 but will also be accepted at the Public Hearing to be held on Tuesday, August 26, 2014 at 6:00 p.m. at the City Council Chambers, Moreno Valley City Hall, 14177 Frederick Street, Moreno Valley, CA.

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): *WEST / Moreno Valley Zone*

PROOF OF PUBLICATION OF

Ad Desc.. Ordinance No 878 /

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I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: *6/25/14*
At: Riverside, California



Ad Number

Ad Copy:



CITY OF MORENO VALLEY NOTICE OF PUBLIC COMMENT PERIOD

PROPOSED AMENDMENT TO FY 2014-15 ACTION PLAN

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: John C. Terell, Community & Economic Development Director

AGENDA DATE: August 26, 2014

TITLE: PUBLIC HEARING FOR THE FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TOWNGATE. THE APPLICANT IS PALM TREE COMMUNITIES CONSULTING INC.

RECOMMENDED ACTION

Recommendations: That the City Council:

1. RECOGNIZE that the Development Agreement will not have the potential for any direct or indirect impacts under the California Environmental Quality Act (CEQA) and is therefore exempt under Section 15061 of the CEQA Guidelines.
2. ADOPT Resolution No. 2014-72. A Resolution of the City Council of the City of Moreno Valley, California, Approving P13-138, the Fourth Amendment to the Annexation and Development Agreement for TownGate to Extend the Life of the Agreement for a Total of Five Years.

SUMMARY

The Planning Commission approved Resolution 2014-19 on June 26th recommending approval of the Development Agreement Amendment for TownGate to the City Council. The modification to the Development Agreement will extend the term of the agreement by five years.

DISCUSSION

The Planning Commission reviewed the proposed Development Agreement Amendment on June 26th, and recommended approval to the City Council. The proposed modification will extend the agreement by five years.

On October 28, 1986, the Moreno Valley City Council enacted an ordinance approving the Annexation and Development Agreement (the Agreement) for the TownGate development project. After the 30 day statutory requirement, the Annexation and Development Agreement went into effect on November 27, 1986. The Agreement was adopted pursuant to State law and the City's established procedures and requirements for development agreements.

The Agreement along with the Specific Plan established the planning and development of the mixed-use development project consistent with the approved Specific Plan. The use of the Agreement codified a Memorandum of Understanding (MOU) between the City, the Redevelopment Agency, and the developer/property owner of TownGate (the Fritz Duda Company and its other related development entities involved in the Town Gate project). The MOU spelled out a means for funding the infrastructure necessary for the development of the TownGate project, as well as the scope of development of the development plan for the mixed-use development project.

The term of the Agreement was for a 20-year term and was established to undertake and build-out the entire TownGate development project consistent with the approved Specific Plan. On September 28, 2006, the City Council approved the second amendment to the Development Agreement which provided a five year extension to November 27, 2011. In November 2011, the City Council approved an additional five year extension to November 27, 2016.

Section 3-D of the Agreement states that "the timing may be tolled during any periods of delay resulting from acts of God, or other causes including but not limited to real estate, economic, financial and market conditions reasonably beyond the control of the property owner."

The representative for TownGate has requested that the City consider extending the term of the Agreement by five years in recognition of the economic downturn of the last few years along with the economic challenges of the 1990's. Moreno Valley has experienced a severe economic downturn in the local economy during these periods which also impacted the TownGate area. In pursuit of the completion of the TownGate Specific Plan and the development governed by the Development Agreement, the applicant believes the five year extension is warranted and appropriate.

The continued development of TownGate is an important component of the City's economic development efforts. The extension of the TownGate Development Agreement will help assist in attracting new development projects to the TownGate area, which in turn will enhance the economic vitality of Moreno Valley.

ALTERNATIVES

1. Approve the proposed Resolution for approval of Fourth Amendment of the Development Agreement. **Staff recommends this alternative.**
2. Do not approve the proposed Resolution for approval of the Fourth Amendment of the Development Agreement. **Staff does not recommend this alternative.**

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

A public hearing notice for the project (one-eighth page display advertisement) was published in the Press-Enterprise.

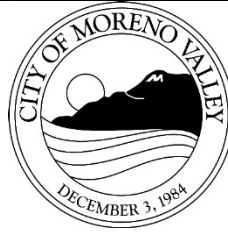
ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution
Exhibit A to ATT 2 – Fourth Amendment to Development Agreement
3. Annexation and Development Agreement for
TownGate
4. Planning Commission Staff Report
5. Planning Commission Meeting Minutes

Prepared By:
Chris Ormsby, AICP
Interim Planning Official

Department Head Approval:
John C. Terell
Community & Economic Development
Director

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NOTICE OF CITY COUNCIL PUBLIC HEARING

FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE TOWNGATE SPECIFIC PLAN TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT BY FIVE YEARS (P13-138)

The amendment would extend the term of the Development Agreement for TownGate by five years. The site includes several parcels controlled by entities related to Fritz Duda Company. The project area is generally located south of Highway 60, east of Day Street, and West of Frederick Avenue on properties designated as Specific Plan 200.

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Chris Ormsby, Interim Planning Official at (951) 413-3229 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or may telephone (951) 413-3206 for further information.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

**Tuesday, August 26, 2014
6:00 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805**

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RESOLUTION NO. 2014-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING P13-138, THE FOURTH AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT FOR TOWNGATE TO EXTEND THE LIFE OF THE AGREEMENT FOR A TOTAL OF FIVE YEARS.

WHEREAS, the applicant has filed an application for the approval of P13-138, as described in the title of this Resolution; and

WHEREAS, on June 26, 2014, the Planning Commission of the City of Moreno Valley, after conducting a public hearing on the project, approved Planning Commission Resolution No. 2014-19 recommending approval of the Fourth Amendment to the Annexation and Development Agreement for TownGate; and

WHEREAS, on August 26, 2014, the City Council held a public hearing to consider the proposal; and

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

WHEREAS, the City Council recognizes that the proposed action will not have the potential for direct or indirect impacts under the California Environmental Quality Act (CEQA) is therefore exempt under Section 15061 of the CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

- A. The City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this City Council during the above-referenced meeting, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:
 1. That the Development Agreement Amendment is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan.

FACT: The proposed Amendment is consistent with the General Plan, and all remaining development under the Agreement will be consistent with the General Plan.

1
Resolution No. 2014-72
Date Adopted: August 26, 2014

2. The proposed Development Agreement Amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

FACT: The Development Agreement Amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

3. The proposed Development Agreement Amendment is in conformity with public convenience, general welfare and good land use practice.

FACT: The Development Agreement Amendment will facilitate the orderly development of the remaining vacant lands consistent with the TownGate Specific Plan (Specific Plan 200).

4. The proposed Development Agreement Amendment will not be detrimental to the public health, safety and general welfare.

FACT: The proposal has been determined to be exempt under Section 15061(b)(3) of the California Environmental Quality Act Guidelines in that the proposed Agreement does not have the potential to result in a direct or indirect physical impact on the environment.

5. The proposed Development Agreement Amendment will not adversely affect the orderly development or the preservation of property values of the subject property or any other property.

FACT: The Development Agreement Amendment extends the term of the Agreement by five years. It would not affect the orderly development or the preservation of property values of the subject property or any other property.

FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

2
Resolution No. 2014-72
Date Adopted: August 26, 2014

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY ADOPTS Resolution No. 2014-72 approving the Fourth Amendment to Development Agreement (P13-138) as contained in Exhibit A.

APPROVED AND ADOPTED this 26th day of August, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

3
Resolution No. 2014-72
Date Adopted: August 26, 2014

APPROVED AS TO FORM:

City Attorney

4
Resolution No. 2014-72
Date Adopted: August 26, 2014

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. 2014-72 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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Resolution No. 2014-72
Date Adopted: August 26, 2014

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**FOURTH AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MORENO VALLEY, RIR ASSOCIATED AND RYDER
HOMES RELATIVE OF THE DEVELOPMENT KNOWN AS MORENO VALLEY
MIXED USE DEVELOPMENT (TOWNGATE)**

THIS FOURTH AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MORENO VALLEY, RIR ASSOCIATES AND RYDER HOMES RELATIVE OF THE DEVELOPMENT KNOWN AS MORENO VALLEY MIXED USE DEVELOPMENT (TOWNGATE) (the “Fourth Amendment” to the (“Development Agreement”) is made and entered into as of _____, 2014, by and between the City of Moreno Valley (the “City”) and the Gateway Company L.C. (“Gateway”), Dallas Plaza Partners, Brixton-Alto Eastridge, LLC., and Brixton-Alto Shopping Center, LLC, (collectively the “current landowners”) with respect to the following facts:

- A. On October 28, 1986, the City Council enacted Ordinance No. 102 approving the Development Agreement, which was recorded on January 20, 1987, as document number 26860 in the official records of Riverside County.
- B. On October 14, 2006, the City Council enacted Ordinance no. 728 approving an extension to the Development Agreement.
- C. On November 8, 2011, the City Council enacted Ordinance No. 834 approving an extension to the Development Agreement.
- D. The Development Agreement will terminate on November 27, 2016 unless the term is extended.
- E. The current landowners, as successors in interest to RIR Associated and Ryder Homes, have been developing the Project, as that term is defined in Recital 8 of the Development Agreement. Much of the Project is now built out.
- F. Economic conditions which have occurred since the Development Agreement was entered into have prevented the completion of the development foreseen for the Project.
- G. The current landowners are contemplating further development on their land.

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- H. In order to provide the necessary certainty that further development of the Project can be built once the approval process is completed, the City and the current landowners agree that it will be mutually beneficial to extend the term of the Development agreement by five years.
- I. The extension for the term shall only apply to the property yet to be developed as part of the Project.

IN LIGHT OF THE FOREGOING, IT IS HEREBY AGREED THAT:

- 1. Paragraph 1.B(1) of the Development Agreement is amended to read:

“The term of this Development Agreement shall extend to November 27, 2021, unless this Development Agreement is terminated, modified or extended by circumstances set forth in this Development Agreement or by mutual consent of the parties hereto”
- 2. The Amendment set forth in paragraph 1 above shall only apply to the land described in Exhibit A to this Fourth Amendment.
- 3. Except as set forth in paragraphs 1 and 2 above, the provisions of the Development Agreement remain unchanged.

Dated _____ 2014 CITY OF MORENO VALLEY

BY: _____
MAYOR

ATTEST:

CITY CLERK

CITY ATTORNEY

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Resolution No. 2014-XX
Date Adopted: August 26, 2014

(SIGNATURES CONTINUED ON THE NEXT PAGE)

APPROVED AS TO FORM:

Dated _____, 2014

GATEWAY COMPANY L.C.
a Nevada limited liability company
By: Fritz Duda Company,
A Texas corporation
Its Manager

By: _____

Printed Name: _____

Title: _____

Dated _____, 2014

DALLAS PLAZA PARTNERS
a Nevada limited partnership
By: Fritz Duda Company,
A Texas corporation
Its General Partner

By: _____

Printed Name: _____

Title: _____

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Resolution No. 2014-XX
Date Adopted: August 26, 2014

Dated _____, 2014 BRIXTON-ALTO EASTRIDGE LLC.
A Delaware Limited Liability Company

By: _____

Printed Name: _____

Title: _____

Dated _____, 2014 BRIXTON-ALTO SHOPPING CENTER, LLC
A Delaware Limited Liability Company

By: _____

Printed Name: _____

Title: _____

TownGate Master Developer Parcels

TownGate Center

Parcels 1-19 and 21 of parcel map 23748
Parcels 22 of parcel map 22049

TownGate Plaza

Parcels 1-3 of parcel map 31781
Parcels 2-6 of parcel map 25908

TownGate Square

Parcels 3-10 and 12 of Parcel Map no. 32189

TownGate Promenade

Parcels 1, 2, 5, 6, 7, 8, and 9 of Parcel Map no. 32631
Parcel C of Lot Line Adjustment 993

TownGate Crossing

Parcel D and E of Lot Line Adjustment 933
Parcel A, B and C of Lot Line Adjustment 981

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Resolution No. 2014-XX
Date Adopted: August 26, 2014

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RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City Clerk
City of Moreno Valley
P. O. Box 1440
Moreno Valley, CA 92388

RECEIVED FOR RECORD
AT 9:39 O'CLOCK A.M.
At Request of
FIRST AMERICAN TITLE COMPANY
OF RIVERSIDE

JAN 30 1987

Recorded in Official Records
of Riverside County, California

William E. Smith
RECORDED

Fees \$

(Handwritten mark)

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ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF MORENO VALLEY, RIR ASSOCIATES
AND RYDER HOMES RELATIVE TO THE
DEVELOPMENT KNOWN AS
MORENO VALLEY MIXED USE DEVELOPMENT
(TownGate)

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ANNEXATION AND DEVELOPMENT BETWEEN
THE CITY OF MORENO VALLEY, RIR ASSOCIATES
AND RYDER HOMES RELATIVE TO THE
DEVELOPMENT KNOWN AS
MORENO VALLEY MIXED USE DEVELOPMENT
(TownGate)

This Annexation and Development Agreement (hereinafter "Development Agreement") is entered into this 28th day of November, 1986, by and between RIR Associates, a California general partnership, Ryder Homes, a California corporation (hereinafter "Property Owners") and the City of Moreno Valley, a municipal corporation (hereinafter "City"), pursuant to the authority of Section 65859 and Sections 65864 through 65869.5 of the California Government Code.

Recitals

1. To provide for orderly planning, the City has the authority pursuant to California Government Code Section 65859 to prezone property outside the City boundaries for the purpose of determining the zoning that will apply to the property in the event of a subsequent annexation of the property to the City.
2. To provide more certainty in the approval of development projects, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code which authorizes the City and an applicant for a development project to enter into a development agreement, establishing certain development rights in the property which is the subject of the project development entitlement application(s).
3. The City has adopted Resolution No. 85-127 on

December 17, 1985, establishing procedures and requirements for considering development agreements. Said Resolution is not, as of the date hereof, subject to any legal action wherein the validity of the Resolution, or any part thereof, is being challenged.

4. The City was incorporated on December 3, 1984. Pursuant to California Government Code Section 65360, the City has thirty (30) months to prepare and adopt a general plan. During this thirty (30) month period, the City may approve development projects and is not subject to the requirements of California state law that its decisions be consistent with the general plan so long as certain provisions as set forth in Section 65360 are met.

5. Pursuant to California Government Code Section 35441, the City Council of City on December 3, 1984, by Ordinance No. 1, which ordinance was affirmed on March 26, 1985, by Ordinance No. 10, adopted the County of Riverside General Plan as an Operating General Plan until the City's General Plan is completed and adopted. The Operating General Plan was modified and readopted on June 17, 1986, by Resolution No. 86-75. The City is currently proceeding in a timely manner with the preparation of a new general plan for the City.

6. RIR Associates is a California general partnership. RIR Associates is the owner in fee of certain real property situated in the unincorporated territory of the County of Riverside, State of California, consisting of approximately 555.7 acres, (hereinafter "RIR Associates Property") more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

7. Ryder Homes, a California corporation, is the owner in fee of certain real property situated in the City of Moreno Valley, County of Riverside, State of California, consisting of approximately 35 acres (hereinafter "Ryder Property"), contiguous to the RIR Associates Property, more

particularly described in Exhibit B attached hereto and incorporated herein by this reference.

8. RIR Associates and Ryder Homes desire to develop their property in conjunction with one another and in accordance with the Moreno Valley Mixed Use Development Specific Plan No. 200 and conditions of approval attached thereto (hereinafter "Specific Plan No. 200") incorporated herein by this reference and on file in the office the Director of Developmental Services. The Moreno Valley Mixed Use Development Project (hereinafter "the Project") consists of a regional center, a neighborhood retail development, mixed use office, hospital-medical uses, town center area, park and school uses, and residential uses to be developed in phases.

9. Since the annexation of the RIR Associates Property described in Exhibit A is a necessary prerequisite to development of the Project implementing Specific Plan No. 200, it is the intent of the parties that if the Annexation is not completed within a reasonable time this Development Agreement and all rights and obligations hereunder will thereupon terminate.

10. City Council of City on October 22, 1986, by Resolution No. 144, has certified as adequate EIR No. 200 relative to Specific Plan No. 200 and subsequent implementation actions including this Development Agreement. EIR No. 200 identified and discussed the environmental impacts of implementation of the Specific Plan No. 200, annexation of the RIR Associates property to the City and the further proposed development of the Project in accordance with Specific Plan No. 200 and this Development Agreement.

11. The City Council of City has, by Ordinance No. 101, adopted on October 28, 1986, approved Specific Plan No. 200 for the Project. The City Council, in furtherance of the development of the Project and in accordance with Specific Plan No. 200 has, by Ordinance

No. 101, adopted on October 28, 1986, approved Change of Zone No. 2010 for the Ryder Property and the rezoning of the RIR Associates Property in accordance with the Specific Plan No. 200.

12. City and the Community Redevelopment Agency of the City of Moreno Valley have entered into a Memorandum Re Agreement For Moreno Valley Mixed Use Development Project - Riverside Raceway, dated March 11, 1986 (hereinafter "MOU"). Said MOU contains, among other provisions, a means for funding infrastructure relating to the Project. A copy of the MOU is attached hereto marked Exhibit C and incorporated herein by this reference.

13. The Planning Commission of City by Resolution No. 17-86 adopted on October 2, 1986, approved this Development Agreement.

14. The City Council of City by Ordinance No. 102 adopted on October 28, 1986, approved this Development Agreement.

15. The City hereby finds and determines that Specific Plan No. 200, the rezoning of the RIR Associates Property, the rezoning of the Ryder Property and this Development Agreement, as approved by the City Council, are consistent with said County of Riverside General Plan (City's "Operating General Plan"). The City Council further finds and determines that (a) the City is proceeding in a timely fashion with the preparation of its General Plan; (b) there is a reasonable probability that this Development Agreement, Specific Plan No. 200, the rezoning and rezoning as herein provided will be consistent with the City's General Plan currently being prepared, studied and considered; (c) there is little or no probability of substantial detriment to or interference with the future adopted City General Plan if the Project is ultimately determined to be inconsistent with the City General Plan; and (d) this Development Agreement, Specific Plan No. 200,

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the rezoning and rezoning comply with all other applicable requirements of State law and City ordinances.

16. The execution of this Development Agreement and the performance of and compliance with the terms and conditions set forth herein by the parties hereto is in the best interests of the City; provides for orderly growth and development of the City consistent with the City's proposed new General Plan and the Operating General Plan.

17. In reliance on the covenants of the City contained herein with respect to the annexation of the RIR Associates property to the City, the approval of Specific Plan No. 200 and the rezoning and rezoning as herein provided, Property Owners have and will in the future incur substantial costs in order to comply with the conditions of approval to ensure development of the Project in accordance with said Specific Plan, rezoning and rezoning.

NOW, THEREFORE, in consideration of the above recitals, all of which are expressly incorporated into this Development Agreement, and the mutual promises and covenants of the parties herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. GENERAL PROVISIONS.

A. Property Description and Binding Covenants. The Project shall be developed on the RIR Associates Property and the Ryder Property (hereinafter the "Property") described in Exhibits A and B in accordance with the provisions of Specific Plan No. 200 and this Development Agreement. It is intended and determined that the provisions of this Development Agreement, to the extent permitted by law, shall constitute covenants which shall run with said property and the benefits and burdens hereof, where applicable, shall bind and inure to the parties and to their respective successors in interest, provided however, that all such benefits, burdens and covenants shall

terminate upon the termination of this Development agreement pursuant to Section 1.B. below.

B. Term.

(1) The term of this Development Agreement shall commence on the effective date of the adopting ordinance approving this Development Agreement and shall extend for a period of twenty (20) years thereafter, unless this Development Agreement is terminated, modified or extended by circumstances set forth in this Development Agreement or by mutual consent of the parties hereto.

(2) Except as otherwise expressly provided in this Development Agreement, this Development Agreement shall terminate and be of no further force and effect as to any unperformed and unexecuted provisions if the change of organization or reorganization (hereinafter "Annexation"), of the RIR Associates' property is not approved by the Riverside County Local Agency Formation Commission (hereinafter "LAFCO") and City Council of City and any other appropriate public agencies having jurisdiction thereover. It is further agreed that the adoption of the ordinance rezoning the Ryder Property described in Exhibit B will be repealed unless the Annexation has been completed and is final.

(3) The parties hereto acknowledge that full development of the Project may not be feasible without the public funding contemplated by the terms of this Development Agreement and the MOU. It is understood and agreed that RIR Associates' application for Annexation is requesting LAFCO to condition its resolution of determination approving the Annexation so that said Annexation shall not become effective unless and until all proceedings are held in accordance with State law by the Agency to include the Property within an adopted redevelopment project area and the Property Owners and Agency have entered into and executed an OPA consistent with the terms and conditions of

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Specific Plan No. 200, and this Development Agreement. In the event LAFCO does not for any reason so condition its resolution of determination approving the Annexation, the City Council of City shall, as the conducting authority for the Annexation, delay adoption of its resolution ordering the Annexation until the Agency adopts said redevelopment project area including the Property and the parties enter into said OPA. Nothing herein shall be deemed to pre-commit the City or Agency in any manner contrary to the requirements, including but not limited to, all actions necessary for compliance with the legal procedures and public hearings and discretionary decisions necessary for the Annexation of the Property, the formation and adoption of a redevelopment project, approval of an OPA and the formation and financing of the assessment or other special districts. It is understood and agreed that all references herein to any such actions or proceedings shall be qualified by the necessity of compliance with any and all such applicable legal procedures and requirements.

(4) This Development Agreement shall terminate and be of no force and effect upon the occurrence of the entry of a final judgment or issuance of a final order after exhaustion of any appeals directed against the City as a result of any lawsuit filed against the City to set aside, withdraw or abrogate the approval by the City Council of City of this Development Agreement, Specific Plan No. 200, the rezoning, rezoning or the final EIR for the Project or if termination occurs pursuant to the provisions of Resolution No. 85-127 and such termination is so intended thereby.

(5) If not already terminated by reason of any other provision in this Development Agreement, this Development Agreement shall automatically terminate upon total build-out of the Project pursuant to Specific Plan No. 200 and any amendments thereto and the issuance of all

occupancy permits and acceptance by City of all dedications of public rights of way and public improvements.

(6) Following the expiration of said term, this Development Agreement shall be deemed terminated and of no further force and effect.

C. Assignment. Subject to the terms of this Development Agreement, provided Property Owners are not in default hereof, Property Owners shall have the right to sell or transfer the Project in whole or in part, to any person, partnership, joint venture, firm or corporation at any time during the term of this Development Agreement, provided that any such sale or transfer shall include the assignment and assumption of those rights, duties and obligations arising under or from this Development Agreement applicable to the Project or portions thereof being sold or transferred. Upon the express assumption of any or all of the obligations of Property Owners under this Development Agreement by such purchaser or transferee of the Project or any portion thereof, Property Owners shall be relieved of their legal duty to perform said obligations under this Development Agreement at the time of assignment, except to the extent Property Owners are in default of any of the terms of this Development Agreement as to the property sold or transferred. Any and all successors of Property Owners shall have all of the same benefits, rights, duties and obligations of Property Owners hereunder as to the property sold or transferred.

Property Owners shall give written notice to City, within ten (10) days after close of escrow, of any sale or transfer of the whole or any portion of the Project, specifying the name or names of the purchaser or transferee, the purchaser's or transferee's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Development

Agreement shall be given.

It is understood and agreed by the parties that the Project will be divided after the effective date of this Development Agreement. One or more of such divided parcels may be sold or transferred to other builder(s) for construction of the various phases of development of the Project by them in accordance with this Development Agreement. Noncompliance by any such builder(s) with the terms and conditions of this Development Agreement or with applicable City ordinances shall be deemed a default by that builder but shall not be deemed to be a default hereunder against other persons then owning or holding any interest in any other portion of the Project and not themselves in default hereunder.

D. Notices.

All notices, demands, requests, elections, approvals, disapprovals, consents or other correspondence and communications between City and Property Owners under this Development Agreement shall be in writing and shall be given by personal delivery, mail or telegram. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the party for which it is intended at the address set forth below. Notice by mail shall be deemed effective two (2) business days after depositing such notice postage prepaid, registered or certified, return receipt requested, properly sealed with the United States Postal Service, addressed as set forth below, regardless of whether or when the notice is actually received. Notice by telegram shall be deemed effective upon the transmission of the telegram, telegraph charges prepaid, to the party to whom it is intended at the address set forth below:

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To City: City of Moreno Valley
12800 Heacock Street
Suite A-1
Moreno Valley, CA 92388
Attention: City Manager and
Director of Developmental
Services

To Property Owners: RIR Associates
c/o Fritz Duda Company
1940 West Orangewood
Suite 207
Orange, CA 92668

Ryder Homes
c/o Fritz Duda Company
1940 West Orangewood
Suite 207
Orange, CA 92668

Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either party may from time to time designate by notice given in accordance with this Section.

E. Amendment of Agreement. This Development Agreement may be amended from time to time by mutual consent of the parties in accordance with the provisions of Government Code Sections 65867 and 65868 and Resolution No. 85-127. Future amendments of all or a portion of the Project would subject that portion or phase of the Project amended or affected by the amendment to any adopted changes in the City's General Plan, specific plan, zoning, and other development standards and policies in effect at the time of amendment and occurring after approval and recordation of this Development Agreement.

F. Environmental Review of Moreno Valley Mixed Use Development Specific Plan No. 200 and Development Agreement. In accordance with the rules, regulations and policies of the City regarding environmental review of projects which are subject to the California Environmental Quality Act ("CEQA") and implementing regulations, the City

Council of City hereby finds and determines as follows:

(1) The Final EIR for the Specific Plan No. 200 is a program EIR which identifies and discusses the environmental impacts of the rezoning, rezoning, annexation of the RIR Associates Property to the City and all other actions designated to implement the future proposed development of the Project in accordance with Specific Plan No. 200 and this Development Agreement. Since the EIR for Specific Plan No. 200 is a program EIR, no further or different impacts are caused by this Development Agreement and therefore no subsequent or supplemental EIR is required in connection with this Development Agreement;

(2) The environmental impacts of the Project have been reviewed and all measures deemed feasible to mitigate adverse impacts thereof have been incorporated into the City approvals for the Project and Specific Plan No. 200. Prior to the approval of Specific Plan No. 200, City Council of City adopted a statement of overriding considerations for the two (2) environmental impacts, noise and air quality, which could not feasibly be mitigated to levels of insignificance;

(3) Other than the mitigation measures set forth in the Final EIR for Specific Plan No. 200 and/or imposed by the City Council as conditions to the approval thereof, no other mitigation measures for environmental impacts created by the Project, as presently approved and as addressed by said Final EIR, shall be required for development of the Project unless mandated by law;

(4) City may pursuant to and in accordance with its rules, regulations and ordinances conduct an environmental review of subsequent discretionary entitlements for the development of the Project contemplated by Specific Plan No. 200 and addressed in EIR No. 200. The City, as a result of such review, may impose additional measures (or conditions) to mitigate as permitted by law the adverse

environmental impacts of such development entitlements which were not considered or mitigated at the time of approval of the Project; and

(5) A Notice of Determination of said decision on the Project will be filed with the County Clerk, County of Riverside and the State Office of Planning and Research in a timely manner after EIR No. 200 is certified by the City Council of City.

Section 2. PREZONING THE RIR ASSOCIATES PROPERTY.

Pursuant to Section 65859 of the California Government Code and Change of Zone No. 2010, City has prezoned the RIR Associates Property. The prezoning is consistent with Specific Plan No. 200. The prezoning designation for the RIR Associates Property shall become effective upon the date of completion of the annexation of the RIR Associates Property to the City.

Section 3. DEVELOPMENT OF THE PROPERTY.

A. Land Use Entitlements.

During the term of this Development Agreement, the permitted uses for the Project, or any portion thereof, the density and intensity of use, zoning, maximum height and size of proposed buildings, building and yard set-back requirements, provisions for reservations or dedications of land for parks, streets and subdivision design and other terms and conditions of development of the Project shall be those set forth in Specific Plan No. 200 and the provisions of this Development Agreement, and implementation of the MOU. Property Owners agree to diligently pursue completion of the Project in a reasonably timely manner.

B. Rules and Regulations. Pursuant to and consistent with California Government Code Section 65866, except as otherwise may be provided in this Development Agreement, the ordinances governing permitted uses of the land,

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governing density, intensity and design, improvement and construction standards and specifications applicable to development of the Project under Specific Plan No. 200 and the provisions of this Development Agreement shall be those ordinances of City in force at the time of execution of this Development Agreement, including but not limited to the specific plan zone adopted under said Specific Plan No. 200. City shall not be prevented in subsequent actions applicable to the Project, from applying its ordinances, rules, regulations, policies and general plan provisions then in effect which do not conflict with those ordinances applicable to the Project, nor shall City be prevented from denying or conditionally approving any subsequent discretionary entitlements or projects on the basis of such existing or new ordinances, rules, regulations, policies, and general plan provisions.

C. Future Entitlements. City shall retain its discretionary rights in reviewing future entitlements for development of the Project including, but not limited to, tentative tract and parcel map approvals, conditional use permits, plot plan approvals, rezoning and other discretionary or similar actions. Such discretionary actions shall be subject to the City's ordinances and regulations regarding subdivisions and other land use entitlements in effect at the time of application for those approvals, but only to the extent that any such ordinances and regulations are not in conflict with Specific Plan No. 200 or the terms and provisions of this Development Agreement and do not prevent implementation of said Specific Plan No. 200. The City shall impose only conditions upon any such discretionary entitlements which are consistent with Specific Plan No. 200 and the terms and conditions of this Development Agreement except as specifically required by state or federal law. The provisions of this paragraph shall not be construed to limit the rights of the City as

SUPERSEDED ↓

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described in Section 4.1.14 of the MOU.

D. Timing and Phasing of Development. Notwithstanding the provisions contained in the Phasing Schedule of the MOU, the Project shall be developed in three phases in accordance with the commencement and completion schedule set forth below. Property Owners will exercise reasonable due diligence to commence and complete the Project in a timely and reasonably expeditious manner. The timing as hereinafter set forth may be tolled during any periods of delay resulting from acts of God or other causes (including, but not limited to, real estate, economic, financial, and market conditions) reasonably beyond the control of Property Owners and conditions which could not have been reasonably anticipated in advance by Property Owners:

		<u>Approvals Complete for Commencement of Construction</u>	<u>Completion</u>
Phase I	- Community Retail	1987	1991
	Residential	1987	1992
Phase II	- Mixed Use	1988	2005
	Residential	1989	2005
Phase III	- Regional Center/ Mixed Use Commercial	1990-91	2005

It is intended that the OPA to be entered into will further develop and define the required timing and phasing of development including but not limited to the private and public improvements and infrastructure.

E. Dedications. Property Owners agree to dedicate to City subject to acceptance, ownership and operation by City, a recreation center/community swimming pool, parks and other land as described in Specific Plan No. 200 and specified in the conditions of approval attached thereto. The timing for dedication and improvements will be determined in the OPA.

F. Design Handbook. Prior to approval of the first tentative map for the Project, Property Owners shall submit

SUPERSEDED ↑

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to the City Council of City for approval by ordinance a detailed design manual containing text and renderings describing and depicting the specific design characteristics, theme(s), site lay-outs pertaining to the general commercial and residential product types to be developed in the Project in accordance with Specific Plan No. 200.

G. City Fees.

(1) Application fees, building permit fees, plan check fees, inspection fees, public facilities fees and all other city-wide development and processing fees shall be in the amounts in effect when actual payment of said fees is due.

(2) This section shall not preclude the application to the development of the Project of changes in City fees, rules, regulations, or ordinances, the terms of which are specifically mandated and required by changes in State or federal laws or regulations.

(3) All Traffic Signal Mitigation Fees associated with the development of the Project shall be waived by City in recognition of the Property Owners' obligation to install all traffic signals within the Project in accordance with Specific Plan No. 200. Installation, funding and timing of the traffic signals shall be determined in the OPA.

(4) The Property Owners shall receive a credit toward the assessed public facilities fees equal to the value of the actual amounts expended based upon verified statements approved by the City Director of Developmental Services of costs for labor and materials, for public recreational improvements within the park (including the swimming pool and appurtenances) and town center areas (Planning Units 13 and 14) or in any other park or open space areas which is imposed as a condition of approval of Specific Plan No. 200 by the City Council of City up to a maximum not to exceed twenty-five percent (25%) of the public facilities fees in effect on the date said fees are to be paid. The specific provisions with regard to public facilities fees credits and

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timing for payment of said fees shall be set forth in a separate agreement to be entered into by the City and the Property Owners within a reasonable time after the execution of this Development Agreement and prior to issuance of any building permits for the Project.

H. Cooperation. Property Owners have initiated annexation of the RIR Associates Property to City. City agrees that it will cooperate with Property Owners in the processing and approval of the annexation of the RIR Associates Property and that it will not oppose the pending Annexation before LAFCO or any other governmental bodies or entities having jurisdiction over the Annexation proceedings, provided Property Owners' application and the processing of same conforms with the provisions of the Development Agreement and Specific Plan No. 200.

City and Property Owners shall cooperate in seeking to obtain credit towards or a waiver of any County of Riverside flood control drainage fees in recognition and consideration of Property Owners' obligation to install drainage and flood control facilities as required by Specific Plan No. 200, provided that any credit towards drainage fees shall not duplicate the public facilities fees credits.

City agrees that it shall accept for processing and promptly take action on all applications, provided they are in a proper form and acceptable for required processing, for discretionary permits, tract or parcel maps, or other land use entitlements for development of the Project in accordance with Specific Plan No. 200 and the provisions of this Development Agreement. City shall cooperate with Property Owners in providing expeditious review of any such applications, permits, or land use entitlements and, upon request and payment of any costs and/or extra fees associated therewith by Property Owners, City shall assign to the Project planner(s), building inspector(s), and/or other staff personnel as required to insure the timely processing and

completion of the Project.

I. Public Financing. Property Owners will cooperate with City and not protest or oppose the inclusion of the Project in any community facilities districts or special assessment and maintenance districts as provided in the MOU for construction and ongoing maintenance and operation of municipal services, public improvements and infrastructure relating to the Project.

City and Property Owners will cooperate in seeking to develop a financing plan anticipated to be in the form of an OPA with the Agency in the event the Project is included within a redevelopment area for payment of all or a portion of public infrastructure improvements relating to the Project as set forth in Specific Plan No. 200, the MOU, and this Development Agreement. It is anticipated that said financing plan or OPA will include, among other things, provisions for the reimbursement of initial costs for the construction and installation of public infrastructure improvements paid by Property Owners prior to the formation of special assessment or community facilities districts as contemplated by the MOU. Nothing herein shall be deemed to pre-commit the City or Agency in any manner contrary to the requirements, including but not limited to, all actions necessary for compliance with the legal procedures and public hearings and discretionary decisions necessary for the Annexation of the Property, the formation and adoption of a redevelopment plan, and the formation and financing of the assessment or other special districts. It is understood and agreed that all references herein to any such actions or proceedings shall be qualified by the necessity of compliance with any and all such applicable legal procedures and requirements.

J. Maintenance of Public Improvements. It is the intent of the parties that the maintenance of the public parkways, medians, parks, greenbelts, open space areas, bicycle and pedestrian paths and trailways (hereinafter

"Public Landscape Areas") throughout the Project except for the commercial areas, be provided through the establishment of landscaping and maintenance districts or other special assessment or community facilities districts. To the extent permitted by law, Property Owners, shall be responsible for maintenance of those Public Landscape Areas including the medians along Day Street (northerly of Eastridge Avenue), Frederick Street (northerly of Eucalyptus Street), A Street and C Street (all said streets and avenues are designated as specified in Exhibit C, Circulation Element, to the conditions of approval attached to Specific Plan No. 200) provided they can receive reimbursement from the special maintenance district(s) for the cost of said maintenance.

K. Continued Development. Property Owners reserve the right at their total discretion to continue with development of the Project pursuant to the terms and conditions of Specific Plan No. 200 and this Development Agreement regardless of the inclusion of the Project in a redevelopment project area plan as discussed in the MOU provided that Property Owners proceed in a timely manner.

Section 4. ANNUAL REVIEW.

A. Review Procedure. City shall, at least every twelve (12) months during the term of this Development Agreement, review the extent of good faith substantial compliance by Property Owners with the terms of this Development Agreement. Such periodic review shall determine compliance with the terms of this Development Agreement pursuant to California Government Code Section 65865.1 and Resolution No. 85-127 or other successor laws and regulations. Notice of such annual review shall include the statement that any review may result in amendment or termination of this Development Agreement.

Upon not less than thirty (30) days written notice by the Director of Developmental Services of City, Property

Owners shall provide such information as may be reasonably requested by said Director and deemed by him to be required in order to ascertain compliance with this Development Agreement.

City shall deposit in the mail to Property Owners a copy of all staff reports and, to the extent practical, related exhibits concerning contract performance at least ten (10) calendar days prior to any hearing on such periodic review. Property Owners shall be permitted an opportunity to be heard orally or in writing regarding its performance under this Development Agreement before the City Council of City or if the matter is referred to the Planning Commission of City before said Commission. If the City determines that Property Owners are in default following completion of the normal scheduled periodic review, written notice of proposed termination or modification of this Development Agreement shall be given, pursuant to applicable laws and regulations, specifying in said notice the alleged nature of the default, and suggested or potential actions and timing to cure said default where appropriate.

B. Certificate of Compliance. If Property Owners are found to be in compliance with this Development Agreement after the Annual Review, the City shall, upon request by Property Owners at any time after an Annual Review, issue a Certificate of Compliance to Property Owners (the "Certificate") stating that, after the most recent Annual Review and based upon information known or made known to the City Council and/or the Director of Development Services of the City, (1) this Development Agreement remains in effect and either (2) Property Owners are not in default or (3) Property Owners are in default and specifying the nature of the default. The Certificate shall be in recordable form and shall contain information necessary to communicate constructive record notice of the finding of compliance. Property Owners may record the Certificate in the official records of the County.

Whether or not the Certificate is relied upon by assignees or other transferees of Property Owners, the City shall not be bound by a Certificate if a default existed at the time of the Annual Review, but was concealed from or otherwise not known to the Director of Development Services or the City Council.

Section 5. ENFORCEMENT.

A. Enforceable by Either Party. The City agrees that unless this Development Agreement is amended, terminated or cancelled pursuant to the provisions of this Development Agreement and the adopting ordinance or by applicable law or regulation, this Development Agreement shall be enforceable by any party hereto notwithstanding any change hereafter in any applicable general plan, specific plan, zoning ordinance, subdivision ordinance, building regulation or development moratorium adopted by City which substantially changes, alters or amends the rules, regulations and policies applicable to the development of the Project at the time of approval of this Development Agreement, as provided by California Government Code Section 65866.

B. Cumulative Remedies. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default (to the extent otherwise permitted by Government Code Section 65864 et seq. and Resolution No. 85-127, or successor laws and regulations), to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages. All of the remedies described above shall be cumulative and not exclusive of one another, and the exercise of any one or more of the remedies shall not constitute a waiver or election with respect to any other available remedy. The provisions of this subsection B are not intended to modify other provisions of this

Development Agreement and are not intended to provide additional remedies not otherwise permitted by law.

C. Attorneys' Fees. In any arbitration, quasi-judicial or administrative proceedings or any action in any court of competent jurisdiction, brought by either party to enforce any covenant or any of such party's rights or remedies under this Development Agreement, including any action for declaratory or equitable relief, the prevailing party shall be entitled to reasonable attorneys' fees and all reasonable costs, expenses and disbursements in connection with such action. The Property Owners agree to provide a defense and pay all costs associated therewith for City in any action by a third party challenging the validity of this Development Agreement. Legal counsel retained by Property Owners for this purpose shall be approved by City, which approval shall not unreasonably be withheld.

Section 6. MISCELLANEOUS PROVISIONS.

A. Covenants, Conditions and Restrictions. The terms of this Development Agreement shall be binding upon the parties, their successors and assigns. In addition, Property Owners shall cause to be placed in covenants, conditions and restrictions applicable to the Project, and in any ground lease or conveyance thereof, or any portion thereof, provisions specifically recognizing that the terms of this Development Agreement with regards to the development standards and conditions contained in Specific Plan No. 200 are binding on any successors in interest of Property Owners and that Property Owners, lessees or City, acting separately or jointly, may enforce those standards and conditions and, if prevailing in any actions, to recover attorneys' fees and costs for such enforcement, if necessary.

B. Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the Project is a private development, that neither party

is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Development Agreement. No partnership, joint venture or other association of any kind is formed by this Development Agreement. The only relationship between the City and Property Owners is that of a government entity regulating the development of private property and the owner of such private property.

C. Captions. The captions of this Development Agreement are for convenience and reference only and shall in no way define, explain, modify, construe, limit, amplify or aid in the interpretation, construction or meaning of any of the provisions of this Development Agreement.

D. Other Agreements. This Development Agreement is not intended to alter the obligations of the parties under any other contracts existing between them, whether signed before, after, or in conjunction with this Development Agreement.

E. Mortgagee Protection. A breach of this Development Agreement shall not defeat, render invalid, diminish, or impair the lien of any mortgage made in good faith and for value, unless otherwise required by law.

F. Notice of Default to Mortgagee; Right of Mortgagee to Cure. If the City Clerk of the City and the Director of Development Services timely receive notice from a mortgagee requesting a copy of any notice of a default given Property Owners, the City shall provide a copy of that notice to the mortgagee within ten (10) days of sending the notice of default to Property Owners. The mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed Property owners under this Development Agreement.

G. Consent. Where the consent or approval of a party is required in or necessary under this Development Agreement,

such consent or approval shall not be unreasonably withheld.

H. Entire Agreement. This Development Agreement and the documents attached hereto, subject to the proposed Public Facilities Fee Agreement, Financing Plan and Owner Participation Agreement constitute the entire agreement between the parties with respect to the subject matter of this Development Agreement.

I. Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Development Agreement and the satisfaction of the conditions of this Development Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Development Agreement to carry out the intent and to fulfill the provisions of this Development Agreement or to evidence or consummate the transactions contemplated by this Development Agreement.

J. Governing Law. This Development Agreement, including, without limitation, its existence, validity, construction and operation, and the rights of each of the parties shall be determined in accordance with the laws of the State of California.

K. Recitals. The recitals in this Development Agreement constitute part of this Development Agreement and each party shall be entitled to rely on the truth and accuracy of each recital as an inducement to enter into this Development Agreement.

L. Vesting - Recording. Property Owners shall provide City with a title report showing title to the property described in Exhibits A and B vested in Property Owners prior to execution of this Development Agreement by the City. The

City Clerk shall cause a copy of this Development Agreement to be recorded in the office of the Recorder of Riverside County no later than ten (10) days following execution of this Development Agreement by all parties.

M. Time. Time is of the essence of this Development Agreement and of each and every term and condition hereof.

N. No Third Party Beneficiaries. This Development Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. Except as expressly provided in this Development Agreement, no other person shall have any right of action based upon any provision of this Development Agreement.

O. Waiver. The failure of either party at any time to seek redress for any violation of this Development Agreement or any applicable law or regulation or to insist upon the strict performance of any term or condition shall not prevent any subsequent act or omission of the same or similar nature which would have originally constituted a breach of or default under this Development Agreement from having all the force and effect of an original breach or default, and such subsequent act or omission may be proceeded against to the fullest extent provided by this Development Agreement. No provision of this Development Agreement shall be deemed to have been waived by a party unless the waiver is in writing and signed by such party.

P. Partial Invalidity. If any term, covenant, condition or provision of this Development Agreement is held by a court of competent jurisdiction or by an arbitration proceeding to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby. Notwithstanding the provisions contained herein, each party shall retain discretion to terminate this Development Agreement if the term, covenant, condition or provision challenged and found invalid results in a material frustration of the intent and purpose of this Development Agreement

or would substantially impair the rights of the parties to carry out the Project pursuant to Specific Plan No. 200.

Q. Binding Effect. The covenants and agreements contained in this Development Agreement shall inure to the benefit of, and shall be binding upon each of the parties and their respective heirs, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties have duly executed this Development Agreement as of the day and year first above-written.

CITY OF MORENO VALLEY

RIR ASSOCIATES, a California General Partnership

By: Judith A. Nieburger
Judith A. Nieburger, Mayor

By: [Signature]

RYDER HOMES, a California Corporation

[Signature]
Paul [Signature]

ATTESTED TO:

Valerie G. Burrowes
Valerie Burrowes, City Clerk

APPROVED AS TO FORM:

M Neal Finger, att. city att.
Edward Duddy, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF Riverside) SS:

On this 26th day of January, 1987, before me, the undersigned, a Notary Public for the State of California, duly commissioned and sworn, personally appeared Judith A. Nieburger, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as Mayor of the City of Moreno Valley, the municipal corporation executing the within instrument, and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.



Pamela L Lee
Notary Public (Commission Expires 2/24/89)

TEXAS
STATE OF CALIFORNIA)
COUNTY OF DALLAS) SS:

On this 15th day of December, 1986, before me, the undersigned, a Notary Public for the State of California, duly commissioned and sworn, personally appeared Fritz Noda, personally known to me or proved to me on the basis of satisfactory evidence to be the person that executed the within instrument as partner on behalf of RIR ASSOCIATES, the partnership therein named and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.

Lilly Ammann
Notary Public
My Commission Expires: 9-4-89

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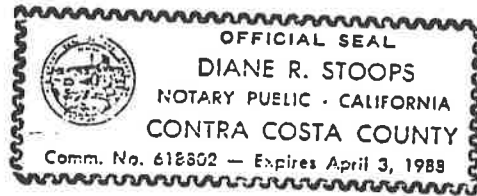
STATE OF CALIFORNIA)
COUNTY OF Contra Costa)

ss:

On this 22nd day of December, 1986, before me, the undersigned, a Notary Public for said State, personally appeared W.D. K. Ryder and PAUL STARO, personally known to me or proved to me on the basis of satisfactory evidence to be the persons who executed the within instrument as President and secretary on behalf of RYDER HOMES, the corporation therein named and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Diane R. Stoops
Notary Public



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LEGAL DESCRIPTION - RIR ASSOCIATES PROPERTY

DESCRIPTION:

IN THE UNINCORPORATED AREA OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE, DESCRIBED AS FOLLOWS:

PARCEL_1:

THAT PORTION OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 2;
THENCE SOUTH 89 DEGREES 37' 30" WEST, ALONG THE SOUTH LINE OF SAID SECTION, 5280.8 FEET; TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTH 00 DEGREES 35' 00" WEST ALONG THE WEST LINE OF SAID SECTION, 4711.5 FEET;
THENCE NORTH 89 DEGREES 37' 30" EAST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 5304.12 FEET, TO THE EAST LINE OF SAID SECTION;
THENCE SOUTH 00 DEGREES 18' 00" EAST, ALONG THE EAST LINE OF SAID SECTION, 4711.5 FEET TO THE POINT OF BEGINNING;

EXCEPT A 10-ACRE TRACT DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION;
THENCE NORTH 00 DEGREES 35' 00" WEST, ALONG THE WEST LINE OF SAID SECTION, 660 FEET;
THENCE NORTH 89 DEGREES 37' 30" EAST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 660 FEET;
THENCE SOUTH 00 DEGREES 35' 00" EAST, AND PARALLEL WITH THE WEST LINE OF SAID SECTION, 660 FEET TO THE SOUTH LINE OF SAID SECTION;
THENCE SOUTH 89 DEGREES 37' 30" WEST, ALONG THE SOUTH LINE OF SAID SECTION, 660 FEET, TO THE POINT OF BEGINNING;

ALSO EXCEPT THAT PORTION LYING NORTH OF THE SOUTH LINE OF A STRIP OF LAND 100 FEET WIDE AS CONVEYED TO THE STATE OF CALIFORNIA FOR HIGHWAY PURPOSES BY DEED RECORDED JUNE 30, 1936 IN BOOK 285 PAGE 203 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID STRIP LYING 50 FEET ON EACH SIDE OF THE FOLLOWING CENTER LINE:

EXHIBIT A

BEGINNING AT A POINT IN THE WEST LINE OF SAID SECTION, DISTANT SOUTH 00 DEGREES 35' 06' EAST, 1404.43 FEET FROM A STONE MARKING THE NORTHWEST CORNER OF SAID SECTION;
 THENCE SOUTH 78 DEGREES 21' 40" EAST, 5419.21 FEET, TO A POINT IN THE EAST LINE OF SAID SECTION, DISTANT THEREON SOUTH 00 DEGREES 17' 50" EAST, 2506.84 FEET, FROM A STONE MARKING THE NORTHEAST CORNER OF SAID SECTION, THE SIDE LINES OF SAID STRIP OF LAND TO THE PROLONGED OR SHORTENED SO AS TO BEGIN IN THE WEST LINE AND END IN THE EAST LINE OF SAID SECTION;

ALSO EXCEPT THAT PORTION INCLUDED IN THAT CERTAIN PARCEL OF LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED SEPTEMBER 21, 1954 AS INSTRUMENT NO. 48429 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF SAID SECTION 2, DISTANT ALONG SAID WEST LINE SOUTH 0 DEGREES 35' 06" EAST, 1303.27 FEET FROM A STONE MARKING THE NORTHWEST CORNER OF SAID SECTION 2, SAID WEST LINE BEING ALSO THE CENTER LINE OF DAY STREET, 60 FEET WIDE;

THENCE COURSE "A", SOUTH 78 DEGREES 21' 40" EAST, 30.70 FEET, TO THE EAST LINE OF SAID DAY STREET;

THENCE SOUTH 46 DEGREES 26' 17" EAST, 92.41 FEET;

THENCE SOUTH 82 DEGREES 07' 15" EAST, 350.75 FEET;

THENCE SOUTH 78 DEGREES 21' 40" EAST, 400.00 FEET;

THENCE SOUTH 76 DEGREES 43' 28" EAST, 350.14 FEET;

THENCE SOUTH 78 DEGREES 21' 40" EAST, 1683.17 FEET;

THENCE ALONG A TANGENT CURVE CONCAVE NORTHERLY WITH A RADIUS OF 4900 FEET; THROUGH AN ANGLE OF 12 DEGREES 46' 22", A DISTANCE OF 1092.34 FEET;

THENCE NORTH 88 DEGREES 51' 58" EAST, 1315.38 FEET;

THENCE NORTH 30 DEGREES 50' 53" EAST, 96.61 FEET, TO THE WEST LINE OF FREDERICK STREET, 60 FEET WIDE;

THENCE COURSE "B", NORTH 88 DEGREES 51' 58" EAST, 30.00 FEET, TO THE EAST LINE OF SAID SECTION 2, LAST SAID EAST LINE BEING ALSO THE CENTER LINE OF SAID FREDERICK STREET, DISTANT ALONG LAST SAID EAST LINE SOUTH 0 DEGREES 17' 50" EAST, 1921.20 FEET FROM A GRANITE ROCK MARKING THE NORTHEAST CORNER OF SAID SECTION 2;

THENCE ALONG LAST SAID EAST LINE, SOUTH 0 DEGREES 17' 50" EAST, 534.54 FEET TO THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED

TO THE STATE OF CALIFORNIA, FOR HIGHWAY PURPOSES, BY DEED RECORDED JUNE 30, 1936 IN BOOK 285 PAGE 203 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE ALONG SAID NORTHERLY LINE OF THE STATE OF CALIFORNIA PARCEL OF LAND, NORTH 78 DEGREES 21' 40" WEST, 30.67 FEET, TO SAID WEST LINE OF FREDERICK STREET;

THENCE ALONG LAST SAID WEST LINE NORTH 0 DEGREES 17' 50" WEST, 61.59 FEET;

THENCE NORTH 60 DEGREES 17' 50" WEST, 201.81 FEET;

THENCE ALONG A TANGENT CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 500 FEET; THROUGH AN ANGLE OF 30 DEGREES 50' 12", A DISTANCE OF 269.10 FEET;

THENCE SOUTH 88 DEGREES 51' 58" WEST, 930.19 FEET;

THENCE ALONG A TANGENT CURVE CONCAVE NORTHERLY WITH A RADIUS OF 5110 FEET, THROUGH AN ANGLE OF 12 DEGREES 46' 22", A DISTANCE OF 1139.15 FEET;

THENCE NORTH 78 DEGREES 21' 40" WEST, 2758.34 FEET;

THENCE SOUTH 50 DEGREES 31' 37" WEST, 62.78 FEET, TO SAID EAST LINE OF DAY STREET;

THENCE COURSE "C, NORTH 78 DEGREES 21' 40" WEST, 30.70 FEET, TO SAID WEST LINE OF SECTION 2, DISTANT ALONG LAST SAID WEST LINE, SOUTH 0 DEGREES 35' 06" EAST, 301.57 FEET FROM THE POINT OF BEGINNING;

THENCE ALONG LAST SAID WEST LINE, NORTH 00 DEGREES 35' 06" WEST, 301.57 FEET, TO THE POINT OF BEGINNING;

ALSO EXCEPT THOSE PORTIONS OF SAID LAND AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 25, 1962 AS INSTRUMENT NO. 48965 IN BOOK 3147 PAGE 173 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND AS QUITCLAIMED BY RIVERSIDE INTERNATIONAL RACEWAY, BY QUITCLAIM DEED RECORDED MAY 25, 1962 AS INSTRUMENT NO. 48964 IN BOOK 3147 PAGE 188 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE COUNTY OF RIVERSIDE BY DOCUMENT RECORDED SEPTEMBER 22, 1976 AS INSTRUMENT NO. 141864 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

SAID PROPERTY IS ALSO DESCRIBED AS FOLLOWS:

PARCEL 1 OF RECORD OF SURVEY AS SHOWN BY RECORD OF SURVEY ON FILE IN BOOK 40 PAGE 91 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE COUNTY OF RIVERSIDE BY DOCUMENT RECORDED SEPTEMBER 22, 1976 AS INSTRUMENT NO. 141864 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2:

THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE COUNTY OF RIVERSIDE BY DOCUMENT RECORDED SEPTEMBER 22, 1976 AS INSTRUMENT NO. 141864 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

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LEGAL DESCRIPTION - RYDER PROPERTY

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In the State of California, County of Riverside, City of Moreno Valley, described as follows:

Lot 2 in Block 1 of the Alessandro Tract as shown by map on file in Book 6, Page 13 of Maps, Records of San Bernardino County, California;

Together with those portions of Eucalyptus Avenue and Elsworth Street, within said block, lying northerly of the westerly prolongation of the southerly line of said lot and westerly of the northerly prolongation of the easterly line of said lot.

EXHIBIT B

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MEMORANDUM RE AGREEMENT FOR
MORENO VALLEY MIXED USE DEVELOPMENT
PROJECT - RIVERSIDE RACEWAY

This Memorandum sets forth the understanding (hereinafter the "Agreement") reached by and among RIR ASSOCIATES, a California General Partnership (hereinafter referred to as "RIR"), the CITY OF MORENO VALLEY, a municipal corporation of the State of California (hereinafter referred to as the "City"), and the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a community redevelopment agency existing pursuant to the California Redevelopment Law (Sections 33000 and following of the California Health and Safety Code), (hereinafter referred to as the "Agency"), and in some instances hereinafter collectively referred to as "the Parties," as follows:

1. Recitals.

1.1. The purpose of this Memorandum is to set forth the understanding agreed to by the Parties relative to the herein described facts of the proposed development of the property depicted on Exhibit "A", a portion of which heretofore has been known as the Riverside International Raceway property, (hereinafter referred to respectively as "Property" and the "Project"), which is described in more detail in the proposed Specific Plan therefor, hereinafter referred to as the "Specific Plan", now or hereafter on

EXHIBIT C

file with the City and by this reference herein incorporated.

1.2. The Property consists of approximately 590.7 acres.

1.3. A portion of the Property is presently in the unincorporated area of Riverside County and consists of approximately 555.7 acres, and the remainder of the Property consists of approximately 35 acres, as depicted on Exhibit "A" to this Agreement, which is presently within the City. Both parcels comprising the Property and the various portions and phases of the Project are integrated, and the accomplishment and the performance by the Parties of the provisions of this Agreement are substantial, significant factors in the successful accomplishment of the Project, without which the Parties would not in reliance thereon have entered into this integrated nonseverable Agreement.

1.4. The Parties agree that the development of the Project at the earliest practicable date will result in the generation of revenues, benefits and an enhancement of the quality of the life of the present and future residents of the City which otherwise might not occur to the same degree or which might not occur at all, or which might occur only at a substantially later date. Hence the provisions hereof are acknowledged to be to the mutual benefit of both Parties. The benefits contemplated include, but are not limited to:

(a) The opportunity for the availability of community and regional retail facilities which at the present time would not seem reasonably likely to be established elsewhere in the City and which presently are not found or planned in the City;

(b) Readily available consumer facilities for present and future residents of the City;

(c) Commercial development and office space for business concerns creating local employment opportunities;

(d) Medical and other professional needs;

(e) Community, public, civic and local recreational facilities, public facilities, Town Center Recreation Center and community park;

(f) A Master Plan for Flood Control and Erosion Control Improvements as needed for the western portion of Moreno Valley;

(g) As needed road improvements;

(h) As needed water system improvements;

(i) As needed sewer extensions and enhancements;

(j) Elimination of certain blighted structures, buildings and other improvements associated with operation of the Riverside International Raceway;

(k) A broad range of other area-wide infrastructural and socially desirable benefits.

1.5. The Parties contemplate, subject to the accomplishment of the various matters herein provided in the

sequence herein provided, that the Property shall be annexed to the City and the Agency and developed as described in the Specific Plan, which provides for the Project to be a portion of the City's urban core, to act as the catalyst, and to provide the momentum to assure that the City at an early date will be able to achieve, to the extent adopted by the City, the goals and objectives set forth for the City in the December, 1986 PANEL ADVISORY Study conducted by the Urban Land Institute for the City.

1.6. In addition to this Agreement, the Parties as a supplement to this Agreement are preparing an Owner Participation Agreement which to the extent therein provided may supplement or amend this Agreement and may incorporate:

- (1) An Annexation and Development Agreement
- (2) This Agreement or the provisions hereof
- (3) A Redevelopment Plan

1.7. To the extent permitted by law, City agrees to initiate and diligently pursue for final consideration at the earliest practicable date proceedings for approval of the Specific Plan and subsequent consideration by the Local Agency Formation Commission of Riverside County, hereinafter "LAFCO," in order that the portion of the Property now located outside the City may be annexed to the City and prior to or thereafter may be included within a Project Area of Agency following the conclusion of the statute of

limitations on the approval of the land use entitlements and the Specific Plan. If the Project Area is established prior to annexation of the Property to the City, the City will not implement the Redevelopment Plan therefor prior to successful completion of the annexation proceedings, except with the consent of RIR.

2. Project Development and Schedule.

2.1. Development of the Project shall be phased to allow for orderly financing, development and absorption of the Project as provided in the Specific Plan (which may be delayed by reason of a change in economic conditions), which shall allow RIR or its successor(s), in whole or in part, in its discretion to defer the accomplishment thereof or may allow RIR to accomplish the Project in its discretion at earlier points in time. The City and Agency shall have no obligation under Article 4 of this Agreement until RIR has given the City reasonable assurances that the development to be accomplished under any particular Phase will be sufficient to permit the City and Agency to reasonably anticipate the financial obligations required and will not impair the ability of the City and Agency to satisfy such obligations.

2.2. It is presently proposed subject to approval of the Specific Plan in the manner provided by law that the Project as depicted on Exhibit "B" to this Agreement will

be developed to the extent and as provided in this Agreement for the following three types of Land Use Classifications (hereinafter "LUC"):

- (1) LUC I. Community Retail and residential uses.
- (2) LUC II. Mixed Use Commercial, Office, Community Service, Residential and Research and Development Uses.
- (3) LUC III. Regional Center, Office and/or Mixed Use Commercial Development.

2.3. It is contemplated that the following amounts of acreage will be utilized for the various types of LUCs:

- 90.1 acres for a Regional Center and/or Mixed Use Commercial Development
- 50.7 acres for Community Retail Development
- 95.0 acres for Mixed Use Office
- 28.2 acres for Hospital-Medical Uses
- 8.6 acres for Town Center Area
- 6.6 acres for Park Uses
- 20.4 acres for School Use
- 234.7 acres for Residential Uses
- 54.3 acres for Major Roads
- 2.1 acres for California Aqueduct Easements

As development occurs RIR may request different amounts of acreage to be utilized for such purposes and LUCs for the accomplishment of the Project consistent with the earliest

practical accomplishment of the Project for the benefit of the Parties, including generation of funds for City and Agency to provide infrastructure and services as required for the Project or for debt service requirements.

Upon request of RIR, City and Agency, to the extent permitted by law, agree to initiate and diligently pursue for final consideration at the earliest practicable date all actions and proceedings necessary to accomplish the Project and to provide all contemplated infrastructure as well as services, processing, approvals, permits, inspections and occupancy entitlements, as well as contemplated funds and public financing in order to accomplish the Project as described in this Agreement.

2.4. Subject to the provisions of Art. 2.1, the proposed chronological development of the Project is as follows:

		<u>Approvals Complete for Commencement of Construction</u>	<u>Completion</u>
Phase I.	Community Retail	1986	1991
	Residential	1986	1990
Phase II.	Mixed Use	1998	2005
	Residential	1998	1998
Phase III.	Regional Center/ Mixed Use Commercial	1990-91	1995

As herein provided and subject to Art. 4.1.24, the Parties agree to initiate and diligently pursue for final consideration all actions necessary to accomplish the foregoing including as herein provided annexation and inclusion of

the Project in Agency and a Project Area thereof following final consideration of the Specific Plan for the Project as proposed or modified by mutual agreement of the Parties.

3. The RIR Proposal.

3.1. The RIR Proposal requested that the City and the Agency provide public improvements and infrastructure and fee waivers to a total value of approximately \$24,000,000, exclusive of financing costs.

3.2. The City has retained independent economic advice and analysis from Wedin Enterprises, Inc. Based on such studies and recommendations, the obligation of the City in response to the RIR Proposal described in Section 3.1 hereof is as follows:

3.2.1. City and Agency, to the extent of their herein contemplated obligations and subject to Art. 4.1.5 and Art. 4.1.24, shall provide funding requested by RIR to the extent of the tax increment following inclusion of the Property in Agency and one of its Project Areas (hereinafter the "Debt Service Funds"). The Debt Service Funds shall be used for debt service of financing of the herein described essential function facilities or for the acquisition or construction of such facilities.

3.2.2. The Agency, prior to or following approval of the Specific Plan and annexation of the Property and subject to Art. 4.1.24, shall initiate and diligently pursue for final consideration at the earliest

practicable date inclusion of the Property in a Project Area of Agency and, to the extent permitted, authorize and issue bonds or other securities to finance and fund the obligations of City and Agency provided for in this Agreement. City and Agency mutually agree to consult RIR regarding retention of Bond Counsel.

3.2.3. The City is not able to finance residential infrastructure needs since it has not been done for others and is not proposed to be done for others, and the residential product in the City is able to be effectively marketed without funding such facilities. Accordingly, if the residential portions of the Project are included within a Project Area, the Agency and RIR must mutually agree on a satisfactory method to satisfy any redevelopment requirement applicable to residential development. To the extent that required Project residential developments are different than that contemplated within the Specific Plan, subject to Article 4.1.24, said requirement(s) shall be satisfied in another part of the Project Area and not on the Property.

4. Funding of Project Facilities.

4.1. In consideration of the foregoing, depending upon confirmation (substantiation) of fiscal, appraisal, and engineering data relied upon by the Parties during discussions to date to establish the basis for governmental participation, the Parties agree that facilities and rights

of way costing \$14,800,000 (hereinafter the "Project Funding") must be funded or financed by City and/or Agency for the Project to proceed. Such improvements shall include, but not necessarily be limited to, street improvement costs, water and sewer facilities, as well as landscaping of parks and parkways, the Project's proportionate share of freeway on-ramps at Highway 60, if required by CalTrans, traffic signals, right of way acquisition, and other such essential function public facilities. Relative to the \$14,800,000 of facilities as herein described contemplated to be funded by City and Agency, through RIR, the amount thereof in one Phase may be increased by reducing the amount in one of the other Phases, and the fiscal feasibility and confirmation of need required shall take into consideration the cumulative effect of all contemplated Phases as well as the proposed Phases, including the accomplishment of the facilities proposed to be financed. In the event the commercial or research and development land use within the Project is greater than the Table set forth in Section 2.3 of this Agreement so that a greater land area is designated for such uses (and the residential element reduced), the City and Agency agree to use their best efforts to increase the Project Funding by application of the same standards, measures and methodology provided for herein for non-residential uses.

4.1.1. City and Agency contemplate funding as

requested by RIR approximately \$5,600,000 of the Project Funding for the cost of the hereinabove described public facilities of the Community Retail Development and arterial road improvement for Phase I (exclusive of residential development) referred to in Section 2.4 of this Agreement.

4.1.2. The City and Agency contemplate funding as requested by RIR approximately \$4,400,000 of the Project Funding for the cost of the hereinabove described public facilities or capacity charges of the Office, Mixed Use Commercial Facilities for Phase II (exclusive of residential development) referred to in Section 2.4 of this Agreement. It is also acknowledged that a portion of the City and Agency provision for such public facilities will be required for the subsequent development of the Regional Retail or Mixed Use Development.

4.1.3. The City and Agency contemplate funding approximately \$4,800,000 of the Project Funding for the cost of the hereinabove described facilities or capacity charges of the Regional Center which is provided to insure the ability of RIR to accomplish the Regional Center. The City and Agency acknowledge that adjustments to the amounts of public funding needed to make the Regional Center competitive may be warranted by future conditions. The City and the Agency will use their best efforts to address any such future adjustments.

4.1.4. The infrastructure requirements of each

2 60

Phase of the Project shall be carefully delineated to separate residential, residential-related and nonresidential uses.

4.1.5. The total amount of Project Funding of City and Agency to the Project shall not exceed \$14,800,000 in construction, right of way acquisition and/or development fee costs, exclusive of bond reserve, discount, agreed upon capitalized interest, if any, and issuance costs.

4.1.6. To the extent permitted by law, all the essential function public facilities to be paid for by Project Funding at the election of RIR may be constructed by RIR to be acquired on completion by City and Agency. Payment shall be from the bond or other funds of City and Agency as herein provided.

Step 1. All engineering, right of way acquisition and improvement construction costs shall be verified and based upon pro forma review, with RIR need therefor confirmed. To the extent permitted by law, it is contemplated that any contracts for the construction by RIR of any herein described facilities shall not be public works contracts and may be contracted for by RIR consistent with the accepted practices for the building construction industry in Riverside County.

Step 2. Subject to Article 4.1.24, an Assessment District or Community Facilities District type financing, as encumbrances on the Property to the extent of the fixed lien of an assessment district or the annual lien of a levy of taxes of a community facilities district or both, shall be formulated to finance agreed-upon essential function infrastructure needs. Funds for debt service on bonds issued for Project Funding to facilities for non-residential portions of the Project shall be provided as set forth in this Agreement.

Step 3. Such financing may include a provision for capitalized interest to cover the period between the Assessment District (or Community Facilities District) funding of the improvements and the generation of income for debt service as provided in this Agreement. If funds for debt service as otherwise herein provided are not adequate for debt service, RIR will loan subject to repayment, funds for such interim debt

service requirements subject to subsequent repayment from the sources of debt service funding provided for in this Agreement with interest as herein-after provided, which to the extent permitted by law shall be exempt from state and federal taxes.

Step 4. Annual payments from the herein described funds generated by the Project shall be deposited to the Bond Amortization Fund of any such financing or to pay off bonds (at Agency's option). Any debt amortization obligations beyond that agreed to are the responsibility of the landowner. Should development be insufficient to meet the herein provided obligations for such debt service, any shortfall shall be a loan by the Property Owners to be repaid from future tax receipts from the Project to the extent herein provided, together with interest at the average net effective interest rate on all such bonds outstanding during the period of any such loan.

4.1.7. The City or the Agency will be responsible for highway and/or vehicular traffic circulation improvements necessitated by the Project beyond those the responsibility for which is allocated by this Agreement, including but not limited to:

(a) Freeway widening immediately adjacent to the Project if required by the State of California or other appropriate governmental entities (exclusive of RIR's prorata share of the cost of an on-ramp at Pigeon Pass Westbound, if required);

(b) Improvements on Eucalyptus Street west of Day Street if required;

(c) Improvements on I-215 if required;

(d) Intersection improvements at Frederick Street and Sunnymead Boulevard, if required.

The cost of the foregoing items (a) through (d) inclusive shall not be required of the Project or RIR, but shall be provided by City and Agency or others consistent with the need therefor in relation to the herein provided dates for accomplishment of the Project and shall be provided through prompt funding of City or Agency in order to facilitate the timely development of the Project.

4.1.8. City agrees to adhere to responsible planning practices and to the extent permitted by law shall not enter into agreements which would conflict with the

regional commercial development objectives or implementation of this Agreement.

4.1.9. City agrees to initiate and diligently pursue for final consideration proceedings pursuant to Section 66483 and following of the Government Code to establish and update a Master Plan of Drainage for the entire City, including, but not limited to, the Edgemont area. The proceedings for such a Master Plan of Drainage shall be promptly commenced and completed in a timely manner to facilitate the ultimate elimination of temporary drainage facilities on the Property.

4.1.10. The City and RIR will jointly defend any legal challenges that may be brought regarding entitlements or any other feature of this Memorandum of Understanding, unless any such action is brought as a result of an individual act or omission attributable to one or more of the parties acting outside of the scope of this Memorandum, in which event the defense of such legal challenge shall be the responsibility of the party whose act or omission gave rise to the legal challenge. In no event shall any Party to this Agreement be liable to the other Parties for any damages or costs in excess of an aggregate Twenty Thousand Dollars (\$20,000).

4.1.11. The City will prepare or have prepared, at its expense, any memorandum of understanding needed to supplement this Memorandum.

4.1.12. The term of the Redevelopment Plan will be sufficient to cover the amortization period of bonds issued to cover public improvements for the Project, up to a maximum of 30 years.

4.1.13. RIR agrees to provide development levels, quality descriptions of projects (including a design handbook) and anticipated promotional levels for the Project.

4.1.14. The construction portion of the Redevelopment Plan will be governed by building and related codes in effect at the time of issuance of permits for that activity which unless required by a change in circumstances shall be as presently provided and shall be of uniform applicability in the City.

4.1.15. RIR will dedicate, (subject to acceptance, ownership and operation by the City) at no cost to City, a recreation center/community swimming pool and park, as described in the Specific Plan, at the point in time specified in the Specific Plan. The site cost of the town center and park development shall be borne by RIR.

4.1.16. A pro forma will be provided for each development for which City or Agency support is requested. To the extent permitted by law, such documents will remain confidential to the parties.

4.1.17. The City and RIR will work together to secure support for freeway landscaping and signing from the

California Department of Transportation.

4.1.18. RIR will support having its property annexed to the City and included in the Project Area of Agency as well as an assessment district and a community facilities district as described herein. The right to protest any such proceedings is not waived but may be waived by RIR. Neither does RIR by the terms of this Agreement waive any requirements for any notices or hearings for any proceedings referred to in this Agreement. RIR is amenable to waiving such rights to the extent permitted by law subsequent to the following: (i) the expiration of the applicable statute of limitations subsequent to approval of the Specific Plan and all land use entitlements and approvals for the accomplishment thereof as proposed (timing and phasing); (ii) the statute of limitations applicable to a Notice of Determination relative to such approvals has expired; (iii) the facilities to be financed by any such assessment districts or community facilities district have been agreed upon together with bond sale amounts and inclusion of agreed upon capitalized interest, and the amount and date of the first sale have been agreed upon; and (iv) the Property has been included in Agency and one of its Project Areas. In the event RIR protests any such proceedings, and good faith negotiations between the parties hereto result in a failure to resolve such protests, City and Agency shall thereby be relieved of

all further obligations under this Agreement.

4.1.19. Should significant changes in land use take place during the entitlement process from that which has been considered in this Memorandum, all parties will endeavor in good faith to reach an equitable and different understanding for development of the Project.

4.1.20. The City will prepare appropriate financing documents for Assessment District or Community Facilities District formation and Agency reimbursement mechanisms.

4.1.21. A detailed timing or schedule document will be prepared by the City and RIR to track all major activities involved in the Project and how such activities relate to each other. Moreover, the City will prepare a coordinated financing schedule agreed to by both parties to assure compatibility with funding needs and in compliance with sound underwriting practices for municipal debt financing.

4.1.22. RIR will participate in a local non-profit purchasing corporation to the extent such participation will not increase the cost or impede scheduling of the Project and encourage (and require as possible) others to do so also.

4.1.23. City agrees, subject to applicable legal and discretionary procedures and consistent with sound municipal financing practices, to implement as requested by

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RIR public financing by assessment districts or community facilities districts, or both, to finance facilities for the residential portions of the Project.

4.1.24. The Parties hereto understand and agree that certain actions of the City and Agency contemplated hereunder, including but not limited to such actions as the annexation of the Project to the City, the formation and adoption of a redevelopment plan and the formation and financing through assessment or other special districts, require compliance with legal procedures and requirements and public hearings and discretionary decisions. Nothing herein shall be deemed to pre-commit the City or Agency in any manner contrary to such legal procedures or requirements, it being understood and agreed that all references herein to such actions and proceedings shall be qualified by the necessity of compliance with any such applicable legal procedures and requirements.

4.1.25. This Memorandum is intended to be a valid preannexation agreement as to the Property owned by RIR to be supplemented or replaced subsequently by an Annexation and Development Agreement for the Property. This Agreement shall not be construed to vest in RIR or any other person or entity any zoning or other developmental right or entitlement at this time. Such rights and entitlements must ensue from approvals by the City and the Agency after regular proceedings conducted to consider the

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granting or denial thereof. However, to the extent of the approval of the Specific Plan by the City, this Agreement shall be a valid preannexation agreement vesting all such described rights in RIR to the extent that vesting shall have been effectuated by the approval of the Specific Plan by City, and the portion of the Property now within City shall be entitled to all the benefits of the provisions of this Agreement as an integrated portion of the Project.

WHEREFORE, in understanding the foregoing, the parties hereto have executed this Memorandum of Understanding as of the 11th day of March, 1986.

RIR ASSOCIATES

By: [Signature]
Title Managing Partner

CITY OF MORENO VALLEY

By: [Signature]
Mayor

ATTEST:

By: [Signature]
City Clerk

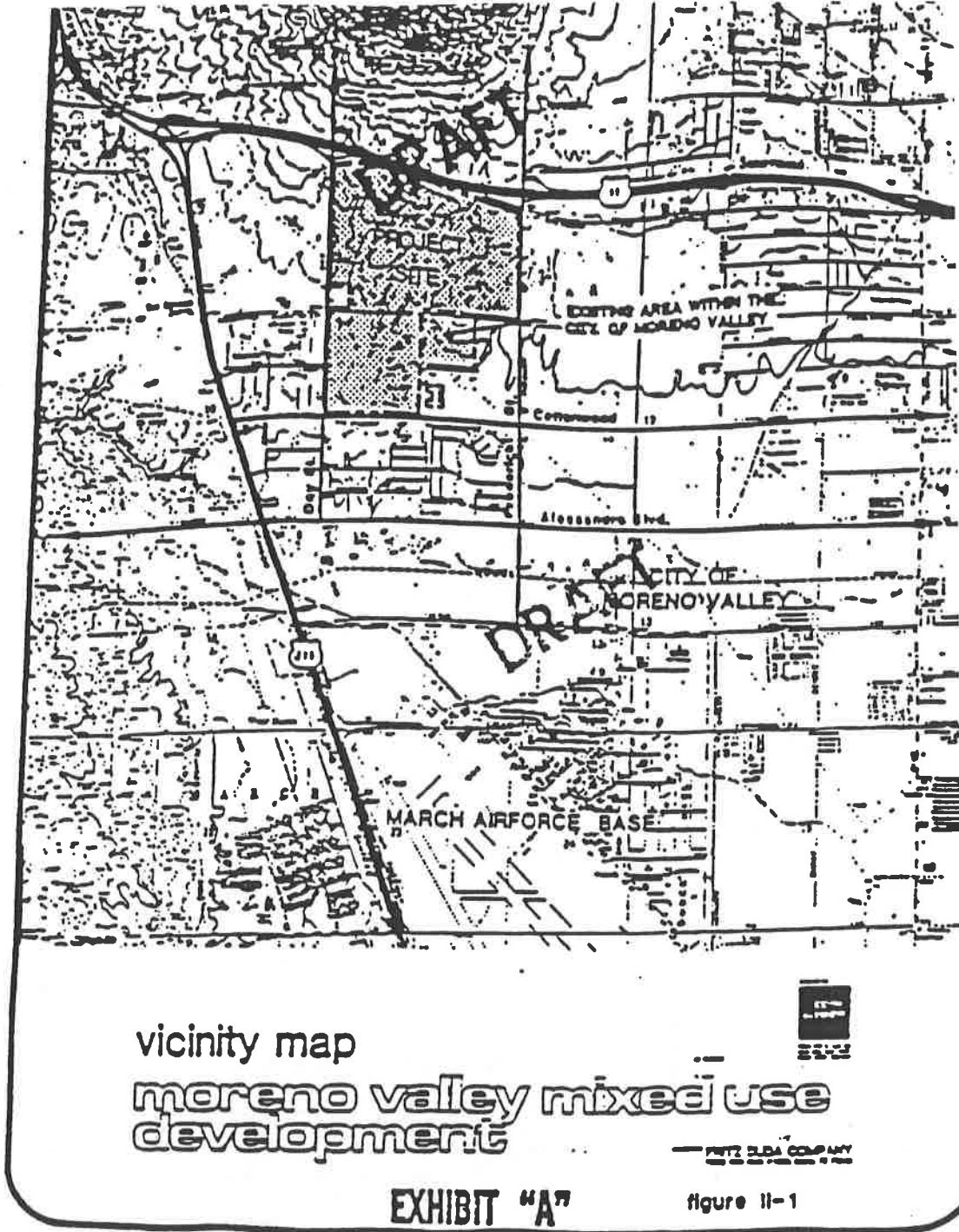
Approved as to Form
Date Feb 29 1986
By [Signature]
City Attorney
Moreno Valley

COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY

By: [Signature]

By: _____

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vicinity map
**moreno valley mixed use
 development**

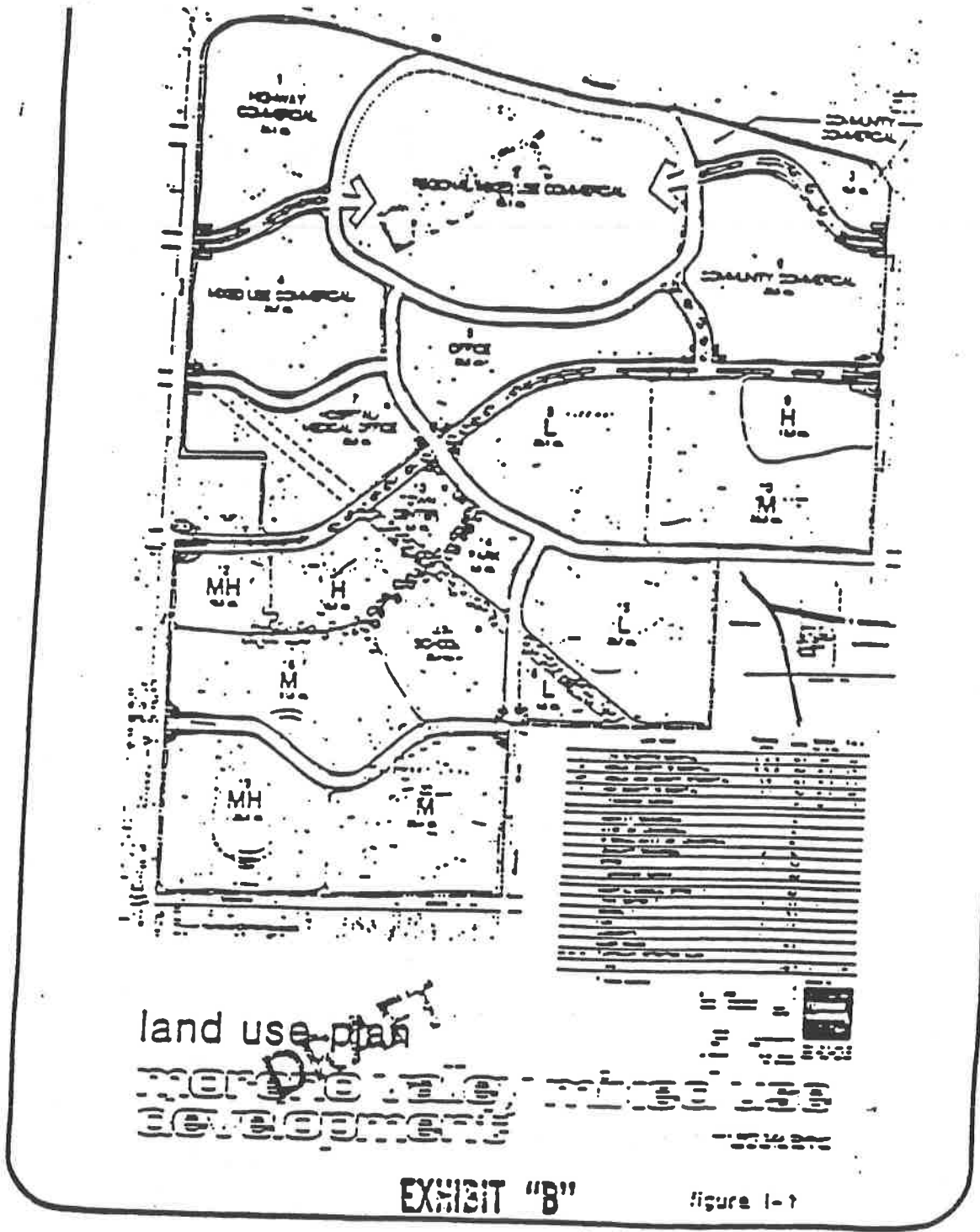
EXHIBIT "A"

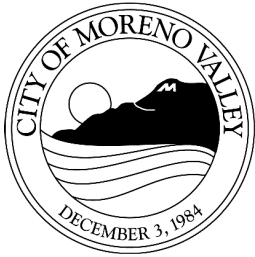
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Page 1 of 5

— PATE EUBA COMPANY
INCORPORATED IN CALIFORNIA

26860





**PLANNING COMMISSION
STAFF REPORT**

Case: P13-138 - Development Agreement
Amendment

Date: June 26, 2014

Applicant: Palm Tree Communities Consulting Inc.

Representative: John Loper

Location: Generally located within the TownGate
Specific Plan area, west of Frederick
Avenue, east of Day Street, and south
of Highway 60.

Proposal: Fourth Amendment to the TownGate
Development Agreement

Recommendation: Approval

SUMMARY

The proposed adoption of the Amendment to the Development Agreement would extend the term of the Agreement for an additional five years. The extension of the Agreement is warranted as spelled out in the provisions of the Agreement to fully carryout the development of the TownGate Project. Amending the Agreement will further assist in the full and complete implementation of the TownGate Specific Plan.

PROJECT DESCRIPTION

Background

On October 28, 1986, the Moreno Valley City Council enacted an ordinance approving the Annexation and Development Agreement (the Agreement) for the TownGate development project. After the 30 day statutory requirement, the Annexation and Development Agreement went into effect on November 27, 1986. The Agreement was adopted pursuant to State law and the City's established procedures and requirements for development agreements.

The Agreement along with the Specific Plan established the planning and development of the mixed-use development project consistent with the approved Specific Plan. The use of the Agreement codified a Memorandum of Understanding (MOU) between the City, the Redevelopment Agency, and the developer/property owner of Towngate (the Fritz Duda Company and its other related development entities involved in the Town Gate project). The MOU spelled out a means for funding the infrastructure necessary for the development of the TownGate project, as well as the scope of development of the development plan for the mixed-use development project.

The term of the Agreement was for a 20-year term and was established to undertake and build-out the entire TownGate development project consistent with the approved Specific Plan. On September 28, 2006, the City Council approved the second amendment to the Development Agreement which provided a five year extension to November 27, 2011. In November 2011, the City Council approved an additional five year extension to November 27, 2016.

Section 3-D of the Agreement states that "the timing may be tolled during any periods of delay resulting from acts of God, or other causes including but not limited to real estate, economic, financial and market conditions reasonably beyond the control of the property owner."

The representative for TownGate has requested that the City consider extending the term of the Agreement by five years in recognition of the economic downturn of the last few years along with the economic challenges of the 1990's. Moreno Valley has experienced a severe economic downturn in the local economy during these periods which also impacted the TownGate area. In pursuit of the completion of the TownGate Specific Plan and the development governed by the Development Agreement, the applicant believes the five year extension is warranted and appropriate with the terms and conditions of the original Agreement.

The continued development of TownGate is an important component of the City's economic development efforts. The extension of the TownGate Development Agreement will help assist in attracting new development projects to the TownGate area, which in turn will enhance the economic vitality of Moreno Valley.

REVIEW PROCESS

ENVIRONMENTAL

The proposed modification to the Agreement involves only a change to the term of the agreement. Based on review of the project, staff determined that the project qualifies as an exemption under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) in that the proposal does not have the potential for a physical impact to the environment.

NOTIFICATION

A public hearing notice for the project (one-eighth page display advertisement) was published in the Press-Enterprise.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution 2014-19 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the Development Agreement Amendment will not have the potential for any direct or indirect impacts under CEQA and is therefore exempt under Section 15061 of the CEQA Guidelines; and,
2. **APPROVE** Amendment 4 to the Development Agreement (P13-138) based on the Findings contained in the attached Resolution (Attachment 2).

Prepared and Approved by:

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2014-19 and attached Fourth Amendment to Development Agreement Amendment
3. Annexation and Development Agreement for TownGate

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1 **6. Case Description: P13-138 Development Agreement Amendment**
2 **Case Planner: Chris Ormsby**

3
4 **CHAIR GIBA** – Alright case description P13-138, Development Agreement
5 Amendment, Palm Trees Consulting Incorporated. Is the applicant here?
6

7 **INTERIM PLANNING OFFICIAL ORMSBY** – Yes
8

9 **CHAIR GIBA** – Okay, you don't have to get up yet. It's alright, I just wanted to
10 make sure you are here. We've had that happen before where the applicant
11 didn't show, so I was just curious, and so who is the case planner on this one?
12

13 **INTERIM PLANNING OFFICIAL ORMSBY** – I am the Case Planner on this.
14

15 **CHAIR GIBA** – Hi Chris. Chris is it.
16

17 **INTERIM PLANNING OFFICIAL ORMSBY** – Members of the Planning
18 Commission, the item before you is the fourth amendment to the Town Gate
19 Development Agreement. The proposed amendment to the agreement would
20 extend the term of the agreement for an additional five years. For the record, the
21 Town Gate area is generally located east of Day Street, west of Frederick and
22 southerly of State Highway 60 in the Specific Plan area known as Specific Plan
23 200. In November of 2011 the City Council approved an extension to the term of
24 the agreement by five years. There is still a little more than two years remaining
25 on the term of the agreement. The purpose of the request at this time is to
26 provide more certainty for securing future development within Town Gate
27 because phase development can take several years for projects to develop and if
28 there are questions in that regard, the applicant or the developer's representative
29 can elaborate on that and John Loper of Palm Trees Communities Consulting is
30 the applicant's representative and he is here tonight to answer any questions in
31 that regard and with that Staff would recommend that the Planning Commission
32 approve Resolution No. 2014-19 as provided for in the Staff Report and I'll open
33 it for questions of Staff.
34

35 **CHAIR GIBA** – Questions?
36

37 **COMMISSIONER LOWELL** – Could you enlighten us a little more about what
38 the intent of the agreement was. I noticed all the streets are built, the utilities are
39 in and we just have a hodge podge of development here and there. I mean if we
40 extend this another five years, what's the ultimate five years from now?
41

42 **INTERIM PLANNING OFFICIAL ORMSBY** – The applicant can I think elaborate
43 on the details of the agreement but there are some benefits for extending it. The
44 benefits however wouldn't have a fiscal impact to the City because for example
45 impact fees are not governed in this case by this particular agreement, but I think

1 the applicant could elaborate on that. Perhaps John has some additional
2 comments.

3
4 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Well I
5 think one of the major provisions of really every development agreement that I've
6 worked on is protection related to changes in land use and that while a
7 development agreement is in place, those have to be mutually agreed upon
8 between the owner of the property and the City and so that provides more
9 certainty if we feel at this point in time that these are the appropriate uses for that
10 portion of the community that they won't and I'll use this term loosely, applies to
11 nobody currently working for the City or in City government, arbitrarily changing it
12 in the future. That's really most development agreements, that's the main benefit
13 is that there is orderly development because there won't be some sudden
14 change in land use. Is that clear? I'm sorry. That's the main reason why a
15 development agreement is of benefit because a large investment has been made
16 by this developer and other developers have done the same, so that large
17 investment is precedent on being able to develop according to the approved plan
18 and if there is some chance that that could be changed wholly by the City to
19 some other land use, that is a development risk that makes the investment less
20 valuable.

21
22 **CHAIR GIBA** – Questions?

23
24 **COMMISSIONER VAN NATTA** – So we just keep extending it five years at a
25 time until they finish their development, right?

26
27 **INTERIM PLANNING OFFICIAL ORMSBY** – The applicant will elaborate on that
28 but I think they believe this will be the last extension that will be needed to build
29 out the remaining parcels, but I'll let John Loper discuss that.

30
31 **CHAIR GIBA** – Any more questions for Staff?

32
33 **COMMISSIONER BARNES** – You had said that there are two years left
34 currently. They are just being proactive in guaranteeing the three subsequent?

35
36 **INTERIM PLANNING OFFICIAL ORMSBY** – That's correct. It would then
37 basically give them seven years total to finish off what remains to be done.

38
39 **COMMISSIONER BARNES** – Okay

40
41 **CHAIR GIBA** – Well if there are no more questions of Staff can we bring the
42 applicant up? Were you here back in 2011? Was that you that came?

43
44 **APPLICANT LOPER** – Yes I've been working on this project since about this
45 time in 2001. My name is John Loper and thank you for allowing me to speak
46 tonight. I have been involved in Town Gate since 2001 and been involved in

1 finishing out the residential units and building basically everything other the
2 Costco on Day Street and rehabbing and re-tenanting the Frederick properties
3 after we lost almost all of our major tenants there. The development agreement
4 was originally done in conjunction with the Specific Plan and some other
5 documents with the City regarding us building a bunch of infrastructure which has
6 been completed and we are asking for an extension of the development
7 agreement for a couple of reasons.

8
9 One of the things the development agreement includes is that if an extension can
10 be granted if there is an economic downturn and we've basically had a six year
11 economic downturn since 2008 and we are still recovering from it. We had to
12 backfill a lot of spaces instead of building new spaces and backfill some
13 restaurants, which we still have an empty restaurant on Day Street and so we're
14 requesting a five year extension as a result of the six years of so far of economic
15 problems. Things are a little better but not great, especially in the retail industry.
16 So that is one of the reasons why we are doing this.

17
18 Another thing is we have of the product the land that we have left, we have
19 approximately ten restaurant or pads and we have six office pads or areas that
20 can be used for office, hotel or senior housing projects. Those are the Winco
21 sites, Town Gate Square and the ten pads are surrounding all the shopping
22 centers that are vacant pads and we believe that it's going to take another six or
23 more years to fill these properties and some of these properties such as an office
24 development that maybe had two or three buildings or a senior housing
25 development, under the current development lending practices, they only let you
26 build very small phases one at a time and fill up a building, or fill up senior
27 housing or fill up an office building before they let you build the next one. We
28 don't build... when I worked on Stonegate Apartments which is 500 units, they
29 built it all in one phase and now we would have to build that in four or five phases
30 because banks won't lend.

31
32 So one of the things we need is certainty to bring in the office developer or senior
33 housing developer to know if they were to buy property for three buildings, that
34 they would have this development agreement intact for four or five years which it
35 may take to get three buildings up, filled up and then be able to build the next
36 one and the next one and the process also takes a little while to even build your
37 first building, so we're running now at a little over two, about two and half years to
38 the end and this is the point where it makes it very difficult to market land to office
39 experts and also we know for example restaurants... I would love to bring in
40 another six or seven major restaurants to Moreno Valley as we have done in the
41 past 10 or 12 years. With ten pads, we know we can't do that in the next two and
42 half years, so we're requesting an extension of the development agreement to
43 allow us to try to finish out the project in an orderly manner and bring in the
44 quality tenants that we have in the past. So I'm available for any questions.

45

1 **COMMISSIONER LOWELL** – If you had to guess, about what percent of the
2 land is yet to be developed?

3
4 **APPLICANT LOPER** – I don't have that statistic right in front of me. Over half of
5 Town Gate Square, which is the property where the Winco is located at Day and
6 Eucalyptus, is yet to be developed. The original phase when I did the Winco I
7 think in 2005 or 2006 was I think about 40 percent and we still have three vacant
8 retail pads and we have eight office pads there; seven or eight that are on that
9 property and then we have several pads in the back of Town Gate Center where
10 the TJ Maxx and Home Goods is now. There is at least three pads that are
11 available there. We have the pad on the corner, so I would say of the properties
12 that we asking on the extension it is probably less than 20 percent, but on two
13 properties it is significant number of the Town Gate Center and Town Gate
14 Square.

15
16 **COMMISSIONER LOWELL** – Just for my own inquiry, next to Mimi's Café there
17 is a building that looks that it used to be or intended to be a Red Lobster. Is
18 there anything going into that facility in the near future?

19
20 **APPLICANT LOPER** – That was actually... I had a Red Lobster signed up. I
21 actually have them twice in Moreno Valley signed up and they backed out on me.
22 That particular building was a Johnny Carino's and that was a pad that was sold
23 to the franchisee that owned many restaurants in Southern California. He went
24 bankrupt. It was subsequently transferred to the bank and the last I heard, the
25 bank still owns that. We have attempted in conjunction with the City's Economic
26 Development people for the last five years or six years to try to get someone to
27 come in there and we've talked to a bunch of tenants, just as facilitated, even
28 though we have... there is no economic interest from any of my clients in that
29 piece of property because that was sold off. It's just an eyesore.

30
31 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TERELL** – If I
32 could add on... that's property was actually eventually sold by the bank to a
33 restaurateur and he had been working with Staff for several months on a plan.
34 I'm not sure the status of it, but I did notice there was a for sale sign on it
35 recently, so I asked one of my staff to contact them and see what their current
36 intentions are, but they were working on opening a new restaurant in there; the
37 new owner.

38
39 **COMMISSIONER VAN NATTA** – Maybe we can get a nightclub to go in there

40
41 **CHAIR GIBA** – No I wanted Joe's Crab Shack

42
43 **COMMISSIONER BARNES** - I have a question. Do you manage any of the
44 properties or do you guys find a tenant and sell and they build or what is the
45 arrangement in the property within the development agreement?

1 **APPLICANT LOPER** – There are two main entities that can control the
2 properties within the agreement; I'm a consultant. I used to work for one of the
3 owners; the Fritz Duda Company was the original developer and the Fritz Duda
4 Company still is involved in the properties on Day Street. They don't own all the
5 parcels; for example Costco and Winco and Lowe's all own their parcels, but they
6 manage the parking lots for those properties. Brickston is a company... actually
7 Fritz Duda also has the BJ's, Outback Steakhouse at the Town Gate Plaza.
8 Brickston owns the Town Gate Center project and they manage that with Home
9 Goods, TJ Maxx and all the way towards Burlington, but they also don't own 100
10 percent of their centers, but they manage the entire parking lot.

11
12 **COMMISSIONER BARNES** – I was just curious because everything that is within
13 the development agreement property is very well maintained and is in great
14 shape so somebody is being very good neighbors.

15
16 **APPLICANT LOPER** - Both of those companies have great reputations for
17 maintaining their assets. The Fritz Duda Company who was my former employer
18 has had that property since it was a race track and there a pride in taking care of
19 their properties, no matter how low the income is with the recession.

20
21 **COMMISSIONER BARNES** – I have to say they've earned some consideration.

22
23 **CHAIR GIBA** – Your current one... we voted on that, I was here that year in
24 November 2011 and I was curious then why it took you twenty years and every
25 time I turn around it's another downturn and another downturn and we've got a
26 bad economy. We are pushing 30 years now in finishing that. I think you just
27 told Mr. Lowell there is like 50 percent that is... is that what you said 50?

28
29 **APPLICANT LOPER** – 50 at Town Gate Square

30
31 **CHAIR GIBA** – 50 at Town Gate Square; that's still has not been done. This
32 particular agreement expires in 2016. Now maybe you guys can help me out
33 with this at the same time. Why would you want to put the extension in now?
34 Are you tacking it on at the end of 2016, so you are not waiting until 2016 or wait
35 for another year or so? You want to get that relief now.

36
37 **APPLICANT LOPER** – We want to extend it now. When we are marketing,
38 neither of the clients that I work for are office developers and a big portion of the
39 land is zoned for office, hotel and senior housing, none of which three they build
40 and when you are marketing to a developer to build those and it is a multi-phase
41 project, they want to know that their development agreement if they were to buy
42 something now, that the development agreement would extend through the
43 period of time they think it is going take to build out. So that is one of the
44 reasons. It puts us at a disadvantage if the agreement is going to expire and we
45 go to a potential developer of office space or potential developer of senior
46 housing and they say well we can't build it out in two years and five months.

1 **CHAIR GIBA** – Okay so in 2011 we approved a five year extension. Could you
2 just enlighten me a little bit because I don't keep track, what have we
3 accomplished from 2011 till now so far?
4

5 **APPLICANT LOPER** – Well in terms of new development since 2011...
6

7 **CHAIR GIBA** - I want to see some movement here
8

9 **APPLICANT LOPER** – No, no I understand. I mean 24 Hour Fitness is being
10 built right now. It is not open yet. Miguel's Jr. was brought in to develop. We re-
11 tenanted the vacant Ralph's into a Home Goods and TJ Maxx. We re-tenanted
12 the vacant movie theater which was Ultra Star into Regency and we were very hit
13 when the mall's theater opened. We re-tenanted the old Staples which moved to
14 Riverside over to the other side of Day Street to Ulta and Bev Mo. We re-
15 tenanted the Circuit City... we've actually re-tenanted two Circuit City's. One of
16 them was a Circuit City over in (?). I think that was done right around 08 when
17 they went bankrupt and it went to 99 Cent only. The Circuit City owned that
18 building so we didn't control that, but that was done on the property and then the
19 new Fitness Center; Planet Fitness is opened in the old Circuit City in Town Gate
20 Center. So all of those things have been done since 2008.
21

22 **CHAIR GIBA** – You've been busy trying to re-fill what left rather than put in new
23 pads or anything on the existing pads of any kind.
24

25 **APPLICANT LOPER** – Well yes, yeah. Miguel's and the 24 Hour Fitness are the
26 two new deals. We've had several restaurant deals that we've tried to do that
27 have fallen apart. There is the one in the Farmer's Merchants Bank Building; the
28 old Johnny Carino's. We were not expecting to have to re-tenant an entire
29 shopping center and we were hoping that there would be enough demand for
30 new construction and when there is a recession, rents go way down and rents
31 haven't come back up really well to afford new construction of a lot of new large
32 box retail. Office rents; all of the Inland Empire are not very good. You can't
33 afford to build a building that office rents now because office vacancies in the
34 Inland Empire are very high.
35

36 **CHAIR GIBA** – Any more questions ladies and gentlemen? Okay then thank you
37 very much, I appreciate that. We'll open this up to public testimony. Do we have
38 anybody on that? Nobody there; no speakers, so it's open and closed. Alright so
39 any discussion?
40

41 **COMMISSIONER LOWELL** – On a point of clarity, all we're doing is just tacking
42 on another five years onto the expiration day. We're not changing anything.
43 We're just giving another five years past 2016.
44

45 **INTERIM PLANNING OFFICIAL ORMSBY** – That's correct
46

1 **CHAIR GIBA** – What would happen to their... I've always been curious about it.
2 I think I even asked this question three years ago. What would happen if we said
3 no? In other words you're telling me there is no we in that question. What do
4 you mean "we"? But out of personal curiosity what would happen to your
5 property; your development agreement; the future of what you doing up in that
6 area if for instance this Commission was to say nah, we've given you enough
7 time to get to 2016, solve it or walk. No I'm just trying to be honest here, kind of
8 straight forward about it. I mean we've been at this almost 30 years and you may
9 be bit off more than you can chew or something. I don't know what the problem
10 was but...no don't move anything yet. I was talking to you. You can come back
11 up. I'm curious and I'm sure there is probably more than one or two people who
12 are curious.

13
14 **APPLICANT LOPER** – Well the development agreement does several things. It
15 provides certainly. If there is uncertainty and we can't find another developer to
16 build an office project because they realize the development agreement isn't
17 going to extend and they don't know what's going to happen, they might not want
18 to invest in the first building because they don't know if the second and third
19 phase the zoning is going to change or the Specific Plan would change or
20 something and anytime you have uncertainty as an investor, an investor makes a
21 decision to go into a hundred different communities in Southern California and if
22 they can go to a community where there is certainty, then they won't invest in the
23 City of Moreno Valley.

24
25 **CHAIR GIBA** – So what you are telling us then is as long as there is certainty,
26 Moreno Valley has hope for you continuing to build this area out.

27
28 **APPLICANT LOPER** – It is one of the factors. There are lots of different factors
29 that come into the equation, but investors have lots of choices in this current
30 market to invest in.

31
32 **VICE CHAIR SIMS** – And I guess my only other two cents is when a project of
33 this magnitude as development agreement in place gives the certainty for the
34 investors. If this is to go away then it is going to be a burden on the City because
35 there is less certainty for development, so the property will probably lay fallow
36 longer and then as properties do come in the absence of a development
37 agreement, then they will have to be on a case by case basis, which will make it
38 a... you'll have greater uncertainty for the consistency and the development
39 because then it will be a case by case rather than under a full development
40 agreement.

41
42 **CHAIR GIBA** – I got it. I get it. I just hope that those who are watching at times.
43 We have people who say you know sit on the other side of the coin and you want
44 to answer those questions to make them comfortable. Did you have a question?
45 I'm sorry. So, thank you very much. I appreciate it. I wasn't trying to be mean or

1 rude, I was just trying to make my case solid. Yes, Tom, I'll let you speak one
2 more time before we move, because we've got one other thing to get to.

3
4 **SPEAKER JERELE** – Thank you again Chair Giba and Commissioners and Staff
5 and the public. The reason I raised my hand was you know we had a big boom
6 cycle from 84 to 90 and it cut off sharp in 90 and you know it really crashed and it
7 was right about the time when the mall came on line and Town Gate came on
8 line and a lot of this commercial... We had a Council in the early days which was
9 give us all the commercial, but they made it so hard on some of them and John
10 can probably testify to this, he remembers. I call it the bad old days. I mean it
11 was so hard to get projects through. I remember a man walking out of the
12 Planning Department with a roll of plans that big and it was for a housing project
13 and that was no unusual in those days. You see it in industrial and stuff, but it I
14 mean in those days an average tract would be about that big around or three or
15 four inches and he just threw them in the trash can and said I'm out of here. I
16 don't even want to deal with this City anymore and that was coming from the top
17 down and I remember one of the Council people saying make it so hard on them
18 till they scream. Well okay they screamed and they left. I still run into people in
19 Orange County this day and they say are you guys still doing you know the nutsy
20 stuff that was going and I said it has smoothed out a lot, but those reputations
21 linger and it wasn't until Paul Gill came in and he had the nerve to go up to the
22 Council and he said look you approved all this commercial, who do you think is
23 going to shop in there without the rooftops and so we got so far behind at that
24 time and you know our 1990's recession lasted into 2000. It was ten years out
25 here, meanwhile Temecula, Riverside and Corona, they all picked up. We were
26 the last one in the game, so we had a very, very long lag time and it retarded the
27 whole cycle here for everybody, so I just wanted to add that and how important
28 decisions are and the image that gets out to the business community, because
29 that stigma will stay for a long time; you know decades.

30
31 **CHAIR GIBA** – Thank you Tom. I appreciate it very much. A motion?

32
33 **COMMISSIONER LOWELL** – Oh it's our turn?

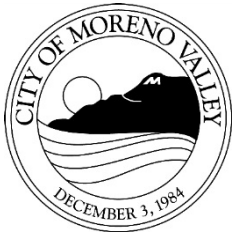
34
35 **CHAIR GIBA** – I haven't talked that much this evening.

36
37 **COMMISSIONER LOWELL** – I motion to **APPROVE** Resolution No. 2014-19
38 and thereby **RECOMMEND** that the City Council;

- 39
40 1. **RECOGNIZE** that the Development Agreement Amendment will not have
41 the potential for any direct or indirect impacts under CEQA and is
42 therefore exempt under Section 15061 of the CEQA Guidelines; and,
43
44 2. **APPROVE** Amendment 4 of the Development Agreement (P13-138)
45 based on the findings contained in the attached resolution, attachment 2.
46

1 **COMMISSIONER BAKER** – Second
2
3 **CHAIR GIBA** – A motion and second. Let’s do a roll
4
5 **COMMISSIONER RAMIREZ** – Aye
6
7 **COMMISSIONER BARNES** – Yes
8
9 **COMMISSIONER BAKER** - Yes
10
11 **COMMISSIONER LOWELL** – Yes
12
13 **COMMISSIONER VAN NATTA** – Yes
14
15 **VICE CHAIR SIMS** – Yes
16
17 **CHAIR GIBA** – Yes
18
19 **CHAIR GIBA** – Alright that was seven yes and no no’s and staff wrap up on that
20 one.
21
22 **INTERIM PLANNING OFFICIAL ORMSBY** – The item will be forwarded to the
23 City Council for review and consideration.
24
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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: John C. Terell, Community and Economic Development Director

AGENDA DATE: August 26, 2014

TITLE: A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT AND A ZONE CHANGE FOR 122 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF SIX WAREHOUSE DISTRIBUTION FACILITIES TOTALING 2,244,419 SQUARE FEET. THE DEVELOPER ALSO PROPOSES TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO SIX PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT STREET AND THE QUINCY CHANNEL. THE APPLICANT IS PROLOGIS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Consider the applicant's request for a continuance of this item to the City Council's October 14, 2014 public hearing agenda to allow for time to modify the project documents for consistency with the reduced intensity alternative.

SUMMARY

A public hearing was held for this item on July 8, 2014. After taking comments from the applicant regarding their request for a continuance, the item was continued to the City

Council's August 26, 2014 agenda. In a letter dated August 5, 2014, the applicant requested that the City Council review and then provide input and direction on a modified plan that is consistent with the project Final Environmental Impact Report (FEIR)'s reduced intensity alternative. The letter also requests a continuance to the October 14, 2014 public hearing agenda if the City Council is supportive of the modified plan.

DISCUSSION

In a letter dated August 5, 2014, the applicant has requested a continuance of this item to the Council's October 14, 2014 agenda (see Attachment 1) to consider a modified version of the project.

The applicant stated in the August 5th letter that in an attempt to be responsive to concerns raised by the City Council, the Planning Commission, and the public during the various public hearings, Prologis has decided to prepare a modified version of the project that would be consistent with the reduced intensity alternative referenced in the project EIR. Staff agrees that the reduced intensity alternative addresses concerns raised during prior hearings on the project. Prologis is requesting that the City Council not take action on the original project but instead continue the item to consider the "Less Intensive Modified Plan."

Prologis indicates that it is prepared to work with City staff to update the FEIR and other project documents as needed to reflect the reduced intensity alternative and re-circulate the FEIR prior to a final vote by the City Council. The preparation of the plans consistent with the reduced intensity alternative will require the expenditure of additional money to prepare updated plans and studies. Prologis has stated their willingness to undertake the additional time and cost.

A City Council public hearing for this project was held on June 24, 2014. At the meeting, information about the project and the related FEIR was presented to the City Council by Planning Division staff and representatives from LSA Associates, Inc., the consulting firm that prepared the environmental documentation. Following the staff report, comments were taken from the applicant and interested parties and residents. At the public hearing, a majority of the fifteen speakers expressed concerns with the project.

After taking comments from the applicant and the public, the public hearing was closed and the item was continued to the City Council's July 8, 2014 agenda.

The applicant submitted letters to the City on June 30, 2014 and July 3, 2014, requesting a continuance of their item from the July 8, 2014 meeting to the August 26, 2014 meeting to allow for more time to review comment letters received at the Planning Commission hearing and to consider modifications to the project.

Copies of the previous City Council staff reports, the project EIR and plans are available at the City's website at the following link: http://www.moval.org/city_council/agendas-sire.shtml

ALTERNATIVES

1. Consider the applicant's request for a continuance of this item to the City Council's October 14, 2014 public hearing agenda to allow for time to modify the project for consistency with the reduced intensity alternative. **Staff recommends this alternative.**
2. Certify the Environmental Impact Report and approve the applications for the Prologis Eucalyptus Industrial Park project.
3. Do not Certify the Environmental Impact Report and Deny the applications for the Prologis Eucalyptus Industrial Park Project.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

A notice of the August 26, 2014 public hearing was not necessary since this item was continued to a date specific at the July 8, 2014 public hearing.

EXHIBITS

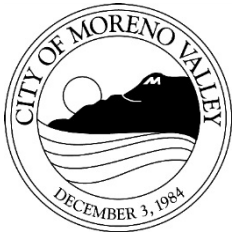
1. Reduced intensity alternative letter and continuance request
2. Attachments 1 through 19 from June 24th Public Hearing

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
John C. Terell, AICP
Community & Economic Development Director

Concurred By:
Chris Ormsby
Interim Planning Official

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APPROVALS	
BUDGET OFFICER	<i>JTT</i>
CITY ATTORNEY	<i>JMB</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: John C. Terell, Community and Economic Development Director

AGENDA DATE: June 24, 2014

TITLE: A PUBLIC HEARING FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A GENERAL PLAN AMENDMENT AND A ZONE CHANGE FOR 122 ACRES. THE LAND USE CHANGES ARE REQUIRED FOR DEVELOPMENT OF SIX WAREHOUSE DISTRIBUTION FACILITIES TOTALING 2,244,419 SQUARE FEET. THE DEVELOPER ALSO PROPOSES TENTATIVE PARCEL MAP NO. 35679 TO SUBDIVIDE THE PROJECT SITE INTO SIX PARCELS. A GENERAL PLAN AMENDMENT IS ALSO REQUIRED FOR PROPOSED CHANGES TO THE CITY'S GENERAL PLAN CIRCULATION ELEMENT AND THE MASTER PLAN OF TRAILS. THE SITE IS LOCATED SOUTH OF STATE ROUTE 60 AND EAST OF THE MORENO VALLEY AUTO MALL, AT FIR AVENUE (FUTURE EUCALYPTUS AVENUE) AND BETWEEN PETTIT STREET AND THE QUINCY CHANNEL. THE APPLICANT IS PROLOGIS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Conduct a public hearing for Prologis Eucalyptus Industrial Park Project and subsequent to the public hearing:
2. Approve Resolution No. 2014-56. A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-186) and Adopting the Findings and Statement of Overriding Considerations and Approving the Mitigation Monitoring Program for the Prologis Eucalyptus Industrial Park Project, included as Exhibits A and B.

3. Approve Resolution No. 2014-57. A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA07-0082) from R15, R5, and RA-2 land use designations to Business Park for approximately 71 acres for development of a 2,244,419 square foot industrial park located within Assessor's Parcel Numbers 4880330-011, -012, -013, -017, -018, -019, -020 and -021, as shown on the General Plan Amendment Map included as Exhibit A.
4. Introduce Ordinance No. 880. An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0081) from Business Park, Business Park Mixed-use, R15, R5, and RA-2 to Light Industrial for approximately 122 acres for development of a 2,244,419 square foot industrial park located within Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021, as shown on the Zone Change Map included as Exhibit A.
5. Approve Resolution No. 2014-58. A Resolution of the City Council of the City of Moreno Valley, California, Approving Master Plot Plan application PA07-0083 and Plot Plan applications PA07-0158 through PA07-0162 for development of the 2,244,419 square foot Prologis Eucalyptus Industrial Park Project within the 122 acres of Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021, subject to the conditions of approval included as Exhibit A.
6. Approve Resolution No. 2014-59. A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Parcel Map 35679 (PA07-0084) for development of the 2,244,419 square foot Prologis Eucalyptus Industrial Park Project within the 122 acres of Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021, subject to the conditions of approval included as Exhibit A.

SUMMARY

This report recommends that the City Council conduct a Public Hearing and consider staff's recommendation to approve the Prologis Eucalyptus Industrial Park project and related Environmental Impact Report. Following the Planning Commission Public Hearing on April 24, 2014, the Planning Commission approved a resolution recommending that the City Council approve this project.

DISCUSSION

Background

A Planning Commission Public Hearing for this project was held on March 13, 2014. At the meeting information about the project and the related Final Environmental Impact Report (FEIR) was presented to the Planning Commission by Planning Division staff and representatives from LSA Associates, Inc. who prepared the FEIR. Following the staff report, comments were taken from the applicant and interested parties and residents.

At the public hearing, one speaker identified a letter that had not been addressed in the FEIR. The project was continued to the April 24, 2014 meeting to allow for time to update the FEIR to include the August 31, 2012 letter and responses to the letter.

Planning worked with LSA Associates, Inc. to update the FEIR to address the concerns raised in the letter. The FEIR was redistributed to all agencies and interested parties and published on the City's webpage. Notice of the status of the FEIR and the Planning Commission's April 24, 2014 meeting was published in the newspaper, posted at the project site and sent to all property owners within 300 feet and all interested parties.

A second Planning Commission Public Hearing was held on April 24, 2014. At the meeting updated information about the project and the related FEIR was presented to the Planning Commission by Planning Division staff and representatives from LSA Associates, Inc. Following the staff report, public comments were provided by the applicant, interested parties and residents.

The Planning Commission supported staff's recommendation to restrict development of the two parcels located immediately adjacent to the Auto Mall. Planning condition of approval P3 states that, "No building permits shall be issued for the warehouse distribution buildings approved for Plot Plan PA07-0158 and Plot Plan PA07-0159 during the initial 18 months of this approval."

The Planning Commission voted 4-3 to recommend that the City Council certify the project Environmental Impact Report and approve the Prologis Eucalyptus Industrial Park project subject to expanding the findings in the Statement of Overriding Considerations (SOC) before it was taken to the City Council. The SOC is required by the California Environmental Quality Act (CEQA) when an agency approves a project with potential significant environmental impacts.

Project

The applicant, Prologis, has submitted ten applications for development of the Prologis Eucalyptus Industrial Park Project, which include a General Plan Amendment, Zone Change, Master Plot Plan, related Plot Plans, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 2,244,419 square foot industrial park on a 122 acre site (Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021) located South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

General Plan Amendment

The project site has current General Plan land use designations that include approximately 50 acres of Business Park, 36 acres of R15 (Residential – up to 15 units per acre), 23 acres of R5 (Residential – up to 5 units per acre), and 12 acres of RA-2 (Residential/Agriculture – up to 2 units per acre). The applicant proposes to change the land use designation for the entire project site to BP (Business Park).

Land uses to the north include the adjacent freeway with OC (Office Commercial), R2 (Residential – up to 2 units per acre) and RA-2 zoned land north of the freeway. Land uses to the east include a mix of BP and CC (Community Commercial) zoned land and RA-2 zoned land with an approved warehouse facility located immediately to the east and a developed warehouse facility further to the east between Redlands Boulevard and Theodore Street. Land uses to the south include RA-2 with developed tract homes to the southeast. Land uses to the west include CC (Auto Mall, Moreno Beach Plaza and Stoneridge Towne Centre).

The General Plan Amendment also proposes a change to the Circulation Element to eliminate the connection from Fir Avenue/Future Eucalyptus Avenue to Eucalyptus Avenue/Future Encilia Avenue to the south. The change ensures that traffic generated by existing and proposed non-residential uses would be kept separate from residential areas along Eucalyptus Avenue/Future Encilia Avenue to the south and southeast.

Additionally, the General Plan Amendment proposes changes to the Master Plan of Trails. The proposed change would remove an existing trail segment that runs north/south along the west side of the Quincy Channel between Fir Avenue/Future Eucalyptus Avenue to State Route 60. This trail segment was originally intended to cross the freeway on an overpass at Quincy Street. This overpass is no longer on the City's General Plan Circulation element. Without the overpass, trail would end in a cul-de-sac at State Route 60.

The City's Recreational Trails Board met in February 2012 to discuss replacement of the dead end segment of the trail with a new segment of trail on the north side of Fir Avenue/Eucalyptus Avenue that would run from the Quincy Channel west to the site's western boundary ending at the Fire Station #58. The Board was supportive of the change. The General Plan Amendment would add the new trail segment.

Zone Change

The project site has current zoning designations that include 49.5 acres of BP, 0.5 acre of BPX (Business Park Mixed-use), 36 acres of R15, 23 acres of R5, and 12 acres of RA-2. The applicant proposes to change the zoning for the entire project site to LI (Light Industrial). The proposal would also result in the removal of a portion of the site from the PAKO (Primary Animal Keeping Overlay).

Zoning to the north includes OC, R2 and RA-2 land north of the freeway. Zoning to the east includes LI, CC and RA-2 land. Zoning to the south include vacant and developed RA-2 land. Zoning to the west is C (Commercial) under Specific Plan 209 and CC.

Warehouse distribution uses are permitted in both the BP and LI zones, but the size of the buildings proposed by the project requires a Zone Change to Light Industrial to allow for the warehouse facilities over 50,000 square feet.

Plot Plans

Master Plot Plan PA07-0083 proposes the development of an industrial park with 2,244,419 square feet of warehouse facilities on 122 acres. This application also

includes Building #2 on Parcel 2 of TPM 35679 for development of an 862,035 square foot warehouse distribution building on 39.32 acres with 311 required employee parking spaces and 135 required truck parking spaces.

Plot Plan PA07-0158 for Building #1 on Parcel 1 of TPM 35679 proposes development of a 168,342 square foot warehouse distribution building on 8.84 acres with 100 required employee parking spaces and 21 required truck parking spaces.

Plot Plan PA07-0159 for Building #3 on Parcel 3 of TPM 35679 proposes development of a 160,106 square foot warehouse distribution building on 8.5 acres with 98 required employee parking spaces and 20 required truck parking spaces.

Plot Plan PA07-0160 for Building #4 on Parcel 4 of TPM 35679 proposes development of a 339,015 square foot warehouse distribution building on 15.66 acres with 180 required employee parking spaces and 36 required truck parking spaces.

Plot Plan PA07-0161 for Building #5 on Parcel 5 of TPM 35679 proposes development of a 390,102 square foot warehouse distribution building on 19.29 acres with 173 required employee parking spaces and 53 required truck parking spaces.

Plot Plan PA07-0162 for Building #6 on Parcel 6 of TPM 35679 proposes development of a 325,038 square foot warehouse distribution building on 17.55 acres with 176 required employee parking spaces and 53 required truck parking spaces.

The loading and truck parking areas have been oriented away from adjacent residential zoned parcels and meet or exceed the Municipal Codes minimum buffer distance of 250 feet provided for in the Municipal Code.

All truck courts are screened by perimeter concrete tilt-up walls with a citrus tree row required along the State Route 60 frontage as an extension of the tree plantings along the rear of Fire Station #58. A tree row is also required along the Quincy Channel and southern property lines to soften the visual impact of the project and reflect back on the citrus groves previously on the site.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail. A segment of multi-use trail will also be installed on the west side of the Quincy Channel from Fir Avenue/Future Eucalyptus Avenue south to Eucalyptus Avenue/Future Encilia Avenue.

Tentative Parcel Map

Tentative Parcel Map No. 35679 proposes to re-configure the eight parcels located within the project site into six parcels with lettered lots to convey property to Caltrans for future development and to the City for public streets.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses.

Developed land within proximity to the project site includes the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 800,430 square foot regional headquarters for ALDI Foods (under construction) to the immediate east, and the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility further to the east between Redlands and Theodore and large lot subdivisions in the RA-2 zone across the channel from the project site.

Access/Parking

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Moreno Beach Boulevard or Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue, including the bridge crossing at the Quincy Channel would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones. The project as designed satisfies all parking requirements of the City's Municipal Code.

Design/Landscaping

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the buildings is concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the buildings include architectural treatment. The loading bays and trailer storage areas have been screened from view. The screen walls are of concrete tilt-up construction which will match the building designs and colors.

Landscaping for the project as proposed is at around 18% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and would be reviewed and approved under separate administrative permit.

This project design conforms to all development standards of the Light Industrial zone and the design guidelines for industrial uses as required within the City's Municipal Code.

REVIEW PROCESS

The project was originally reviewed by the Project Review Staff Committee (PRSC) in September 2007. Modifications were required to the plot plan exhibits and preliminary grading plan.

Revised plans were submitted in January and August 2008 and again in July and November 2011 and July and October 2012. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report in early 2014, a determination was made to schedule this project for a Planning Commission public hearing.

Community outreach efforts by the applicant in 2012 included mail distribution of project brochures to area residents, neighborhood walks to pass out brochures and open house invitations for an open house held in August 2012 at the Moreno Valley Ranch Golf Club.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on February 4, 2008, with the public comment period beginning on February 4, 2008 and ending on March 4, 2008. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on February 13, 2008.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant LSA Associates, Inc. and submitted to the City.

City staff and the City's peer consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were

incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on July 18, 2012, and ending on September 4, 2012.

The Draft EIR was sent to all required State and local agencies and interested parties on July 17, 2012, as well as to the City's Environmental and Historical Preservation Board. Thirteen comment letters were provided during the 45-day review period.

Final Environmental Impact Report

Responses to the thirteen comments received during the 45 day review period are included in the Response to Comments. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on February 26, 2014, to allow for their review prior to the Planning Commission hearing, within the minimum notice period of 10 days required by CEQA. As was the case with the Draft Environmental Impact Report (DEIR), the draft Final Environmental Impact Report (FEIR) was provided for public review at City Hall, the City Library and posted on the City's website.

As discussed previously, a comment letter and appropriate responses were added to the FEIR following the March 13, 2014 Planning Commission hearing. The FEIR was re-distributed to all commenting agencies and interested parties in advance of the April 24, 2014 public hearing.

Additional questions were raised at the March 13, 2014 Planning Commission hearing about the City's documentation of the SB 18 Tribal Consultation process as referenced in Appendix B. The status of the City's interaction with some of the listed tribal groups has been updated in Appendix B to more accurately describe the City's efforts to satisfy consultation as prescribed by State law.

Significant and Unavoidable Impacts

Analysis presented in the FEIR indicates that the proposed project will have a number of potentially significant impacts. The FEIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the FEIR document, these impacts are considered to be significant and unavoidable.

Where a project's impacts cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

The Planning Commission recommended Certification of the FEIR on April 24, 2014 subject to expanding the CEQA findings in the Statement of Overriding Considerations. Planning staff worked with LSA Associates, Inc. to provide more detailed facts in support of the findings in the in the statement of overriding considerations. The expanded language is attached to the staff report as Exhibit A to Attachment 2. A strikeout/underline version of the revised findings is included for reference as Attachment 15.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Greenhouse Gases and Global Climate Change. All other environmental effects evaluated in the FEIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The City Council will take public testimony on the FEIR and project. Before the proposed project can be acted upon, the City Council will need to review the final environmental document before making a decision to either certify or reject the FEIR and project Mitigation Monitoring Program.

ALTERNATIVES

1. Certify the Environmental Impact Report and approve the applications for the Prologis Eucalyptus Industrial Park project. **Staff recommends this alternative.**
2. Do not Certify the Environmental Impact Report and Deny the applications for the Prologis Eucalyptus Industrial Park Project. **Staff does not recommend this alternative.**

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

A notice of the public hearing was published in the newspaper, posted at required City locations and at the project site, and mailed to property owners within 300 feet of the proposed project. Notice was also provided to all interested parties that requested a notice.

As of the date of report preparation, staff had received no public inquiries in response to the noticing for the City Council public hearing for this project.

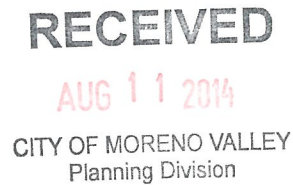
ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution
 - Exhibit A to ATT 2 – Statement of Overriding Considerations
 - Exhibit B to ATT 2 – Mitigation Monitoring Program
3. Proposed Resolution
 - Exhibit A to ATT 3 – General Plan Amendment Map
4. Proposed Ordinance
 - Exhibit A to ATT 4 – Zone Change Map
5. Proposed Resolution
 - Exhibit A to ATT 5 - Plot Plan Conditions of Approval
6. Proposed Resolution
 - Exhibit A to ATT 6 – Tentative Parcel Map 35679 Conditions of Approval
7. Architectural Plans
8. Preliminary Grading Plan
9. Tentative Parcel Map 35679
10. Aerial Map
11. Public Comment letters – March 13, 2014 Planning Commission meeting
12. Public Comment letters – April 24, 2014 Planning Commission meeting
13. Responses to April 24, 2014 comment letters
14. Planning Commission Staff Report – March 13, 2014
15. Planning Commission Staff Report – April 24, 2014
16. Planning Commission minutes from March 13, 2014 and April 24, 2014 meetings
17. Revisions to CEQA Findings and Statement of Overriding Considerations
18. Final Environmental Impact Report
19. Draft Environmental Impact Report

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
John C. Terell, AICP
Community & Economic Development Director

Concurred By:
Chris Ormsby
Interim Planning Official



August 5, 2014

Mayor Jesse Molina
Moreno Valley City Council
14177 Frederick Street
Moreno Valley, CA

RE: Prologis Park Eucalyptus

Dear Mayor Molina:

Thank you for taking the time to meet with me to discuss our proposed Prologis Park Eucalyptus. In addition to meeting with you, we have now met with each of the other Council members and had the opportunity to discuss the modifications to the project. Based on the favorable feedback we have received to the proposed modifications, we are planning on moving forward with the changes discussed.

Although the proposed project was approved at the Planning Commission Meeting with a 4-3 margin, we recognize that there were 3 no votes, each with various concerns about the project. We also have listened to the comments coming from the public at the Planning Commission meeting as well as the City Council meeting.

In an attempt to be responsive to these concerns, Prologis has revisited our proposed plan and decided to request that the City Council, rather than voting on the Proposed Project on August 26th, consider instead what we are referring to as the "Less Intensive Modified Plan" that we outlined for you in our meeting. We are requesting that Council review these modifications by Prologis and provide input and direction in our efforts to resolve as many of the stated concerns that we have heard. Prologis is prepared to formalize the "Less Intensive Modified Plan", by updating and revising the EIR document as needed and resubmitting to Council for a vote. We have met with Planning Staff and they are familiar with this change in direction and have provided us with guidance in the process. With your approval, we will target getting back to Council on the Tuesday, October 14th scheduled meeting.

The "Less Intensive Modified Plan" will require considerable expense to redo the various studies in the EIR and we are prepared to undertake this based on the positive feedback we have received from Council. I have attached a site plan showing the original "Proposed Project" that has been presented to you at the City Council Meeting and a revised site plan showing the "Less Intensive Modified Plan". Additionally, I have enclosed an exhibit labeled "Comparison of Average Daily Vehicle Trips" to demonstrate how much traffic is generated from the two alternatives as well as the traffic counts based on the current General Plan.



I wanted to restate some of the benefits to the "Less Intensive Modified Plan" are:

- A 32% reduction in the overall project square footage, eliminating 718,655 square feet in the 2 buildings (No. 5 & 6) that are located in the SEC, nearest the residential community to the south.
- Although the total traffic is only slightly reduced, there would be a 32% reduction in truck traffic and related air quality and noise generated by trucks.
- A buffer of 250' will be created from the nearest truck court to future residential
- A distance of 1,636 feet from the nearby existing neighborhood at the SEC of the project area to the closest truck court.
- Preserves the auto mall expansion parcels (bldg. 1 & 3), a condition previously provided.
- Even with the reduction in square feet, the project would still represent and estimated 4-500 new full time permanent jobs and approximately 1,000 construction jobs over the build out period for just the industrial portion of the project.
- The ultimate build-out of industrial and residential would still represent significant fees, infrastructure improvements and incremental tax revenue to the City.

We appreciate your time and input on this project. This modification is a significant change to our original plan but we feel that it will soften a great deal of the concerns that have been raised. We can't do anything to satisfy the concerns the community has about Highland Fairview's plans, but we do feel that the changes we are prepared to make will improve those concerns raised regarding proximity to residential, truck traffic, air quality and preservation of residential that will eventually support the nearby retail centers.

I would welcome your comments and am more than willing to meet with you if you have additional questions.

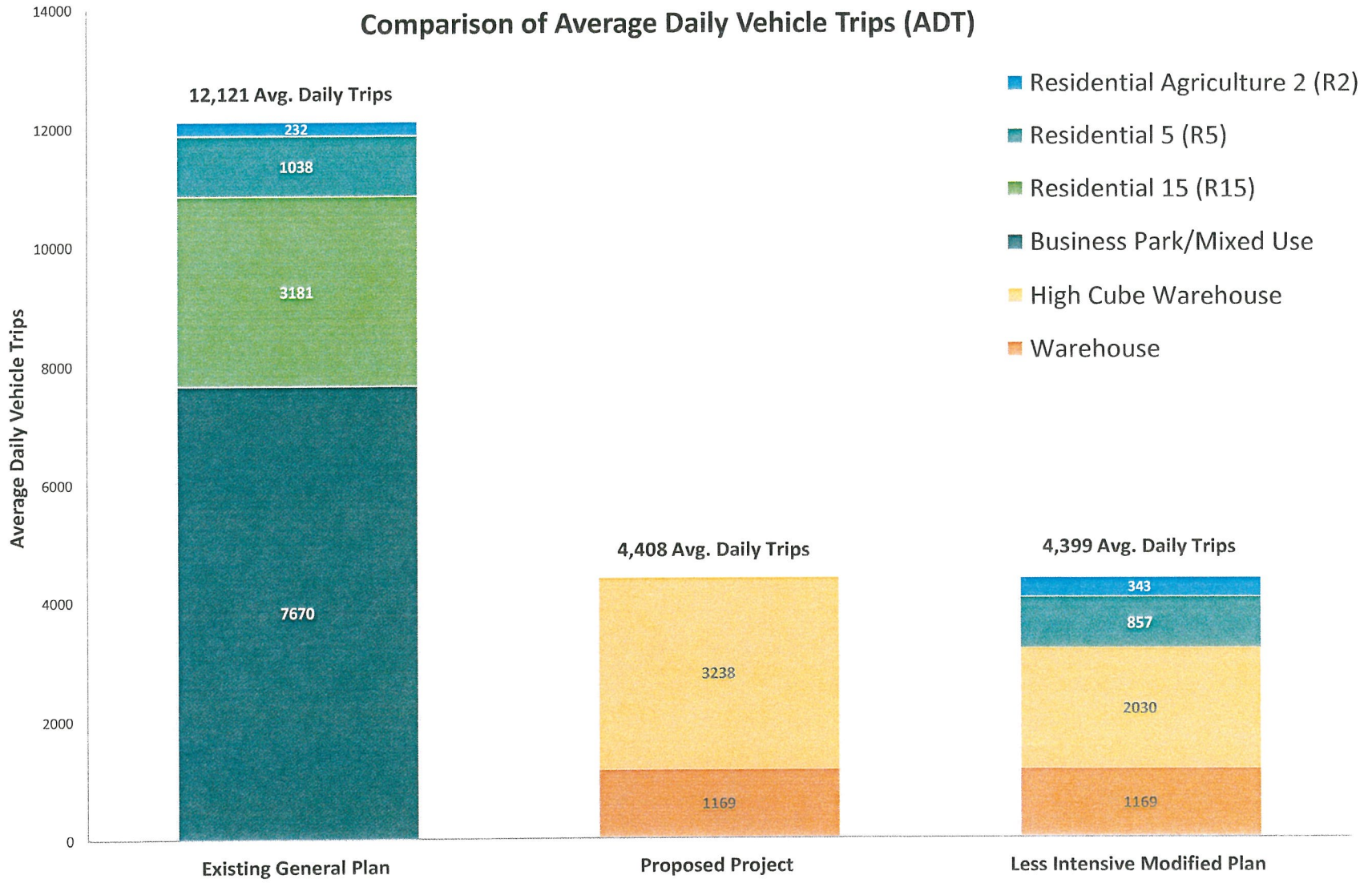
Best Regards,

Pat Cavanagh
Senior Vice President
(909) 673-8710

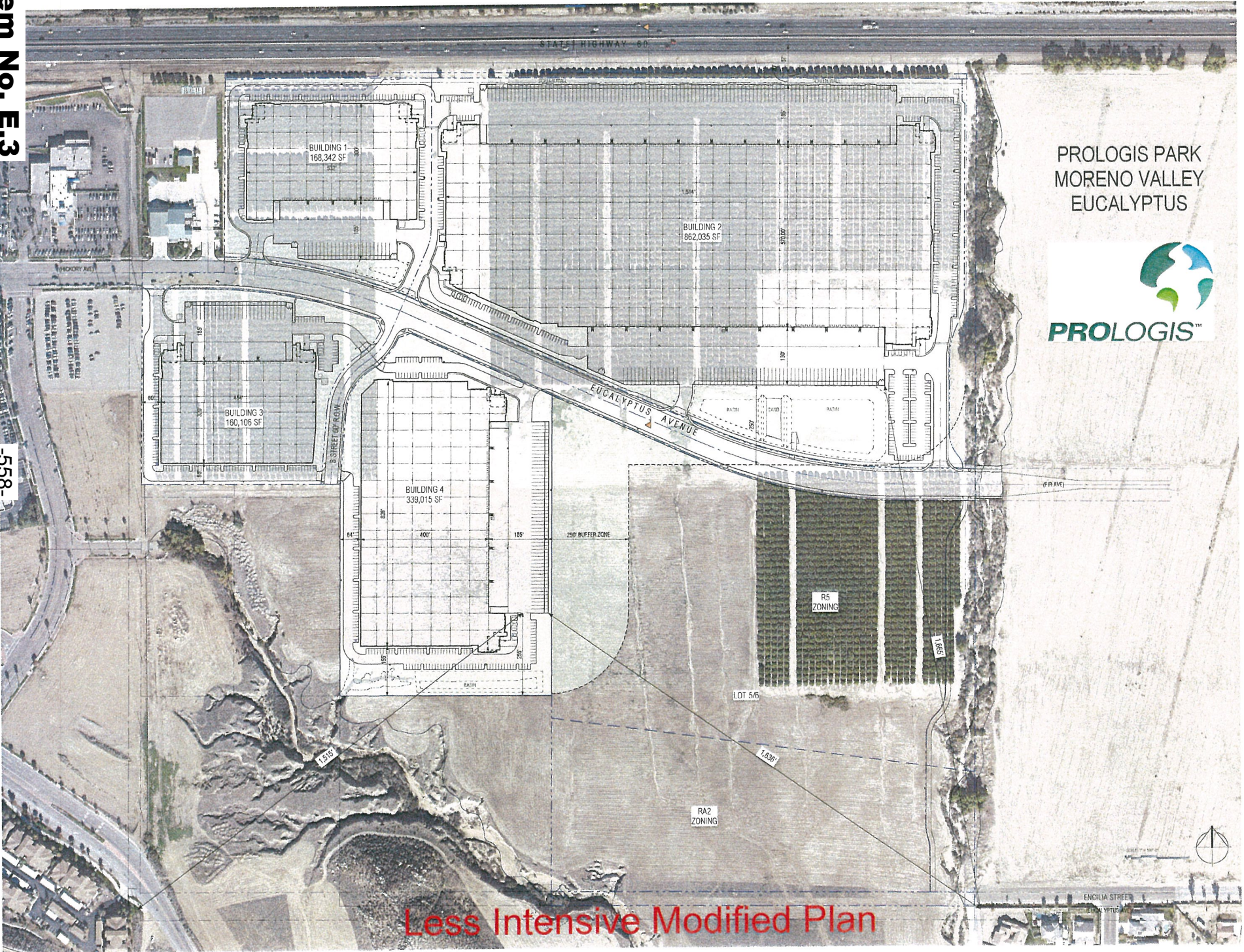
cc: John Terrell
Chris Ormsby
Jeff Bradshaw ✓
Moreno Valley City Council
Michelle Dawson – City Manager
Tyson Chave-Prologis

Enclosures

Comparison of Average Daily Vehicle Trips (ADT)



Vehicle trips are based on Passenger Car Equivalent (PCE) which combines trucks and cars into a total trip count.



PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS



PROLOGIS™

Less Intensive Modified Plan



Proposed Project

Prologis Park - Moreno Valley Eucalyptus

Eucalyptus Avenue Moreno Valley, California



PROLOGIS™

January 26, 2012 / Job #12018

Conceptual Colored Master Site Plan

-559-



Item No. E.3



Bardeen Ave. Irvine, CA 92612
949-451-1770 www.iparcis.com

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List of Attachments from the Public Hearing of June 24,2014:

ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution No. 2014-56
Exhibit A to ATT 2 – Statement of Overriding Considerations
Exhibit B to ATT 2 – Mitigation Monitoring Program
3. Proposed Resolution No. 2014-57
Exhibit A to ATT 3 – General Plan Amendment Map
4. Proposed Ordinance No. 880
Exhibit A to ATT 4 – Zone Change Map
5. Proposed Resolution No. 2014-58
Exhibit A to ATT 5 - Plot Plan Conditions of Approval
6. Proposed Resolution No. 2014-59
Exhibit A to ATT 6 – Tentative Parcel Map 35679 Conditions of Approval
7. Architectural Plans
8. Preliminary Grading Plan
9. Tentative Parcel Map 35679
10. Aerial Map
11. Public Comment letters – March 13, 2014 Planning Commission meeting
12. Public Comment letters – April 24, 2014 Planning Commission meeting
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16. Planning Commission minutes from March 13, 2014 and April 24, 2014 meetings
17. Revisions to CEQA Findings and Statement of Overriding Considerations
18. Final Environmental Impact Report
19. Draft Environmental Impact Report

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Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA07-0081 - Zone Change
 PA07-0082 - General Plan Amendment
 PA07-0083 - Master Plot Plan including Building 2
 PA07-0084 - Tentative Parcel Map 35679
 PA07-0158 - Plot Plan for Building 1
 PA07-0159 - Plot Plan for Building 3
 PA07-0160 - Plot Plan for Building 4
 PA07-0161 - Plot Plan for Building 5
 PA07-0162 - Plot Plan for Building 6
 P07-186 - Environmental Impact Report

APPLICANT: Prologis

OWNER: Prologis

REPRESENTATIVE: Prologis

LOCATION: South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

PROPOSAL: General Plan Amendment for portion of site from R15, R5 and R2 to Business Park and Zone Change from existing Business Park, Business Park Mixed-use, R15, R5, and RA-2 zoning to Light Industrial for 122 acres. The land use changes are required for development of six distribution warehouse facilities totaling 2,244,419 square feet with building sizes that range from 160,106 square feet to 862,035 square feet. The applicant also proposes Tentative Parcel Map No. 35679 to subdivide the project site into six parcels. A General Plan Amendment is also required for proposed changes to the City's circulation element and the Master Plan of Trails. Approval of this project will require certification of an EIR.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

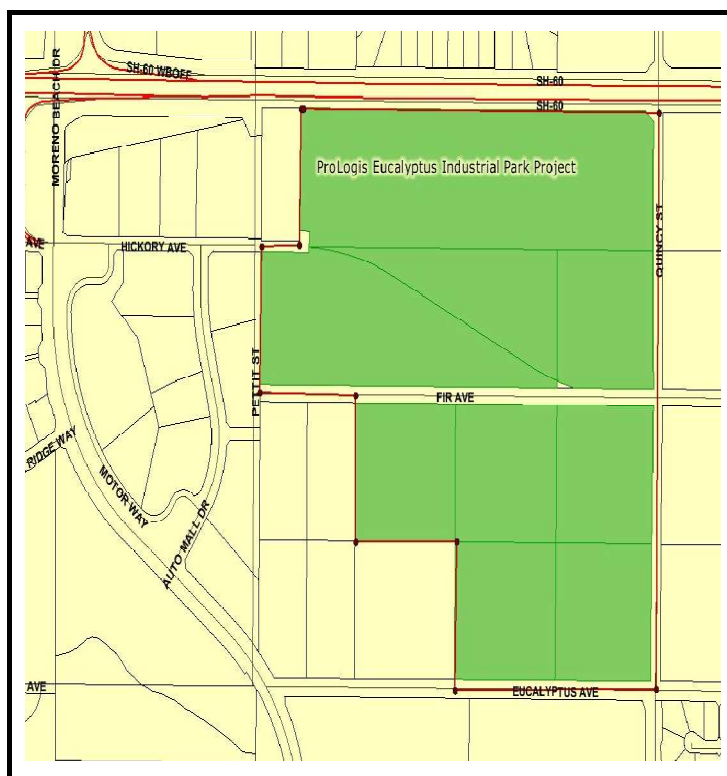
Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 6:00 p.m., Monday through Thursday and 2nd and 4th Fridays from 7:30 a.m. to 1:30 p.m.), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could

approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION N Ø

CITY COUNCIL HEARING

City Council Chamber, City Hall
 14177 Frederick Street
 Moreno Valley, Calif. 92553

DATE AND TIME: June 24, 2014 at 6 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

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RESOLUTION NO. 2014-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-186) AND ADOPTING THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVING THE MITIGATION MONITORING PROGRAM FOR THE PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT, INCLUDED AS EXHIBITS A AND B

Section 1:

WHEREAS, the applicant, Prologis, submitted applications for the Prologis Eucalyptus Industrial Park which include an Environmental Impact Report (P07-186), a General Plan Amendment (PA07-0082), a Zone Change (PA07-0081), Master Plot Plan PA07-0083 and related Plot Plans for a total of six buildings. The development of the industrial park include a total of 2,244,419 square feet of warehouse distribution space on 122 acres (this application also includes an 862,035 square foot warehouse facility on 39.32 acres), Plot Plan PA07-0158 for a 168,342 square foot warehouse distribution building on 8.84 acres, Plot Plan PA07-0159 for a 160,106 square foot warehouse distribution building on 8.5 acres, Plot Plan PA07-0160 for a 339,015 square foot warehouse distribution building on 15.66 acres, Plot Plan PA07-0161 for a 390,102 square foot warehouse distribution building on 19.29 acres, Plot Plan PA07-0162 for a 325,038 square foot warehouse distribution building on 17.55 acres, and Tentative Parcel Map 35679 (PA07-00084). A General Plan Amendment is also required for proposed changes to the City's Circulation Element and the Master Plan of Trails. The above applications shall not be approved unless the Final Environmental Impact Report (P07-186) is certified and approved; and

WHEREAS, the applicant, Prologis, and the environmental consultant, LSA Associates, worked with the City in the preparation of an Initial Study checklist and a Notice of Preparation (NOP). A Notice of Completion and Environmental Document Transmittal was filed with the State Clearinghouse on February 4, 2008 for the Notice of Preparation (NOP) of a Draft EIR for the project. The public review period of the NOP was February 4, 2008 through March 4, 2008. A public scoping meeting was held in connection with the NOP on February 13, 2008 in the Council Chamber at City Hall; and

WHEREAS, the applicant, Prologis, and the environmental consultant, LSA, worked with the City in the review of NOP response comments for the preparation of a Draft Environmental Impact Report (EIR) for this project. The Draft EIR was circulated to the public and to responsible agencies for comments for a 45 day period beginning on July 18, 2012 and ending on September 4, 2012; and

1
Resolution No. 2014-56
Date Adopted: June 24, 2014

WHEREAS, the City has prepared responses to comments on the Draft EIR received during the 45 day comment period, which have been included in the Final EIR;

WHEREAS, on March 1, 2014 and April 12, 2014, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties; and

WHEREAS, the draft and final EIR concerning the proposed Prologis Eucalyptus Industrial 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; and

WHEREAS, since July 18, 2012, 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; and

WHEREAS, the Final EIR includes a review of potential impacts associated with the implementation of the Prologis Eucalyptus Industrial Park Project, including, but not limited to Aesthetics, Agricultural Resources, Air Quality, Land Use and Planning, and Transportation; and

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, A Final EIR, (including the Draft EIR, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project; and

WHEREAS, on March 13, 2014, the Planning Commission conducted a public hearing to consider the Final EIR for the proposed project and continued the item to their April 24, 2014 agenda; and

WHEREAS, on April 24, 2014, the Planning Commission conducted a public hearing to consider the Final EIR for the proposed project and recommended City Council approval; and

WHEREAS, on June 24, 2014, the City Council conducted a public hearing to consider the Final EIR for the proposed project; and

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

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the City Council of the City of Moreno Valley as follows:

2
Resolution No. 2014-56
Date Adopted: June 24, 2014

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on June 24, 2014, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Independent Judgment and Analysis – The Final Environmental Impact Report represents the City’s independent judgment and analysis.

FACT: A public hearing was conducted by the City Council on June 24, 2014, during which opportunity was given to address the adequacy of the Final Environmental Impact Report. All comments on the Final EIR raised during the public and agency comment period and at the Public Hearing(s) on the project were considered by the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. CERTIFYS that the Final Environmental Impact Report (EIR) for the Prologis Eucalyptus Industrial park Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council 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. ADOPTS the Findings and Statement of Overriding Considerations regarding the Final EIR for the Prologis Eucalyptus Industrial Park Project, attached hereto as Exhibit A; and
3. APPROVES the Mitigation Monitoring Program for the Final EIR for the proposed Prologis Eucalyptus Industrial Park Project, attached hereto as Exhibit B.

3
Resolution No. 2014-56
Date Adopted: June 24, 2014

APPROVED AND ADOPTED this 24th day of June, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

4
Resolution No. 2014-56
Date Adopted: June 24, 2014

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. 2014-56 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

5
Resolution No. 2014-56
Date Adopted: June 24, 2014

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**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects and the Approval of the
ProLogis Eucalyptus Industrial Park
(State Clearinghouse No. 2008021002)**

I. INTRODUCTION

The City Council of the City of Moreno Valley (this “Council”), in certifying the EIR for the Prologis Eucalyptus Industrial Park and approving Tentative Parcel Map 35679 and a Site Plan authorizing the construction of up to approximately 2,244,638 square feet of distribution warehouse space (the “Project”), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (“EIR”) was prepared by the City of Moreno Valley (“City”) acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, unless specifically identified, the Notice of Preparation (“NOP”), Notice of Availability & Completion (“NOA/NOC”), Draft EIR (“DEIR”), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR (“FEIR”), and the Mitigation Monitoring and Reporting Program (“MMRP”) will be referred to collectively herein as the “EIR.” These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the eastern portion of the City of Moreno Valley. The Project site consists of ten parcels totaling approximately 122.8 net acres located south of and adjacent to SR-60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel.

The Project site is vacant and supports mainly weedy vegetation. The major road that provides access to the Project site is Eucalyptus Avenue. Land adjacent to the Project site includes vacant land east and south of the proposed Project site, SR-60 to the north, and the Moreno Valley Auto Mall and the City

of Moreno Valley Fire Station No. 58 northwest of the Project site. Existing single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the Project site.

2. Project Description

The Project site is approximately 122.8 acres in size. The proposed Project includes the construction and operation of a warehouse facility comprising six buildings consisting of a total of approximately 2,244,638 square feet. The Project site is divided into northern and southern areas. The northern area, north of the future Eucalyptus Avenue, would contain approximately 1,030,377 square feet of warehouse uses divided between two buildings (No. 1 and 2). Development in the southern area, south of the future Eucalyptus Avenue, would consist of approximately 1,214,261 square feet of warehouse uses divided among four separate buildings (No. 3 through 6). The master and individual building plans, including grading, landscaping, elevations, and selected line of sight plans. The proposed Project includes the construction of asphalt/concrete surfaces in parking and driving areas, and landscaping along the perimeter and roadway frontages.

The Project site is currently designated Residential in the City's General Plan. The site is zoned as Business Park (BP), Business Park/Mixed Use (BPX), Residential 15 District (R15), Residential 5 District (R5), and Residential Agriculture 2 (RA-2). The zoning is not consistent with the existing General Plan land use and the Project is not consistent with the General Plan and zoning. Therefore the Project will require a General Plan Amendment which would change the designation to Business Park and a Zone Change that would change the zoning of the site to Light Industrial (LI).

3. Actions Covered by the EIR

The EIR will support the following discretionary and non-discretionary approvals:

- General Plan Amendment to amend the Land Use Element resulting in a change of land use designations for the southern portion of the project site (approximately 71.3 acres) from Residential 15, Residential 5, and Residential Agriculture to Business Park.
- General Plan Amendment to amend the Circulation Element including (1) elimination of undeveloped Quincy Street from Eucalyptus Avenue to Encilia Avenue; and (2) realignment of Encilia Avenue from its current alignment such that its westerly terminus is located at Moreno Beach Drive instead of the current General

Plan westerly terminus at Eucalyptus Avenue. The segment between Quincy Channel and Moreno Beach Drive would be classified as a Collector.

- Change of Zone resulting in a change from Business Park (BP), Business Park Mixed-Use (BPX), Residential 15 (R15), Residential 5 (R5), and Residential Agriculture (RA-2) to Light Industrial (LI) on the project site.
- Modification of the Primary Animal Keeping Overlay (PAKO) zone district per the recommended change of zone.
- Modification of the Master Plan of Trails to eliminate trail segment along the west side of the Quincy Channel north of the future Eucalyptus Avenue and add a segment along the north side of Eucalyptus Avenue from the Quincy Channel to the west boundary of the project site.
- Approval of a Master Plot Plan and five related Plot Plans.
- Tentative Parcel Map approval.
- Certification of the Environmental Impact Report.
- Final Parcel Map, public improvement agreement, and related securities approval.
- Issuance of an encroachment permit for any construction work done in any City-controlled ROW. Encroachment permit issuance requires approval of improvement plans, public improvement agreement execution with securities posted, and satisfying those conditions of approval required prior to grading.
- Approval of a Storm Water Pollution Prevention Plan (SWPPP) to accommodate site runoff during construction.
- Approval of a Preliminary Water Quality Management Plan (P-WQMP) and Final Water Quality Management Plan (F-WQMP) to mitigate for post-construction runoff flows (non-discretionary).
- Issuance of a Grading Permit that requires approval of a grading plan, approval of the final drainage study, approval of the F-WQMP, obtaining an Notice of Intent and Water Discharge Identification Number, obtaining a WQMP#, and satisfying those conditions of approval required prior to grading (non-discretionary).

- Issuance of a Building permit. The comprehensive building permit includes building, plumbing, mechanical, and electrical permits (non-discretionary).

Approvals and permits required by other agencies include:

- Approval from the City and Riverside County Flood Control and Water Conservation District (RCFCWCD) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened
- Approval of Quincy Channel improvements from the RCFCWCD
- A Section 404 Permit from the U.S. Army Corps of Engineers (USACE)
- A Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB)
- A Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW)
- Encroachment permits from Caltrans for any construction work done in any State-controlled right of way(i.e., SR-60)

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Provide industrial warehouse facilities that meet the substantial and unmet demands of businesses located in the City and County;
- Provide new industrial development that is attractive and minimizes conflicts with the surrounding existing uses;
- Provide a variety of new employment opportunities for the citizens of Moreno Valley and surrounding communities;
- Encourage warehouse distribution services that take advantage of the area's close proximity to various freeways and transportation corridors;
- Encourage new development consistent with the capacity and municipal service capabilities;

- Provide infrastructure improvements to meet phased Project needs in an efficient and cost-effective manner;
- Cluster industrial warehouse uses near access points to the state highway system to reduce traffic congestion on surface streets and to reduce air pollutant emissions from vehicle sources;
- Develop land uses that provide the City with a positive revenue/cost ratio and provide needed infrastructure in a timely fashion;
- Address community circulation, both vehicular and pedestrian, utilizing available capacity within the existing circulation system, and provide fair share improvements to various future-year deficient intersection or road segments; and
- Reduce peak hour vehicle trips, energy and water consumption compared to existing General Plan land uses.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the Notice of Preparation/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On February 4, 2008, the City circulated a Notice of Preparation (“NOP”) and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project’s DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On February 13, 2008, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from February 4 to March 4, 2008. Written comments on the NOP were received from 22 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with:

- Change in use from established General Plan and zoning designations. This issue was discussed in Section 4.1, Aesthetics, and Section 4.8, Land Use, of the DEIR;
 - Short-term and long-term air pollutant emissions including dust and diesel particulates from truck exhaust that could negatively affect nearby residential uses. This issue was discussed in Section 4.3, Air Quality, of the DEIR;
 - Short-term and long-term noise impacts that could affect nearby residential uses. These issues were discussed in Section 4.9, Noise, of the DEIR;
 - Potential impacts to future planned school sites were addressed in Section 4.8, Land Use, of the DEIR;
 - Potential water-related impacts (drainage, water quality of runoff from the project) were addressed in Section 4.7, Hydrology and Water Quality, in the DEIR;
 - Project truck traffic causing congestion on local roads, intersections, and freeway ramps, primarily on Redlands Boulevard, and impacts to vehicular, bicycle, and pedestrian safety. These issues were discussed in Section 4.11, Transportation, of the DEIR;
 - Impacts to aesthetics from loss of views, loss of neighborhood character, and increased night lighting as this area transitions from previously planned residential and business park uses to industrial uses along the south side of SR-60. These issues were discussed in Section 4.1, Aesthetics, and 4.8, Land Use, of the DEIR; and
 - Potential loss of biological or cultural (archaeological) resources by grading and development of the site, and suggestions to consult with local Native American tribes per SB 18. These issues were discussed in Section 4.4, Biological Resources, and 4.5, Cultural Resources, of the DEIR.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information,

analysis, and mitigation to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Geology and Soils; (2) Mineral Resources; (3) Public Services; (4) Recreation; and, (5) Forest Resources.

- As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR State Clearinghouse No. 2008021002 for the Eucalyptus Industrial Park project was filed with the State Clearinghouse on July 17, 2012, and the Notice of Availability (NOA) of the Draft EIR was filed with the Riverside County Clerk on July 18, 2012.
- The Draft EIR was circulated for public review for a period of 48 days, from July 18, 2012 to September 4, 2012. Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet. A total of thirteen (13) comment letters were received on the DEIR. Ten of the comment letters received were from Federal, State, regional, or local agencies. Three comment letters were received from private organizations or conservation groups – no letters were received from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 2.0 of the FEIR.
- On April 12, 2014 in accordance with *Public Resources Code* Section 21092.5, the City provided written responses to public agencies that commented on the DEIR.
- On June 13, 2014, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On June 24, 2014, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding Considerations, and the further recommendations in the Staff Report, and approved the Project (collectively the “Approvals”).

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of LSA Associates, Inc. (“LSA”) to prepare the EIR for the Project. LSA has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Engineering). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City’s independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c) (3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings, and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 of the DEIR and Section 3.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 2.0 of the FEIR.

The EIR evaluated thirteen major environmental categories for potential impacts including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Transportation, Utilities and Service Systems, and Greenhouse Gases and Global Climate Change. Both Project-specific and cumulative impacts were evaluated. Of these thirteen major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. Aesthetics

a. Light and Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will

not result in significant impacts related to light and glare with the adherence to established City ordinances and development guidelines, therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.1 identifies no sources of light or glare on the Project site. Development of the Project site would introduce new sources of light and glare into the area in the form of street lighting, parking lot lighting, and security lighting for the buildings. Lighting within loading areas (areas within the public view include the loading areas of Buildings 1, 2, and 3) will be directed downward so as to not Project lighting into the sky. The overall increase in ambient light in the area is expected to be incremental with compliance with the City’s development standards for lighting. The proposed Project will incrementally increase the amount of daytime glare in the Project area from introducing windows and metal fixtures into the area. All development in the City, which includes light generated from warehouse buildings and parking lots, is required to adhere to lighting requirements contained in the City’s Municipal Code. The Project is consistent with General Plan policies and Municipal Code requirements regarding light and glare, therefore, no impacts associated with this issue would occur and no mitigation is required (DEIR, pgs. 4.1-8 to 4.1-9).

b. Light and Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to light and glare with the adherence to established City ordinances and development guidelines, therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.1 identifies no sources of light or glare on the Project site. Development of the Project site would introduce new sources of light and glare into the area in the form of street lighting, parking lot lighting, and security lighting for the buildings. Lighting within loading areas (areas within the public view include the loading areas of Buildings 1, 2, and 3) will be directed downward so as to not Project lighting into the sky. The overall increase in ambient light in the area is expected to be incremental with compliance with the City’s development standards for lighting. The proposed Project will incrementally increase the amount of daytime glare in the Project area from introducing windows and metal fixtures into the area. All development in the City, which includes light generated from warehouse buildings and parking lots, is required to adhere to lighting requirements contained in the City’s Municipal Code. The Project is consistent with General Plan policies and

Municipal Code requirements regarding light and glare, therefore, no impacts associated with this issue would occur and no mitigation is required (DEIR, pgs. 4.1-8 to 4.1-9).

2. Air Quality

a. Construction-Chronic Health Risk Impacts

Potential Significant Impact: Whether the Project would expose sensitive receptors to substantial pollutant concentrations.

For Maximum Individual Cancer Risk (MICR), the applicable thresholds are:

- An increased cancer risk greater than 10 in 1 million (1.0×10^{-5}) at any receptor location; or
- A cancer burden greater than 0.5.

For non-cancer chronic Hazard Index (HI); the applicable threshold is:

- A cumulative increase for any target organ system exceeding 1.0 at any receptor location.

Findings: Potential impacts of the Project related to construction-chronic health risks are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to sensitive receptor health risks and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the only toxic air pollution emissions in any significant quantity associated with the construction of the Project occur from diesel-powered equipment exhaust. A screening health risk assessment was performed according to the published Office of Environmental Health Hazard Assessment (OEHHA) health risk techniques.¹ According to the health risk assessment, the cancer risk due to construction of the Project is less than the threshold of 10 in 1 million. Therefore, health risks would be less than significant and no mitigation is required. (DEIR, pgs. 4.3-13 to 4.3-14)

b. Operational-Acute Health Risk Emission Impacts

Potential Significant Impact: Whether the Project would expose sensitive receptors to substantial pollutant concentrations.

For MICR, the applicable thresholds are:

¹ OEHHA, *Air Toxics Hot Spots Program Risk Assessment Guidelines*, August 2003, Appendix D, *Risk Assessment Procedures to Evaluate Particulate Emissions from Diesel-Fueled Vehicles*.

- An increased cancer risk greater than 10 in 1 million (1.0×10^{-5}) at any receptor location; or

For non-cancer chronic and acute HI; the applicable threshold is:

- A cumulative increase for any target organ system exceeding 1.0 at any receptor location.

Findings: Potential impacts of the Project related to operational-acute health risks are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to operational-acute health risks and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, a screening level health risk assessment was performed for the operational emissions associated with the proposed Project based on the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* guidance. The operations expected to occur at this facility will not emit any toxic chemicals in any significant quantity other than vehicle exhaust. According to the health risk assessment the nearest residences would experience a cancer risk of 4.33 in 1 million, which is below the 10 in 1 million threshold. The nearest residences would also experience a chronic HI of 0.0016 and an acute HI of 0.0000088. Both the chronic and acute HI would be below the chronic and acute HI threshold of 1.0. Since the operational phase of the proposed Project would not exceed any of the long-term acute health risk assessment thresholds, a less than significant impact would occur. No mitigation is required. (DEIR, pgs. 4.3-14 to 4.3-18)

c. Operational-Carcinogenic and Chronic Health Risk Emission Impacts

Potential Significant Impact: Whether the proposed Project would expose sensitive receptors to substantial pollutant concentrations.

For MICR, the applicable thresholds are:

- An increased cancer risk greater than 10 in 1 million (1.0×10^{-5}) at any receptor location; or

For non-cancer health risk HI; the applicable threshold is:

- A cumulative increase for any target organ system exceeding 1.0 at any receptor location.

Findings: Potential impacts of the Project related to operational-carcinogenic and chronic health risk emission impacts are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to health risks related to operational emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the closest residences to the Project would be exposed to a lifetime inhalation cancer risk of no more than 4.33 in 1 million, a 30-year inhalation cancer risk of no more than 3.88 in 1 million, and nearby workers a 40-year career inhalation cancer risk of no more than 1.5 in 1 million. The chronic health risk index is significantly less than the threshold of 1.0, in this case 0.0016 for residents and workers. No significant carcinogenic or chronic health risks would occur from Project-related traffic. No significant health risk would occur from Project-related truck traffic, and no mitigation is necessary. (DEIR, pg. 4.3-18)

d. Air Quality Impacts to Adjacent Future Development

Potential Significant Impact: Whether the proposed Project would expose sensitive receptors to substantial pollutant concentrations.

Findings: Potential impacts of the Project related to air quality impacts to adjacent future developments are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to air quality impacts to adjacent future development and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, based on the land use assumptions for the future L-Aquila D’Pietra (LADP) Project, residential development would be located along the southern Project boundary between the proposed Project and the proposed LADP. It is anticipated that the proposed Project site would be fully developed prior to the occupation of any dwelling units in LADP; therefore, no construction-related air quality impacts to adjacent sensitive receptors would result from development of the proposed Project.

The primary health risk is from heavy-duty truck emissions is diesel particulate exhaust. According to the screening-level assessment, the future residential units south of the Project site would be exposed to an unmitigated inhalation cancer risk of approximately 4.3 in 1 million, which is less than the threshold of 10 in 1 million. The corresponding chronic and acute hazard indices would be approximately 0.0016 and 0.000088, which is less than the threshold of 1.0 for the chronic hazard index and acute hazard index. Since the screening-level analysis overall Project health risks are below established thresholds, any

detailed assessment would also produce less than significant health risk levels. Therefore, a less than significant impact associated with future uses that may occupy adjacent properties subsequent to development of the proposed Project would occur. No mitigation is required. (DEIR, pgs. 4.3-18 to 4.3-19)

e. Long-Term Microscale (CO Hotspot) Impacts

Potential Significant Impact: Whether the proposed Project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. For CO, the applicable thresholds are:

- California State one-hour CO standard of 20.0 ppm; and
- California State eight-hour CO standard of 9.0 ppm.

Findings: Potential impacts of the Project related to long-term microscale emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to long-term microscale emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the highest one-hour CO concentration experienced at any of the intersections in the Project vicinity would not exceed the one hour CO State standard of 20 ppm. Based on the *Air Quality Analysis* prepared for the proposed Project, the proposed Project would contribute, at most, a 0.1 ppm increase to the one-hour CO concentrations for all scenarios. This is below the 1.0 ppm increase threshold. Also the highest eight-hour CO concentration experienced at any of the intersections in the Project vicinity would not exceed the eight-hour CO state standard of 35 ppm. Based on the *Air Quality Analysis* prepared for the proposed Project, the proposed Project would contribute, at most, a 0.1 ppm increase to the eight-hour CO concentrations for all scenarios. This is below the 0.45 ppm increase threshold. Since the proposed Project would not exceed the one-hour or eight-hour CO concentration standards, it is reasonable to conclude that no CO hot spots would occur. Therefore, the proposed Project would not have a significant impact on local air quality for CO and no mitigation measures would be required. (DEIR, pgs. 4.3-19 to 4.3-20)

f. Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required. (DEIR, pg. 4.3-20)

3. Biological Resources

a. Habitat Fragmentation/Wildlife Movement

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to habitat fragmentation and wildlife movement are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to habitat and wildlife movement and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the proposed Project site is isolated from regional wildlife corridors by existing barriers including urban development, agricultural uses, and roadways. Land uses adjacent to the Project site include fallow agricultural land to the south and east, commercial uses to the west, and residential uses to the north across SR-60. Due to the nature of development occurring in the Project area and the current condition of the Project site, it is highly unlikely that the Project site is utilized as a wildlife movement corridor, with the exception of the Quincy Channel. The proposed Project will not affect the majority of Quincy Channel, thus allowing wildlife to continue using the existing channel to traverse the site. The quality of on-site habitat has been diminished

due to the previous and frequent ground disturbance and past agricultural activities. In addition, the existing roadways and infrastructure features further isolate the Project site from natural areas. Due to the disturbed condition of the Project site, the nature of development to the southeast and west, the intervening presence of roadways and infrastructure, and adherence to City development standards identified in the Municipal Code, development of the proposed Project will not result in significant habitat fragmentation or substantially affect established wildlife corridors or wildlife movement. A less than significant impact would result and no mitigation is required. (DEIR, pg. 4.4-23)

b. Adopted Policies and Ordinances

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to adopted policies and ordinances are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in conflict with local policies or ordinances and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, city policies or ordinances identified in the General Plan protecting biological resources include: mitigation of impacts to riparian areas or other natural sensitive communities (Policy 7.4.1), preservation of natural drainage courses in their natural hydrological state (Policy 7.4.3), and City fulfillment of obligations set forth within any agreements and permits related to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) implementation (Policy 7.4.5).

The Quincy Channel, located adjacent and to the east of the proposed Project site, is considered a sensitive natural habitat due to the value it provides as nesting sites and foraging sites for migratory birds. The proposed Project would be designed to minimize encroachment into this natural area through setback requirements established in Sections 9.16.120 and 9.05.040 of the City's Municipal Code, thus preserving this habitat area in its natural state pursuant to the City's General Plan. At the northeast corner of Building 2, the development plans call for a minimum setback from Quincy Channel due to the topography and alignment of the creek. From that point, the plan provides a setback and landscaped buffer area between the drainage area and the structures proposed on the site that widens and varies from 25 to 50 feet (including the flood control access road). Therefore, the proposed Project would not conflict with local policies or ordinances protecting biological resources and a less than significant impact would occur. No mitigation is required. (DEIR, pg. 4.4-24)

c. Adopted Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to adopted habitat conservation plans are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in conflicts with local habitat conservation plans and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the Project site is located within the Western Riverside County MSHCP, however, the Project site is not within any MSHCP criteria cell or habitat linkage. Furthermore, the Project site is not located within an MSHCP mammal or amphibian survey area; a Narrow Endemic Plant Species Survey Area or Criteria Area Plant Species Survey Area; or a riparian, wetland, or vernal pool habitat/species survey area. A habitat assessment for the burrowing owl is required under the MSHCP. While the Project site is not within any MSHCP conservation areas, the Project is still subject to provisions of the MSHCP. In particular, the Project applicant will be required to provide payment of mitigation fees and adhere to the requirements established in the MSHCP. Pursuant to agreements with the USFWS and the CDFG, the payment of the mitigation fee prior to the issuance of a building permit by the City, and compliance with applicable provisions of the MSHCP provides full mitigation under CEQA, FESA, and CESA for impacts to the species and habitats covered by the MSHCP. Therefore, development of the proposed Project will not conflict with the provisions of the MSHCP. A less than significant impact would occur and no mitigation is required.

In addition to the MSHCP, the Project site is within the boundaries of the Stephens Kangaroo Rat Habitat Conservation Plan (SKR HCP) established by the County of Riverside. Development of the proposed Project will not conflict with the provisions of the SKR HCP. The payment of a local mitigation fee prior to issuance of a grading permit by the City will be required. There are no other requirements for the Project under the SKR HCP and a less than significant impact would occur with payment of the fee and no further mitigation is required. (DEIR, pg. 4.4-24)

d. Endangered and Threatened Species

Potential Significant Impact: Whether the Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as endangered or threatened in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

Findings: Potential impacts of the Project related to endangered and threatened species are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to endangered or threatened species and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, no species listed by the State and/or Federal Government as Endangered or Threatened was identified on site during the field surveys; however, Swainson's hawk, a State-listed species, and Stephens' kangaroo rat, a federally and State-listed species, have a low potential to occur on the site.

The Project site is not located within any USFWS designated critical habitat . Swainson's hawk would be expected to occur on the site, if at all, only during migration as foraging individuals. Swainson's hawk is covered by the MSHCP. Mitigation for covered species consists of participation in the MSHCP.

The Project site is also within the SKR HCP Fee Area. The proposed Project site is not within an SKR Core Area. The SKR HCP provides Take Authorization for the SKR within its boundaries, and no surveys or additional measures are required other than paying a development fee prior to issuance of a grading permit by the City. In the absence of a significant impact, no mitigation is warranted. (DEIR, pg. 4.4-25)

e. Cumulative Biological Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probably future projects would incrementally effect biological resources.

Findings: Potential impacts of the Project related to cumulative biological impacts are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the proposed Project would not make a cumulatively considerable contribution to impacts on endangered or threatened species, riparian

habitat or natural plant communities, jurisdictional waters, habitat fragmentation, wildlife movement, local policies and ordinances, or habitat conservation plans. There are no projects that would, in combination with the proposed Project, produce a significant impact to non-listed sensitive species. Therefore, there are no significant cumulative impacts anticipated to occur that are associated with biological resources. With implementation of Project-level Mitigation Measures 4.4.6.1 through 4.4.6.3, the Project's contribution to cumulative biological impacts will not be cumulatively considerable and no additional mitigation is required. (DEIR, pgs 4.4-30 to 4.4-31)

4. Cultural Resources

a. Historical Structures and Features

Potential Significant Impact: Whether the Project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

Findings: Potential impacts of the Project related to historical structures and features are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to historical structures and features and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, no structures or unique features are currently located within the Project limits. An online title search was conducted and historic maps were reviewed to determine the potential for structures and/or the remains of former sites of buildings or resources within the Project limits. No evidence of past structures or historic features was identified, nor was evidence of such structures identified during the on-site cultural resource survey or the records search. As no evidence has been identified to suggest the presence of past or current structures on site, no impacts related to historic structures or features will occur. In the absence of a significant impact, no mitigation is warranted. (DEIR, pg.4.5-5)

b. Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to human remains are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to human remains and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, the Project site was utilized for agricultural production. No evidence suggesting the Project site has been utilized in the past for human burials has been identified.² In the unlikely event human remains are discovered during grading or construction activities, State law (Health and Safety Code §7050.5) requires that no further disturbance shall occur until the County Coroner has made determination of the origin and disposition pursuant to Public Resources Code 5097.98. Because adherence to provisions of Health and Safety Code §7050.5 is required of all development projects, and because adherence to the requirements in State law sufficiently mitigates for potential impacts to human remains, no significant impact related to this issue will occur. Because potential impacts associated with this issue are less than significant, no mitigation is required. (DEIR, pg. 4.5-5)

c. Cumulative Cultural Resources

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have a cumulative significant impact on cultural resources.

Findings: Potential impacts of the Project related to cumulative cultural resources are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to cultural resources and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, on-site sediments and cumulative archaeological and paleontological discoveries elevate the potential for the on-site presence of archaeological and paleontological resources. The proposed Project includes measures to identify, recover, and/or record any archaeological or paleontological resource that may occur within the Project limits. Although unlikely to occur, potential impacts associated with human remains would be reduced to a less than significant level through adherence to existing State law. There are no projects that would, in combination with the proposed Project, result in any significant cumulative impacts on historical, archaeological, or paleontological resources, or cumulative impacts to human remains. Therefore, the Project will not make a significant contribution to any cumulatively considerable impacts associated with cultural resources, and no mitigation is required. (DEIR, pg. 4.5-8)

5. Hazards and Hazardous Materials

² Chapter 5.10 Cultural Resources, City of Moreno Valley General Plan Final EIR, July 2006.

a. Routine Transport, Use, or Disposal of Hazardous Materials and Reasonable Foreseeable Upset and Accident Conditions

Potential Significant Impact: Whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Also, whether the Project would create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials.

Findings: Potential impacts of the Project related to routine transport, use or disposal of hazardous materials and/or the risk of upset or accidental release of hazardous materials into the environment are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to routine transport, use or disposal of hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: Two *Phase I Environmental Site Assessments* (ESAs) were prepared for the proposed Project site. During the on-site inspection, no hazardous materials handling, storage, or disposal areas were observed. Additionally, no evidence of stressed vegetation, discolored water, or pools of liquid was observed during the on-site reconnaissance. However, because the Project site has been historically utilized for agricultural production and because of the close proximity to SR-60, soil samples were taken in various parts of the Project site to further evaluate the potential contamination on the site. Laboratory results indicated no detectable concentrations of hydrocarbon compounds in the samples collected. However, there were detectable concentrations of organochlorine pesticides and PCBs in samples collected from possible drainage accumulation and pesticide usage on site. These concentrations were within the allowable Preliminary Remedial Goals (PRGs) for the Project.

During the Project's construction and operation, it is likely that materials such as fuels, lubricants, solvents, cleansers, and paints will be transported to and from the site. The use and transport of these materials and all potentially hazardous materials would be handled according to the appropriate State and Federal regulations. Adherence to existing regulations as they relate to the handling and transport of potentially hazardous materials during construction would reduce impacts associated with this issue to a less than significant level and no mitigation is required. (DEIR, pgs. 4.6-6 through 4.6-11)

b. Hazardous Material Sites

Potential Significant Impact: Whether the Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Findings: Potential impacts of the Project related to hazardous material sites are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to hazardous material sites and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, a database review was conducted for both of the Phase 1 ESAs conducted for the Project site. Based on the database review, the Project site is not included on the State of California Hazardous Waste and Substances Site List (Cortese list) pursuant to the California Code (Section 65962.5). The Project site is not listed in the NPL; Corrective Action Order Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list; Emergency Response Notification System (ERNS) list; Resource Conservation and Recovery Act System; Toxic Release Inventory System (TRIS); CAL-SITES Database for Annual Work Plan; California Department of Toxic Substances Control (DTSC); Regional Water Quality Control Board (RWQCB); California Waste Management Board (CWMB); Solid Waste Information System (SWIS); Waste Management Units Database System (WMUDS); California Border Zone Properties (Deed Restriction Properties); DTSC Hazardous Waste and Substances Site List (Cortese list); or any Leaking Underground Storage Tank (LUST) database.

Because the Project site is not identified on a list of hazardous materials sites, the potential that the development of the site would create a significant hazard to the public or environment is less than significant. In addition, the results of the site investigations performed by RM Environmental indicate that no significant amount of any hazardous material exists on site. Therefore, impacts associated with this issue are less than significant and no mitigation would be required. (DEIR, pgs. 4.6-11 through 4.6-12)

c. Existing or Proposed Schools

Potential Significant Impact: Whether the Project would create hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings: Potential impacts of the Project related to existing or proposed schools are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of

the Project will not result in significant impacts related to existing or proposed schools and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, at the time the NOP for the proposed Project was released, the Moreno Valley Unified School District (MVUSD) had identified three potential school sites within the Project vicinity. Of these potential school sites, High School #5 was the closest planned school to the Project site as it was to be located on the adjacent parcel east of the Project site. Due to MVUSD concerns regarding the placement of schools in areas that may be rezoned with warehousing uses, MVUSD has made a decision to abandon the development of these school facility projects on the identified sites.³ Therefore, no planned school facilities would be located adjacent to or within 0.25 mile of the Project site. Since there are no schools planned, proposed, or operating within 0.25 mile of the Project site, no impacts associated with this issue would occur and no mitigation is required. (DEIR, pgs. 4.6-12 through 4.6-13)

³ *Resolution No. 2007-08-8*, Board of Education of the Moreno Valley Unified School District, April 15, 2008.

d. Emergency Response Plan

Potential Significant Impact: Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Findings: Potential impacts of the Project related to emergency response plans are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to emergency response plans and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, in February 2006, the County of Riverside, in cooperation with the cities and special districts, completed its Emergency Operations Plan (EOP). The EOP establishes the emergency organization, assigns tasks, specifies general procedures, and provides for coordination of planning efforts of the various emergency staff and resources.

Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the passage of people and vehicles through/around any required road closures. During the operational phase of the proposed Project, on-site access for fire and emergency vehicles would be required to comply with standards established by the City Public Works Department. The size and location of fire suppression facilities (e.g., hydrants) and fire access routes would be required to conform to Fire Department standards. As required of all development in the City, the operation of the proposed Project would be required to conform to applicable Uniform Fire Code standards. The submittal of such plans would be considered a condition of approval, which would be part of the permitting process initiated by the applicant and approved by the City in accordance with City standards. As with any development, access to and through the Project would be required to comply with the required street widths, as determined in the General Plan Circulation Element, and the Uniform Fire Code. Therefore, implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No significant impact would occur and no mitigation is required. (DEIR, pg. 4.6-13)

e. Wildland Fires

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildland.

Findings: Potential impacts of the Project related to wildland fires are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildland fires and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, the Project site is not located within a “High Fire Hazard Area” or within an area susceptible to wildfires identified by the City of Moreno Valley. Areas surrounding the Project site consist of urban, built, and open space. Because of lack of abundant vegetation and the extensive amount of development within the vicinity of the Project site, on-site and adjacent areas do not have the capability to support a wildfire. The proposed uses on site do not typically create a fire hazards nor are they subject to wildland fire hazards due to the type of construction materials used. The Project will be designed and constructed to comply with adopted standards and guidelines for fire protection. Irrigated landscaping will surround Project buildings, and are required to include fire suppression features by law. Due to the location of the fire station adjacent to the Project in the northwest corner and the low probability that the Project site would be subject or susceptible to wildland fires, no significant impact related to this issue would occur. No mitigation is required. (DEIR, pgs. 4.6-13 through 4.6-14)

f. Cumulative Impacts from Hazards and Hazardous Materials

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would cumulatively increase the risk of hazardous materials and exposure to hazardous materials.

Findings: Potential impacts of the Project related to cumulative hazardous materials impacts are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to cumulative hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, the proposed Project would not result in significant cumulative impacts associated with the routine transport, use, and disposal of hazardous materials; or the emission or handling of hazardous substances. As areas of the eastern portion of Moreno Valley continue to develop, the amount of truck traffic is expected to increase in proportion to the amount of industrial or commercial development that take place in the area. The trucks traveling in the area of the Project and the surrounding areas may contain hazardous materials as well as contribute to emission in the cumulative area. Accidental spills and leaks are unplanned occurrences. It is impossible to predict the occurrences of such events and the likelihood of such events occurring in close proximity to

each other at the same time is very small; therefore, such events cannot be considered cumulatively significant.

As anticipated in the City's General Plan, demographic increases, continued retail and service demands, and the availability of vacant property will lead to the new residential, commercial, and industrial development in the City and surrounding area. While the project-specific hazardous material impacts of individual development projects will be addressed separately in future CEQA documents, anticipated future development will contribute, through increases in the number of locations that sell, store, transport, or dispose of hazardous materials, to a cumulative increase in risk for hazardous material incidents. As with the proposed Project, it is anticipated that future development projects will be required to adhere to applicable local, State, and Federal requirements that regulate the use, release, storage, sale, and transport of hazardous materials. Such compliance would ensure that the proposed Project will not make a significant contribution to a cumulatively considerable impact in this regard, and no mitigation measures for cumulative impacts are required. (DEIR, pg. 4.6-14)

6. Hydrology, Drainage, and Water Quality

a. Groundwater

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level

Findings: Potential impacts of the Project related to groundwater are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to groundwater and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the proposed Project would obtain water service from the EMWD. It is anticipated that the proposed Project would primarily utilize imported water purchased from Metropolitan. In the event that imported water is not available, this imported water would be supplemented by local groundwater sources.

The implementation of the existing West San Jacinto Groundwater Basin Management Plan would ensure that local groundwater resources are conserved and groundwater overdraft does not occur. If the use of groundwater supplies was necessary, the proposed Project would be required to comply with any future water use restricting regulations further minimizing impacts to groundwater supply.

As identified in the City's General Plan, the proposed Project would not interfere with groundwater recharge as the Project site is not identified as a groundwater recharge area.⁴ Therefore, the proposed Project would not interfere with groundwater recharge activities. Impacts associated with this issue are less than significant and no mitigation measure is required. (DEIR, pg. 4.7-14)

b. Flooding-Related Impacts

Potential Significant Impact: Whether the Project would place within a 100-year flood hazard area structures that would impede or redirect flood flows.

Findings: Potential impacts of the Project related to flooding are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to flooding and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, flooding in the City of Moreno Valley could result from intense storms resulting in rapid runoff. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) identify areas subject to flooding during the 100-year storm.⁵ Based on these FIRMs and the Project site does not fall within a 100-year flood zone.⁶ The proposed Project is industrial in nature and the implementation of the proposed Project would not result in the placement of housing within a 100-year floodplain. Because the Project site does not lie within a 100-year floodplain and does not include housing, impacts related to this issue are less than significant. No further discussion or mitigation is required. (DEIR, pgs. 4.7-14 through 4.7-17)

c. Drainage Pattern-Related Impacts

Potential Significant Impact: Whether the Project would substantially alter the existing local drainage patterns of the site and substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on or off site.

Findings: Potential impacts of the Project related to drainage patterns are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to drainage patterns and, therefore, no mitigation is required.

⁴ Section 5.7 Hydrology/Water Quality, City of Moreno Valley General Plan Final Program EIR, City of Moreno Valley, July 2006.
⁵ The term "100-year" is a measure of the size of the flood, not how often it occurs. The "100-year flood" is a flooding event that has a one percent chance of occurring in any given year.
⁶ FEMA DFIRM Data, 2008.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the proposed Project would alter the existing drainage patterns and affect surface runoff; however, several BMPs would be designed and installed on site to minimize these alterations, resulting in a less than significant impact. Development of the Project site would result in increased impervious surfaces in the form of roadways, parking lots, and industrial warehouse buildings. The proposed Project incorporates six detention/sedimentation basins for both water quality and quantity control purposes. The Project would also include vegetated swales, detention/sedimentation basins, and sand filters.

Under post-development conditions, all on-site flows would be routed to Quincy Channel. This drainage pattern would mimic the existing drainage pattern, which has flows draining to the Quincy Channel and the unnamed dry wash to the south. Since the unnamed dry wash connects to Quincy Channel farther south of the Project, all flows under existing conditions drain into Quincy Channel. Flows in Quincy Channel are routed to the Perris Valley Storm Drain where flows continue onto the San Jacinto River and eventually reach Lake Elsinore.

Increased runoff from the site could result in substantial erosion of local drainage ways and siltation of downstream receiving waters. However, with the proposed drainage system installed on site, the proposed Project would not produce any post-development peak flow leaving the site larger than the pre-development peak flows leaving the site for the analyzed storms. In addition, because the implementation of various BMPs will reduce off-site flow velocity and volume, erosional runoff and silt volumes would be minimized to the greatest extent practical. Because the proposed Project would maintain existing drainage patterns on site and implement BMPs that would minimize erosion and generation of silt on site, impacts associated with this issue are less than significant and no mitigation measures are required. (DEIR, pg. 4.7-17)

d. Hydrology and Water Quality Cumulative Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have significant cumulative impacts on hydrology and water quality.

Findings: Potential impacts of the Project related to cumulative hydrology and water quality impacts are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to hydrology and water quality and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, increases in the amount and extent of development in the City and surrounding areas will increase the potential for pollutants in runoff, which in turn would affect water quality. The Project's water quality impacts will be mitigated through on-site detention/sedimentation basins and other water pollution control mechanisms such as vegetated swales, sand filters, and storm drain inlet filters. Similar requirements will be placed on all other development in the Project vicinity by the City and the RWQCB, further reducing the potential for cumulative impacts. Since all development within the City is required to account and mitigate for their individual water quality impacts before runoff leaves each individual site, it is reasonable to conclude that water quality would be maintained throughout the cumulative area. Adherence to NPDES, SWPPP, and WQMP requirements will reduce any such cumulative water quality impact to a less than significant level.

Groundwater recharge policies and practices implemented by the RWQCB and local agencies will ensure groundwater supplies are maintained at appropriate levels. As such, no significant cumulative groundwater supply impacts are anticipated to occur with the development of the proposed Project.

The drainage system for the proposed Project would be designed so that runoff from the Project site after Project development is directed to on-site treatment BMPs and flow volumes would be equal to or less than historic conditions at any given discharge location. This same requirement will be placed on all other development in the vicinity of the Project site by the City of Moreno Valley. Therefore, the proposed Project will not make a significant contribution to any cumulatively considerable impacts related to drainage or water quality and no mitigation is required. (DEIR, pgs. 4.7-28 through 4.7-29)

8. Land Use and Planning

a. Physically Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the physically dividing an established community are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to a physical divide of an established community and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 of the DEIR, land uses adjacent to the Project site include residential uses to the southeast, vacant land to the south, commercial uses to the west, SR-60 and residential uses to the north, and active hay/alfalfa production uses to the east. The Project site

does not contain any existing housing, nor does the site complement or constitute part of a community or neighborhood. Based on this information, the proposed Project will physically divide an existing established community. No impact related to this issue would occur; therefore, no mitigation is required. (DEIR, pgs. 4.8-4 through 4.8-5)

b. Conflict with Any Applicable Habitat or Natural Community Conservation Plan

Potential Significant Impact: Whether the Project would conflict with any applicable habitat conservation plan or natural community conservation plan.

Findings: Potential impacts of the Project related to the conflict with any applicable habitat conservation plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to a conflict with any applicable habitat or natural community conservation plan and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 in the DEIR, the Project site is located within the MSHCP area.⁷ The Project site is not within an MSHCP criteria cell or habitat linkage. Furthermore, the Project site is not located within an MSHCP mammal or amphibian survey area, Narrow Endemic Plant Species Survey Area (NEPSSA), Criteria Area Plant Species Survey Area (CAPSSA), or a riparian, wetland, or vernal pool habitat/species survey area.⁸

While the Project site is not within any conservation area delineated in the MSHCP, the Project is still subject to provisions of the MSHCP. In particular, the Project proponent will be required to provide payment of mitigation fees and adhere to the requirements established in the MSHCP. Pursuant to agreements with the USFWS and the CDFW, the payment of the mitigation fees and compliance provisions of the MSHCP provides full mitigation under the CEQA, FESA, and CESA for impacts to the species and habitats covered by the MSHCP. Since the City has adopted the MSHCP and its requirements and provisions, and since the Project is within the City, the proposed Project would be required to adhere to applicable MSHCP requirements and fees. Therefore, the proposed Project would not conflict with any applicable HCP and no significant impact associated with this issue would occur. No mitigation would be required. (DEIR, pg. 4.8-4)

c. Cumulative Land Use Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and foreseeable future projects would incrementally affect biological resources.

Findings: Potential impacts of the Project related to cumulative land use impacts are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of

⁷ City of Moreno Valley General Plan Final Program EIR, Figure 5.9-4 Reche Canyon/Badlands Area.

⁸ <http://www.rctlma.org/gis/rciprepgen.html>, site accessed December 4, 2007.

the Project will not result in significant cumulative impacts related to land uses and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 of the DEIR, implementation of the proposed Project represents establishment of new land uses within the currently undeveloped Project site that would result in an intensification of permitted land uses associated with a land use change from Business Park and Residential to Light Industrial uses, changes to the General Plan Circulation Element, and the loss of the Primary Animal Keeping Overlay (PAKO) associated with the RA-2 zone. However, the proposed Project is generally consistent with regional plans and planning efforts, although it is not fully consistent with the SCAG's RTP and Compass Blueprint Plan because it eliminates some housing in favor of industrial employment uses. It will incrementally improve the City's long-standing jobs/housing ratio, which is also a regional goal of the various SCAG plans. It is also not consistent with existing General Plan land use designations, objectives and policies, nor is it consistent with existing zoning designations on the site. For these reasons, a General Plan Amendment and Zone Change are proposed for consideration by the City.

The proposed changes in land use will also result in a loss of up to 584 (R-15) multi-family residential units, many of which could have contributed to the City's affordable housing supply at some point in the future. However, this was determined to be a less than significant Project impact on local housing because the City's Housing Element identifies over twice as much potential affordable housing as the City's RHNA allocation, so it will not make a significant contribution to a cumulatively considerable impact on regional housing.

The Project would also not make a similar cumulatively considerable land use impact relative to dividing an established community or conflicting with an approved habitat conservation plan and no mitigation is required. (DEIR, pgs. 4.8-17 to 4.8-18)

8. Noise

a. **Airport Noise**

Potential Significant Impacts: Whether a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would result in exposure of people residing or working in the Project area to excessive noise levels. Or if a Project within the vicinity of a private airstrip, would expose people residing or working in the Project area to excessive noise levels.

Findings: Potential impacts of the Project relating to airport noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to airport noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the proposed Project site is located approximately 5 miles northeast of the March Air Reserve Base. Aircraft operations from the airport currently contribute intermittent single-event noise. However, the proposed Project is not identified as being within the noise or safety contours delineated for the MARB Airport. The proposed Project is not located within two miles of a public or private airport; therefore, the proposed Project would not have the potential to expose people to excessive noise levels from airport operations and no impact regarding this issue would occur with implementation of the proposed Project. No mitigation is required. (DEIR, pg. 4.9-10)

b. Ground-Borne Vibrations

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the Project site is not located near steel-wheeled trains. Additionally, roadways in the Project area are either paved or would be paved and would not result in traffic driving over rough roads. Construction activities for the Project site do not include blasting or pile driving. The primary vibratory source during the construction of the proposed Project would be large bulldozers. Based on published data, typical bulldozer activities generate an approximate vibration level of 0.089 in/sec at a distance of 25 feet. At the distance of the nearest residence to the Project boundary (about 50 feet) the estimated vibration level will be 0.0415 in/sec. While heavy-duty earthmoving equipment would be used during the construction phase of the Project, the level of vibration would not be excessive or permanent, nor would it exceed the level at which building damage typically occurs. Therefore, impacts from construction-related groundborne vibration construction would be less than significant and no mitigation is required. (DEIR, pg. 4.-11)

c. Long-Term Traffic Noise

Potential Significant Impact: Whether the Project would result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Findings: Potential impacts of the Project related to long-term noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to long-term noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the *Noise Impact Analysis* (Appendix H) indicates that implementation of the proposed Project would result in relatively minor changes in traffic noise levels except along Eucalyptus Avenue between Moreno Beach Drive and Driveway A. The largest Project-related increase in traffic noise would be along Eucalyptus Avenue/Fir Avenue between Auto Mall Drive and Redlands Boulevard. This segment would experience a 13.6 dBA increase over the baseline (with the Project) scenario and a 13.3 dBA increase over the baseline (with the Project) scenario in opening year (2012). In addition, the roadway segment along Eucalyptus Avenue between Moreno Beach Drive and Auto Mall Drive would experience a 4.5 dBA increase over the baseline scenario in 2012. However, no noise-sensitive uses exist or are planned near either roadway segment.

For the Project build out year (2035) analysis, the greatest increase in noise levels is along Eucalyptus Avenue between Auto Mall Drive and Redlands Boulevard, where an increase of up to 1.3 dBA is predicted, with the ambient noise level predicted to be 71.6 dBA at 50 feet from the centerline of the street. In addition, the greatest increases in noise levels associated with the General Plan Build Out Year is along Eucalyptus Avenue between Auto Mall Drive and Redlands Boulevard, where an increase of up to 0.9 dBA is predicted, with the ambient noise level predicted to be 73.0 dBA at 50 feet from the centerline of the street. However, no noise-sensitive uses exist or are planned near the roadway segment. Therefore, noise impacts at the roadway segments where an increase of more than 3.0 dBA would occur are considered less than significant because there are no sensitive receptors located along the roadway segments that would be affected. All other roadway segments would have an increase in noise of less than 3.0 dBA, which would not be perceptible to the human ear in an outdoor environment. Therefore, impacts would be less than significant and no mitigation measures would be required for off-site areas. (DEIR, pgs. 4.9-11 to 4.9-19)

d. Long-Term Operational Noise

Potential Significant Impact: Whether the Project would cause exposure of persons to or generation of noise levels in excess of standards established in the City of Moreno Valley General Plan, Moreno Valley Municipal Code, or applicable standards of other agencies.

Findings: Potential impacts of the Project related to long-term operational noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to long-term operational noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, potential long-term stationary noise impacts would primarily be associated with operations at the proposed warehouse and the light industrial uses. The proposed on-site uses would generate noise from truck delivery, loading/unloading activities at the loading areas, and other noise-producing activities within the parking lot. Through distance divergence, attenuation, and building shielding these sources of noise would be reduced to less than significant levels; and no mitigation is required. (DEIR, pgs. 4.9-20 to 4.9-22)

e. Noise Impacts to Adjacent Future Development

Potential Significant Impact: Whether the Project would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Findings: Potential impacts of the Project related to noise impacts to adjacent future development are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to noise impacts to adjacent future development and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, based on the land use assumptions for the future LADP Project, residential development would be located along the southern Project boundary between the proposed Project and the proposed LADP. It is anticipated that the proposed Project site would be fully developed prior to the occupation of any dwelling units in LADP; therefore, no construction-related noise impacts to future adjacent sensitive receptors would result from development of the proposed Project. Also, the proposed on-site uses would generate noise from truck delivery, loading/unloading activities at the loading areas, and other noise-producing activities within the parking lot. Through distance divergence, attenuation, and building shielding these sources of noise

would be reduced to less than significant levels. Therefore, a less than significant impact would occur to adjacent future development and no mitigation is required. (DEIR, pgs. 4.9-23 to 4.9-24)

f. Cumulative Noise Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future Project would cause cumulative noise impacts within the City of Moreno Valley.

Findings: Potential impacts of the Project related to cumulative noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Construction crew commutes and the transport of construction equipment, materials, and fill to the site for the proposed Project would incrementally increase noise levels on access roads leading to the site. Secondary sources of noise would include noise generated during excavation, grading, and building erection on the Project site. Although it is unlikely that adjacent properties will be developed at the same time as the proposed Project, if adjacent properties are developed at the same time as the proposed Project, implementation of the stated mitigation measures in Section 4.9 of the DEIR would render the cumulative impacts of the proposed Project to less than significant levels.

Section 4.9 of the DEIR compared cumulative noise levels that would occur both with and without the Project. According to the analysis the proposed Project would not expose sensitive uses located adjacent to area roadways to excessive noise levels. The future roadway noise assessment concludes that there will be no significant roadway noise impacts associated with cumulative and cumulative plus Project conditions. Therefore, there are no projects that would, in combination with the proposed Project, produce significant noise impacts to sensitive land uses from on-site operational noise. Thus, no cumulatively considerable noise impacts are expected to occur in this area, and the proposed Project will not make a significant contribution to cumulative noise impacts, so no mitigation measures are required. (DEIR, pg. 4.9-27)

9. Population and Housing

a. Population Growth

Potential Significant Impact: Whether the Project would induce substantial population growth in an area, either directly (e.g., new homes and businesses) or indirectly (e.g., extension of roads and infrastructure).

Findings: Potential impacts of the Project related to population growth are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to population growth will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.10 of the DEIR, the development of the proposed on-site warehouse distribution uses would create new jobs in the local economy. The proposed Project would generate up to 1,532 job opportunities.⁹ The new employment opportunities resulting from development of the proposed warehouse uses would improve the City's current jobs-to-housing ratio by providing jobs to local residents. While the places of residence of the persons accepting employment provided by the proposed uses is uncertain, due to the City's projected jobs-to-housing ratio, it is reasonable that a large percentage of these jobs would be filled by persons already living within the City or Project area; therefore, no significant increase in population of the City would result from the development or operation of the proposed on-site uses. In the absence of a significant impact, no mitigation is required. (DEIR, pgs. 4.10-3 to 4.10-5)

b. Displace Substantial Housing/People

Potential Significant Impact: Whether the Project would displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere.

Findings: Potential impacts of the Project related to displacement of housing or people are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to displacement of housing or people will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.10 of the DEIR, the Project site has not been historically utilized for residential uses, and no residential structures are currently located within the Project limits. The construction and operation of the proposed on-site uses would neither displace existing housing or residents nor require the construction of replacement housing elsewhere in the City. However, the areas currently zoned for residential uses on the site could support up to 681 units. Approximately 80

⁹ 1 employee/1,465 square feet of warehouse use × 2,244,419 square feet of warehouse uses = 1,532 employees.

percent of that potential new housing was in the R15 category, which is considered high enough density to support affordable housing programs. In addition, a portion of the Project site is shown in the latest Housing Element for the City (2008–2014) as a potential location for affordable housing in the future (2011 Housing Element, Vacant Properties Inventory). Development of the site as proposed could eliminate as many as 681 housing units from the site, with 80 percent of those units (548) at a density that is generally accepted as helping to promote housing affordability (15 units per acre) on a regional level. These changes may incrementally hinder the City’s ability to achieve its affordable housing goals in the future. However, the proposed Project would not reduce the City’s potential pool of affordable housing to below its RHNA number; therefore, it would not create a significant impact related to the City’s Housing Element, and no mitigation is required. (DEIR, pg. 4.10-6)

c. Cumulative Population and Housing Impacts

Potential Significant Impact: Whether the Project could cause an increase in population that is substantial in relation to the past, current, and probable future projects.

Findings: Potential impacts of the Project related to cumulative impacts of the proposed Project on housing or population are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to cumulative impacts on housing or population will occur as a result of development of the Project and, therefore, no mitigation is required.

Fact Supporting the Findings: The project includes development of 2.2 million square feet of new industrial uses, but would eliminate the potential for up to 681 new residential units, most of which would be in the R15 category, which can support affordable housing programs. The proposed industrial uses would provide additional employment opportunities for City and area residents. The proposed project, together with the other developments identified in Chapter 3, will serve existing and future cumulative demands for both housing and employment within the City. The proposed uses would not induce significant population or housing growth in areas where growth was not previously anticipated.

10. Transportation

a. Air Traffic Patterns

Potential Significant Impact: Whether the Project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the proposed Project site is located approximately 5.5 miles northwest of the March Air Reserve Base and is not within the designated safety zones or the flight paths established for this facility.¹⁰ The proposed Project does not consist of any uses that would cause changes to air traffic volumes or otherwise affect air traffic patterns. Additionally, the proposed Project does not include any visual, electronic, or physical hazards to aircraft in flight and is not anticipated to disrupt or alter air traffic patterns, including either an increase in traffic levels or a change in location. As such, no impacts associated with this issue would occur and no mitigation is required. (DEIR, pg. 4.11-16)

b. Design Features or Incompatible Uses

Potential Significant Impact: Whether the proposed Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to design features or incompatible uses are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to design features or incompatible uses will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, roadway improvements in and around the Project site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection control as well as incorporate design standards tailored specifically to site access requirements.

The final design of all roadways and intersections within the Project site access would be reviewed by a licensed professional civil engineer to ensure adequate safety when traveling to and from the Project site. The proposed Project does not include any sharp curves or dangerous intersections in its design. Adherence to applicable existing requirements of the City of Moreno Valley consistent with the City's

¹⁰ March Air Reserve Compatibility Plan, December 29, 2004. [http://www.rcaluc.org/filemanager/plan/old//March%20Air%20Reserve%20Base%20\(MARB\).pdf](http://www.rcaluc.org/filemanager/plan/old//March%20Air%20Reserve%20Base%20(MARB).pdf). Accessed June 3, 2008.

Circulation Element Objectives 5.1 (create a safe, efficient, and neighborhood-friendly street system), 5.5 (maximize efficiency of the local circulation system by using appropriate policies and standards to design, locate, and size roadways), and 5.11 (eliminate obstructions that impede safe movement of vehicles, bicyclists, and pedestrians) and other agencies would reduce impacts associated with this issue to a less than significant level and no mitigation is required. (DEIR, pgs. 4-17)

c. Inadequate Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the developers of the proposed Project would be required to design, construct, and maintain structures, roadways, and facilities to provide for adequate emergency access and evacuation. Construction activities, which may temporarily restrict vehicular traffic, would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. The proposed Project design would be submitted to and approved by the City's Fire and Police Departments prior the issuance of building permits. Adherence to applicable existing requirements of the City of Moreno Valley and other agencies would reduce impacts associated with this issue to a less than significant level and no further discussion is required. (DEIR, pgs. 4.11-17 to 4.11-18)

d. Inadequate Parking Capacity

Potential Significant Impact: Whether the Project would result in inadequate parking capacity.

Findings: Potential impacts of the Project related to parking capacity are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to parking capacity will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the preliminary site plan indicates that 1,091 automobile parking spaces are provided, which includes spaces for employees, drivers, and handicap spaces, and is well above the minimum requirement of 562 spaces. The design of

the proposed Project would be required to comply with parking standards prior to final site plan approval. Adherence to parking standards contained in the Zoning Code would ensure that the proposed Project would not result in inadequate parking capacity. Impacts associated with parking capacity are less than significant and no mitigation is required. (DEIR, pg. 4.11-18)

e. Alternative Transportation

Potential Significant Impact: Whether the proposed Project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the design of the Project would be required to adhere to applicable City of Moreno Valley standards that support and/or facilitate alternative modes of transportation, including but not limited to pedestrian pathways and sidewalks consistent with the City's Circulation Element Objective 5.8. Through the City's Project review process, policies, plans, and/or programs supporting alternative transportation would be reviewed and incorporated as applicable. Consequently, a less than significant impact would occur as a result of the proposed Project and no mitigation is required. (DEIR, pg. 4.11-18)

11. Utilities and Service Systems

a. Solid Waste Facilities

Potential Significant Impact: Whether the Project would be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs.

Findings: Potential impacts of the Project related to solid waste facilities are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, based on a solid waste generation of 0.006 pound per square foot per day for industrial uses, the proposed Project is anticipated

to generate approximately 6.73 tons of solid waste per day (2,456 tons/year). Solid waste from the proposed Project would be hauled by Waste Management of Inland Valley and transferred to the Badlands Sanitary Landfill, located in Moreno Valley, northeast of the Project site. The volume of solid waste generated by the proposed Project per day represents 0.17 percent of the current permitted throughput and 0.29 percent of the current surplus capacity at the Badlands Sanitary Landfill. As adequate daily surplus capacity exists at the receiving landfill, development of the proposed Project would not significantly affect current operations or the expected lifetime of the landfill serving the Project area. No significant solid waste disposal impact would occur and no mitigation is required. (DEIR, pgs. 4.12-3 to 4.12-4)

b. Solid Waste Reduction

Potential Significant Impact: Whether the Project would fail to comply with applicable Federal, State, and local statutes and regulations related to solid waste.

Findings: Potential impacts of the Project related to solid waste reduction are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste reduction will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the Project include paper products, glass, aluminum, and plastic.

Additionally, the proposed Project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the Badlands Sanitary Landfill is reduced in accordance with existing regulations. Impacts are considered less than significant and require no mitigation. (DEIR, pg. 4.12-4)

c. Solid Waste Cumulative Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have an incremental impact on solid waste.

Findings: Potential impacts of the Project related to cumulative solid waste are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to solid waste will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the Badlands Sanitary Landfill has an estimated closure date of 2016, the City's waste hauler will also use other County landfills in the area (e.g., Lamb Canyon Landfill and El Sobrante Landfill). The estimated closure date of the Lamb Canyon Landfill is 2023 and the estimated closure date of the El Sobrante Landfill is 2030. With planned expansion activities of landfills in the Project vicinity and projected growth rates contained

within the City's General Plan EIR, sufficient landfill capacity would exist to accommodate future disposal needs through City build out in 2030. Therefore, build out of the City General Plan would not create demands for solid waste services that would exceed the capabilities of the County's waste management system. Consequently, cumulative impacts associated with solid waste within the City would be considered less than significant and no mitigation is required. (DEIR, pg. 4.12-5)

d. Construction or Expansion of Water Treatment Facility

Potential Significant Impact: Whether the Project would require the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

Findings: Potential impacts of the Project related to construction or expansion of water treatment facilities are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts that would cause the construction or expansion of water treatment facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the water demand required for the proposed Project totals 0.04 and 0.03 percent of the 2015 and 2035 projected Eastern Municipal Water District (EMWD) supplies. The amount of water demand would be within the existing available supply even with a reduction in deliveries from the State Water Project (SWP). Imported sources of water will be supplemented by an increase in desalination of brackish groundwater, recycled water use, and water use efficiency, and implementation of aggressive conservation measures by the EMWD. The proposed Project would not require the construction of new water treatment facilities or expansion of existing facilities, which could cause significant environmental effects. Impacts related to this issue would be less than significant and no mitigation is required. (DEIR, pgs. 4.12-15 to 4.12-16)

e. Adequate Water Supply

Potential Significant Impact: Whether the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed.

Findings: Potential impacts of the Project related to adequate water supply are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to adequate water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the anticipated water demand for the proposed Project is substantially less than what is identified for the General Plan land uses and what was used in the formulation of the 2010 Urban Water Management Plan. The water demand required for the proposed Project would total 0.05 and 0.04 percent of the EMWD's 2015 and 2035 supplies. The Project's water consumption represents substantially less than 1 percent of the consumption yearly capacity and because the EMWD indicates that water to service the Project's proposed industrial uses is available, no significant water supply impacts would occur with implementation of the industrial use, and no mitigation would be necessary. (DEIR, pg. 4.12-17 to 4.12-22)

f. Cumulative Impacts to Water Supply Services

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have a cumulative impact to water supply services.

Findings: Potential impacts of the Project related to cumulative water supply services are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to water supply services will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the projected demand for the EMWD service area for the year 2015 is 213,900 acre-feet per year (AFY). The cumulative projects including the proposed Project would make up approximately 0.11 percent of the projected demand for 2015. For the year 2035, the EMWD service area projected demand is 302,200 AFY. The proposed Project would consist of 0.63 percent of the Project water demand. As the cumulative projects including the proposed Project constitute less than one percent of the projected water demand in both 2015 and 2025, the cumulative impact of the proposed Project would be less than significant.

Metropolitan Water District (Metropolitan) will continue to rely on the plans and policies outlined in its Regional Urban Water Master Plan (RUWMP) and Integrated Regional Water Plan (IRP) to address water supply shortages and interruptions (including potential shut downs of SWP pumps) to meet water demands. Metropolitan has also analyzed the reliability of water delivery through the SWP and the Colorado River Aqueduct. Metropolitan's IRP and RUWMP conclude that, with the storage and transfer programs developed by Metropolitan, there will be a reliable source of water to serve its member agencies' needs through 2035. The EWMD is a member agency of Metropolitan and would have water supplies for projected growth through 2035 in wet, dry, and multiple-dry years, so cumulative impacts to water supply would be less than significant. The proposed Project would connect to existing conveyance

infrastructure and adequate treatment capacity is available, so the proposed Project would not make a significant contribution to any cumulatively considerable impacts on water supply or infrastructure and no mitigation is required. (DEIR, pg 4.12-22)

g. Wastewater Treatment Requirements

Potential Significant Impact: Whether the Project would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB).

Findings: Potential impacts of the Project related to wastewater treatment requirements are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater treatment requirements will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would result in a connection to the sewer line underlying the future Eucalyptus Avenue. The EMWD expects this sewer to be in service once it is necessary for demand expected from the proposed Project. It is anticipated that all wastewater generated by the proposed Project would be routed to and treated by the Moreno Valley Regional Water Reclamation Facility (MVRWRF). The MVRWRF is a Publically Owned Treatment Works (POTW), so operational discharge flows treated at the MVRWRF would be required to comply with the Waste Discharge Requirements (WDRs) for that facility. Compliance with condition or permit requirements established by the City and WDRs at the MVRWRF would ensure that discharges into the wastewater treatment facility system from the operation of the proposed Project would not exceed applicable Santa Ana RWQCB wastewater treatment requirements. Expected wastewater flows from the proposed Project will not exceed the capabilities of the serving treatment plant, so no significant impact related to this issue would occur and no mitigation would be required. (DEIR, pg. 4.12-24)

h. Wastewater Treatment Capacity and/or New or expanded Wastewater Treatment Facilities

Potential Significant Impact: Whether the Project would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it lacks adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Also, whether the proposed Project would require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Findings: Potential impacts of the Project related to wastewater capacity are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater capacity will occur as a result of development of the Project and no new wastewater treatment facilities or expansion of existing facilities would be required, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would result in a connection to the sewer line underlying the future Eucalyptus Avenue. The EMWD expects this sewer to be in service once it is necessary for demand expected from the proposed Project. It is anticipated that all wastewater generated by the proposed Project would be routed to and treated by the MVRWRF. The MVRWRF is a POTW, so operational discharge flows treated at the MVRWRF would be required to comply with the WDRs for that facility. Compliance with condition or permit requirements established by the City and WDRs at the MVRWRF would ensure that discharges into the wastewater treatment facility system from the operation of the proposed Project would not exceed applicable Santa Ana RWQCB wastewater treatment requirements. Expected wastewater flows from the proposed Project will not exceed the capabilities of the serving treatment plant, so no significant impact related to wastewater would occur and no mitigation would be required. (DEIR, pg. 4.12-25)

i. Cumulative Impacts to Wastewater Facilities

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would result in cumulative impacts to wastewater facilities.

Findings: Potential impacts of the Project related to cumulative wastewater facilities are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to wastewater facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would not have a cumulatively significant impact on wastewater infrastructure because the proposed Project would not require the expansion of existing infrastructure; only connections to existing infrastructure would be required by the Project. By adhering to the wastewater treatment requirements established by the Santa Ana RWQCB through the NPDES permit, wastewater from the Project site that is processed through the MVRWRF would meet established standards. As the wastewater from all development within the service area of the MVRWRF would be similarly treated under the NPDES, no cumulatively significant exceedance of Santa Ana RWQCB wastewater treatment requirements would occur.

The proposed Project would not result in significant impacts to wastewater treatment or wastewater treatment facilities. The MVRWRF also plans expand the capacity of the wastewater facility. The ultimate expansion of the MVRWRF will allow it to process 41 mgd of wastewater. The wastewater generation of the listed cumulative projects represents 4.8 percent of the future capacity of the 2013 expansion and 2.5 percent of the ultimate expansion of the MVRWRF. The projected wastewater generation of the cumulative projects represents a small percentage of the average wastewater capacity and, because there are no projects that would, in combination with the proposed industrial uses, result in any significant impact related to wastewater treatment or cause significant environmental effects, the Project will not make a significant contribution to any cumulatively considerable impacts associated with wastewater and no mitigation is required. (DEIR, pg. 4.12-26)

11. Global Climate Change

a. **Greenhouse Gas Plan, Policy, Regulation Consistency**

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to greenhouse gas plans, policies, or regulation consistency are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related greenhouse gas plans, policies or regulations will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.13 of the DEIR, the proposed Project includes a variety of physical attributes and operational programs that would generally contribute to a reduction in operational-source pollutant emissions including GHG emissions. Future development that would occur under the proposed Project would be consistent with state and local greenhouse gas emission reduction strategies and policies. The Project would implement appropriate GHG reduction strategies and would ensure that it does not conflict with or impede implementation of reduction goals identified in AB 32, Governor's Executive Order S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor. In addition, the Project would also be subject to all applicable regulatory requirements, which would also reduce the GHG emissions of the Project. Therefore, the proposed Project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions. Impacts are considered less than significant and no mitigation is required. (DEIR, pgs. 4.13-10 to 4.13-17)

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
- II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including biological resources, cultural and paleontological resources, hydrology, drainage, and water quality, noise (short-term construction), transportation (local intersections), utilities, and global climate change (individually and cumulatively) were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program (MMRP) adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. Air Quality

a. Localized Construction Equipment Exhaust Emissions Impacts

Potentially Significant Impact: The EIR evaluated and concluded that the Project has the potential to exceed short-term construction thresholds.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to sensitive or special status species to less than significant:

4.3.6.3A *Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).*

4.3.6.3B *Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction access roads shall be paved at least 100 feet onto the site from the main road.*

4.3.6.3C *Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all streets within the construction site shall be swept once per day if visible soil materials are carried to adjacent streets.*

Facts in Support of the Finding: SCAQMD has developed LST methodology that can be used to determine whether or not a project may generate significant adverse localized air quality impacts. LSTs represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable Federal or State ambient air quality standard and are developed based on the ambient concentrations of that pollutant for each source receptor area. The emissions of concern from construction activities are NOX, CO, PM₁₀, and PM_{2.5} resulting from on-site combustion emissions from construction equipment and on-site fugitive PM₁₀ dust from construction site preparation activities.

According to Section 4.3 of the DEIR, the air pollutant emission rates for the proposed construction activities are below the localized construction thresholds at the nearest sensitive receptor for CO, NO_x, PM₁₀, and PM_{2.5}. Thus, no mitigation is required. However, implementation of **Mitigation Measures 4.3.6.2A through 4.3.6.2M** and the incorporation of these additional requirements as **Mitigation Measures 4.3.6.3A through 4.3.6.3C** are designed to track both standard requirements and mitigation measures as part of the project's Mitigation Monitoring and Reporting Program (MMRP). Therefore, impacts related to construction exhaust emissions are less than significant. (DEIR, pgs. 4.3-29 to 4.3-30)

2. Biological Resources

a. Candidate, Non-listed Sensitive, or Other Special Status Species

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to affect migratory bird species and 15 non-listed special status species, including burrowing owl.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to sensitive or special status species to less than significant:

4.4.6.1A *If tree removal or clearing and grubbing activities must take place during the general nesting season (February 1 through August 31), a nesting bird survey shall be conducted within seven (7) days prior to any vegetation disturbance activities. If passerine birds are found to be nesting or there is evidence of nesting behavior inside the impact area, an exclusion buffer, to be determined by the appropriate agency (e.g. the City, County, and/or CDFG), shall be set in place around the nest where no vegetation disturbance will be permitted. For raptor species, such as hawks and owls, this buffer may be as large as 500 feet. A qualified biologist shall closely monitor nests until it is determined that they are no longer active, at which time construction activity in the vicinity of nests may continue.*

4.4.6.1B *Prior to site grading, a pre-construction survey shall be required for the burrowing owl to confirm the presence/absence of this species from the site. The survey shall be conducted by a qualified biologist within 30 days prior to ground disturbance, and in accordance with MSHCP survey requirements, to avoid direct take of burrowing owls. If burrowing owls are determined to occupy the project site or immediate vicinity, the City of Moreno Valley Planning Department shall be notified and avoidance measures as identified in Mitigation Measure 4.4.6.1C shall be implemented. Implementation of avoidance measures shall be executed pursuant to the MSHCP, the California Fish and Game Code, and the MBTA, and according the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and reviewed the City of Moreno Valley, the County of Riverside, and/or by the CDFG.*

4.4.6.1C *As recommended in the BUOW Survey and Mitigation Guidelines prepared by the CBOC, no disturbance to an occupied burrow shall occur within approximately 160 feet*

of an occupied burrow during the non-breeding season (September 1 through January 31), or within approximately 250 feet of an occupied burrow during the breeding season (February 1 through August 31). For unavoidable impacts, passive relocation of burrowing owls shall be implemented. Passive relocation shall be conducted by a qualified biologist in accordance with procedures set forth by the MSHCP and California Burrowing Owl Consortium. Passive relocation of occupied burrows supporting a breeding pair of burrowing owls shall be conducted outside of the breeding season pursuant to the California Fish and Game Code and the MBTA.

Facts in Support of the Finding: According to Section 4.4 of the DEIR, one non-listed special status species, grasshopper sparrow, was observed on the site during the burrowing owl survey. Fourteen other non-listed special status species, including burrowing owl, have a low to moderate potential to occur on the site based on existing habitat quality. None of these species is listed as Threatened or Endangered under State or Federal law, all are relatively widespread, and the site does not contain high quality habitat for any of them. Therefore, any impacts to these species by the Project would not be considered significant. Neither additional surveys nor additional conservation measures for these species will be required for the proposed Project, with the exception of burrowing owl.

The planning area may support habitat for bird species protected under the California Fish and Game Code and Migratory Bird Treaty Act (MBTA). If clearing and grubbing activities take place during the general bird nesting season (February 1 through August 31), potential impacts to bird species protected under the California Fish and Game Code and MBTA may occur, therefore **Mitigation Measure 4.4.6.1A** is required.

The Project site also contains habitat suitable to support the burrowing owl. Although burrowing owl was not found on the site during the focused survey, the species is highly mobile, so there is a potential that at some future date prior to Project development, this species may occupy the site. This is a potentially significant impact requiring **Mitigation Measures 4.4.6.1B and 4.4.6.1C**. Implementation of the above-listed mitigation measures would reduce impacts to migratory bird species and non-listed sensitive species to a less than significant level. (DEIR, pgs. 4.4-25 to 4.4-27).

b. Riparian Habitat or Other Sensitive Natural Communities

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to permanently affect 0.36 acre of riparian/riverine habitat and to temporarily affect 0.35 acre of riparian/riverine habitat.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to riparian habitat or other sensitive natural communities to less than significant:

4.4.6.2A *As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. CDFW and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.*

4.4.6.2B *Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.*

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the Project site consists of highly disturbed land from which most natural vegetation has been removed by regular disking for weed abatement and historical citrus cultivation. No special status species plants were recorded on site within the southern and western drainages due to the site's long-standing disturbances and the fact that on-site soils may not be capable of supporting most sensitive plant species.

However, implementation of the proposed Project would result in permanent impacts on 0.36 acre of riparian/riverine areas as a result of the construction of the detention basins, and drain outlets. In addition to permanent impacts, the proposed Project would result in temporary impacts on 0.35 acre of riparian/riverine areas associated with construction activities. Minimal intrusion into the drainages would be necessary and no construction is anticipated in the drainages themselves.

Following construction, temporary impact areas would be restored to their pre-construction contours and revegetated per a Habitat Mitigation and Monitoring Plan (HMMP) to be written for the Project site. The HMMP would be developed to address temporary impacts on riverine/riparian areas subject to jurisdiction under the MSHCP, waters of the United States subject to jurisdiction under Section 404 of the Clean Water Act (CWA), waters of the state subject to jurisdiction under Section 401 of the CWA, and

jurisdictional streambeds subject to jurisdiction under Sections 1600–1616 of the California Fish and Game Code. Therefore, the proposed mitigation design is directed at providing adequate mitigation based on impacts on the largest jurisdictional area (namely, CDFW jurisdictional streambeds). Because implementation of the proposed Project would have impacts on riparian/riverine areas on site, mitigation would be required. Implementation of the **Mitigation Measures 4.4.6.2A and 4.4.6.2B** would reduce impacts to riparian habitat to a less than significant level. (DEIR, pgs. 4.4-29 to 4.4-27)

c. Jurisdictional Waters/Wetlands

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to permanently affect 0.051 non-wetland waters of the United States (US) and 0.362 acre of CDFW jurisdictional area, and to temporarily affect 0.054 acre of non-wetland waters of the U.S. and 0.33 acre of CDFW jurisdictional area.

Findings: Implementation of the following mitigation measures will reduce the potential adverse impacts to jurisdictional waters and wetlands to less than significant:

4.4.6.3A *The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.*

Facts in Support of the Findings: According to Section 4.4 of the DEIR, there is a clear connection to drainages associated with the San Jacinto watershed, and all three drainages (western, southern, and eastern) located on or adjacent to the Project site are determined to be jurisdictional waters of the United States. Implementation of the proposed Project would result in permanent impacts to 0.051 acre (354 linear feet) of non-wetland waters of the US and waters of the State and 0.362 acre (440 linear feet) of state streambed associated with the eastern, southern, and western drainages. In addition to permanent impacts, the proposed Project would result in temporary impacts to 0.054 acre (332 linear feet) of non-wetland waters of the US and waters of the State and 0.33 acre (547 linear feet) of State streambed associated with construction activities. This is a significant impact requiring mitigation.

The proposed on-site restoration of temporary impact areas and the long-term enhancement of off-site riparian/riverine habitat managed by Santa Ana Water Authority provides adequate mitigation for identified impacts to on-site jurisdictional areas. Implementation of the recommended **Mitigation Measure 4.4.6.3A** would reduce impacts to jurisdictional waters to less than significant levels. (DEIR, pgs. 4.4-29 to 4.4-30)

3. Cultural Resources

a. Prehistoric Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on significant archaeological resource pursuant to Section 15064.5.

Finding: Implementation of the following mitigation measures will reduce the impact to unique archaeological resources to less than significant:

4.5.6.1A *Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.*

4.5.6.1B *Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a*

determination of significance pursuant to California Public Resources Code Section 21083.2.

4.5.6.1C *If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.*

4.5.6.1D *Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:*

“If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find.”

4.5.6.1E *If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public*

Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

Facts in Support of the Finding: Based on Section 4.5 of the DEIR, a reconnaissance pedestrian-survey for the Project site was conducted in November 2007. Although the Project site is located within the Moreno Hills Complex, no archaeological resources were identified on the Project site during the field survey, and the cultural resource assessment concluded the Project would have no significant impacts; however, there is a potential for Project grading to disturb previously undiscovered cultural resources. While there is no recorded or surface evidence that archaeological resources are present on site, the Project is located in an area with a high potential of containing prehistoric archaeological resources. Therefore, a potential exists that excavation and construction activities may uncover previously undetected prehistoric or historic cultural resources. This is a potentially significant impact under CEQA and requires mitigation. Adherence to the above **Mitigation Measures 4.5.6.1A** through **4.5.6.1E** would reduce potential impacts to archaeological resources to a less than significant level. (DEIR, pgs. 4.5-6 to 4.5-7)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on significant paleontological resource or site or unique geologic feature.

Findings: Implementation of the following mitigation measures will reduce the impact to unique paleontological resource or unique geologic feature to less than significant:

4.5.6.2A *Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision of a trained paleontological monitor during on-site soil disturbance activities. The monitoring for paleontological resources shall be conducted during the rough-grading phase of the project. In the event that*

paleontological resources are unearthed or discovered during excavation, Mitigation Measure 4.5.6.2C shall apply. Conversely, if no paleontological resources are unearthed or discovered on site during excavation, no additional action is required.

4.5.6.2B *The paleontological monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples of soil shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.*

4.5.6.2C *If paleontological resources are unearthed or discovered during excavation of the project site, the monitoring for paleontological resources shall be conducted on a full-time basis for the duration of the rough-grading of the project site. The following recovery processes shall apply:*

- *Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.*
- *All fossils collected during the project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.*
- *A report documenting the results of the monitoring and salvage activities and the significance of the fossils shall be prepared.*
- *All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.*

4.5.6.2D *Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:*

“If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius

around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.”

Facts in Support of the Findings: According to Section 4.5 of the DEIR, the proposed Project site is located within an area that has a high potential to contain near-surface Pleistocene fossils.¹¹ The paleontological literature search indicated that there is potential for significant, nonrenewable resources that to encountered during onsite construction activities. Therefore, a paleontological resources impact mitigation program (PRIMP), including excavation monitoring by a qualified paleontologist, is recommended for earthmoving activities in Pleistocene sediments on the Project site with potential to contain significant, nonrenewable paleontological resources. Although no paleontological resources were identified on site during the field survey, because of the location of the Project site and associated sensitivity for paleontological resources, the potential exists that paleontological resources maybe uncovered during construction. Adherence to the **Mitigation Measures 4.5.6.2A through 4.5.6.2D** will reduce potential impacts to paleontological resources to a less than significant level. (DEIR, pgs. 4.5-7 to 4.5-8)

4. Hydrology, Drainage, and Water Quality

a. Construction-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate water quality standards or waste discharge requirements during construction phases of the Project in form of increased soil erosion, sedimentation, or storm water discharges.

Findings: Implementation of the following mitigation measures will reduce the impact to construction-related water quality to less than significant:

4.7.6.1A *Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State*

¹¹ Ibid.

NPDES General Construction Permit for discharge of storm water associated with construction activities.

4.7.6.1B

Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall submit to the City of Moreno Valley a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include (but shall not be limited to) the following:

- *Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP.*
- *No materials of any kind shall be placed in drainage ways.*
- *Materials that could contribute nonvisible pollutants to storm water must be contained, elevated, and placed in temporary storage containment areas.*
- *All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences.*
- *The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.*
- *Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary.*
- *The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.*

In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

4.7.6.1C *Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project:*

- *The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Moreno Valley and the representatives of the Regional Water Quality Control Board.*

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the construction and grading phases of the project site would require the disturbance of surface soils and removal of existing orange groves and vegetative cover. During the construction period, grading and excavation activities would result in exposure of soil to storm runoff, potentially causing erosion and sediment in runoff. If not managed through Best Management Practices (BMPs), the runoff could cause erosion and increased sedimentation in local drainage ways such as the Quincy Channel. The potential for chemical releases is present at most construction sites in the form of fuels, solvents, glues, paints, and other building construction materials. However, implementation of construction practices and adherence to existing water quality regulations and **Mitigation Measures 4.7.6.1A** through **4.7.6.1C** would reduce these impacts to a less than significant level. (DEIR, pgs. 4.7-21 to 4.7-23)

b. Operational-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate water quality standards or waste discharge requirements during the operational phases of the project in the form of increased soil erosion, sedimentation, or urban runoff.

Findings: Implementation of the following mitigation measure will reduce the impact to operational-related water quality to less than significant:

4.7.6.2A *Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall receive approval from the City of Moreno Valley for a Final Water Quality Management Plan (F-WQMP). The F-WQMP shall specifically identify*

pollution prevention, site design, source control, and treatment control BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. BMPs to be implemented in the F-WQMP may include (but shall not be limited to) the following:

- *Required landscaped areas shall not use decorative concrete or impervious surfaces.*
- *Landscape plans shall incorporate native and drought-tolerant plants, trees, and shrubs. Landscaping shall be maintained weekly and maintenance contractor will properly dispose of all landscape wastes.*
- *Irrigation systems shall be inspected monthly by the landscape contractor to check for overwatering, leaks, or excessive runoff to paved areas. Timers will be used to prevent overwatering.*
- *Signage will be inspected and maintained twice a year for legibility.*
- *Outdoor Loading/Unloading truck docks shall be kept in a clean and orderly condition with weekly inspections, continuous monitoring and immediate cleanup of spills.*
- *Parking area maintenance shall be swept or vacuumed at least quarterly, if there is any trash or debris in between the routine sweeping, it shall be swept or vacuumed immediately.*
- *Trash enclosures will be inspected and maintained weekly or as needed by maintenance contractor.*
- *On-site extended detention/sedimentation basins and sand filters will treat all of the site's runoff via vegetated swales and will be maintained and inspected at least twice a year and prior to October 1.*
- *Additional BMPs will be documented in the WQMP and utilized if necessary.*

In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the proposed Project would result in the conversion of existing on-site permeable surfaces to impermeable surfaces, thereby altering the current drainage pattern. Upon development of the proposed on-site uses, storm runoff from the roadways, parking lots, and buildings may carry a variety of pollutants such as sediment, pathogens, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser extent) trace metals such as zinc, copper, lead, cadmium, and iron, which may lead to the degradation of storm water in downstream channels. These impacts to water quality are considered significant impacts that require mitigation. **Mitigation Measure 4.7.6.2A** has been identified to reduce impacts to water quality to less than significant.

The proposed Project would also incorporate on-site drainage that would have hydrodynamic infrastructure components that would meet City and County water quality requirements. Through the use of site design BMPs, source control BMPs, and treatment control BMPs, the resulting pollutant loads coming from the proposed Project would be reduced thereby ultimately reducing pollutants discharged from urban storm water runoff to surface water bodies. Because adherence to the requirements of the NPDES permit, which include implementation of the BMPs outlined in the WQMP, would be required by the City during the operation of the proposed Project, potential water quality impacts resulting from storm water and urban runoff would be reduced to a less than significant level. (DEIR, pgs. 4.7-23 to 4.7-26)

c. Drainage Capacity-Related Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Findings: Implementation of the following mitigation measure will reduce the impact to drainage to less than significant:

4.7.6.3A *Prior to the approval of a rough grading plan, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations.*

Facts in Support of the Findings: According to Section 4.7 of the DEIR, development and operation of the proposed Project would result in the generation of the additional storm water flows that would be

above those generated in existing site conditions. With the construction and maintenance of adequate storm water drainage systems, through the adherence of **Mitigation Measure 4.7.6.3A**, impacts would be less than significant. In addition, the design and installation of the proposed drainage improvements will be required to adhere to applicable City and County standards. (DEIR, pgs. 4.7-26 to 4.7-28)

5. Noise

a. Short-Term Construction Noise

Potential Significant Impact: The EIR evaluated and concluded that noise levels from grading and other construction activities for the proposed Project may range up to 91 dBA at the closest residences southeast of the Project site for very limited times when construction occurs near the Project's boundary. Construction-related noise impacts from the proposed Project would be potentially significant.

Finding: Implementation of the following mitigation measures will reduce potential short-term construction noise impacts to less than significant:

4.9.6.1A *During all project site excavation and grading on site, the project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.*

4.9.6.1B *The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site.*

4.9.6.1C *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest to the project site during all project construction.*

4.9.6.1D *During all project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer for specific construction activities that must be conducted outside of the permitted time periods.*

Facts in Support of the Finding: According to Section 4.9 of the DEIR, two types of short-term noise impacts could occur during the construction of the Project. First, construction crew commutes and the

transport of construction equipment and materials to the site for the proposed Project would incrementally increase noise levels on access roads leading to the site. The second type of short-term noise impact is related to noise generated during excavation, grading, and building erection on the Project site. Construction of the proposed Project is expected to require the use of scrapers, bulldozers, and water and pickup trucks. The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. The maximum noise level generated by each scraper on the proposed Project site is assumed to be approximately 87 dBA L_{max} at 50 feet from the scraper. Each bulldozer would generate approximately 85 dBA L_{max} at 50 feet. The maximum noise level generated by water and pickup trucks is approximately 86 dBA L_{max} at 50 feet from these vehicles. Each doubling of the sound sources with equal strength increases the noise level by three (3) dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, the worst-case composite noise level during this phase of construction would be 91 dBA L_{max} at a distance of 50 feet from the active construction area.

The nearest noise-sensitive receptor locations to the Project site are existing residences approximately 50 feet to the southeast. These nearest residents may be subject to short-term, intermittent, maximum noise reaching 91 dBA L_{max} , generated by construction activities on the Project site. This noise level would exceed the City's exterior noise standard of 60 dBA¹² CNEL for residential uses. However, no significant construction noise impacts would occur if construction of the proposed Project would occur within the permitted hours of 6:00 a.m. to 8:00 p.m. of any working day, and within the permitted hours of 7:00 a.m. and 8:00 p.m. on Sundays and Federal holidays. Compliance with the construction hours specified in the City's Municipal Code would result in construction noise impacts that are less than significant. While impacts would be considered less than significant as long as construction activities occur within the designated hours identified in the City's Municipal Code, mitigation measures have been identified to reduce the noise levels that would expose nearby sensitive receptors to noise levels in excess of the City's noise standards.

¹² Chapter 11.80.030 Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley.

With adherence to the City's designated construction hours and with implementation of the proposed **Mitigation Measures 4.9.6.1A through 4.9.6.1D**, potential short-term construction noise impacts would be reduced below the level of significance. (DEIR, pgs. 4.9-25 to 4.9-27)

6. Transportation

a. Future Year 2035 with Project Conditions (Intersection) Traffic and Level of Service

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Findings: Implementation of the following mitigation measures will reduce the impact related to future traffic LOS to less than significant:

4.11.6.4A. *Prior to issuance of a Certificate of Occupancy the project applicant shall construct the following traffic improvements:*

- *Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*
- *Redlands Boulevard/Fir Avenue/Eucalyptus Avenue. If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and add a northbound left-turn lane and a southbound left-turn lane.*

If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.

4.11.6.4B *Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:*

- **Moreno Beach Drive/SR-60 Eastbound Ramps.** *The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the*

design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location. This project is scheduled to go into construction by the end of this year and completed by the end of 2013.

- ***Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*
- ***Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound left-turn lane and a southbound left-turn lane.*

4.11.6.4C *Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:*

- ***Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- ***Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF would mitigate the significant impact at this location.*
- ***Moreno Beach Drive/Alessandro Boulevard.** Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF would mitigate the significant impact at this location.*
- ***Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is listed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Add a northbound through lane. The Redlands Boulevard/SR-60 Interchange reconstruction would implement the*

northbound through lane. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

- **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** Install a traffic signal. Add a westbound right-turn lane and provide overlap phasing for the westbound right turns. Add a westbound left-turn lane and an eastbound left-turn lane. These improvements are programmed in the City's DIF program. Add a northbound left-turn lane a southbound through lane and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Eucalyptus Avenue.** Add a southbound right-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMFs would mitigate the significant impact at this location.
- **Redlands Boulevard/Alessandro Boulevard.** Add a southbound left-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMFs would mitigate the significant impact at this location.

4.11.6.4D Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program. At some locations, the DIF and TUMFs would not fully mitigate the projects impact. For these locations, additional improvements shall be implemented by the project applicant prior to the issuance of a certificate of occupancy for the project:

- **Nason Street/Eucalyptus Avenue.** Add a northbound right-turn lane. This improvement is programmed in the City's DIF; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair

share (calculated to be 1.76%) toward restriping the westbound approach to provide dual left-turn lanes

- **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.4%) toward modification of the traffic signal to provide overlap phasing for the eastbound right-turn lane.
- **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- **Moreno Beach Drive/Eucalyptus Avenue.** Convert the existing eastbound through lane to a left-turn lane and the eastbound right-turn lane to a shared through/right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 8.63%) toward modification of the traffic signal to provide right-turn overlap phasing for the westbound right turn.
- **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF would mitigate the significant impact at this location.
- **Moreno Beach Drive/Alessandro Boulevard.** Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.

- **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact.
- **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, and a westbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, southbound left-turn lane, northbound through lane, northbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

4.11.6.4E Prior to issuance of building permits, the project applicant shall implement the following improvements, either through fees paid to the City of Moreno Valley based on the City's DIF

system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley as noted below:

- **Nason Street/Eucalyptus Avenue.** Add a northbound right-turn lane and an eastbound right-turn lane. These improvements are programmed in the City's DIF; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.6%) toward modification of the traffic signal to provide right-turn overlap phasing for the eastbound and northbound right turns.
- **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.35%) toward the addition of an eastbound left-turn lane and modification of the traffic signal to provide overlap phasing for the westbound right-turn lane.
- **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- **Moreno Beach Drive/Eucalyptus Avenue.** Restripe eastbound approach to dual left-turn lanes and add a northbound through lane, a westbound through lane, and a southbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this

*intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 5.17%) toward modification of the traffic signal to provide right-turn overlap phasing for the southbound right-turn lane.*

- **Moreno Beach Drive/Cottonwood Avenue.** *Add a southbound through lane, a northbound through lane, an eastbound left-turn lane, an eastbound through lane, a westbound through lane, and a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Alessandro Boulevard.** *Add 2 southbound through lanes, add 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Auto Mall Drive/Eucalyptus Avenue.** *Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Redlands Boulevard/SR-60 Westbound Ramps.** *Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Redlands Boulevard/SR-60 Eastbound Ramps.** *The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** *Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, a westbound right-turn lane with overlap phasing, and a southbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, a southbound left-turn lane, a northbound*

through lane, a northbound left-turn lane, and a northbound right-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the TUMF would also partially mitigate the significant impact at this location. In addition, the project shall pay a fair share (calculated to be 10.44%) of the cost of adding a southbound left-turn lane.

- **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane, a northbound through lane, a southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Cottonwood Avenue.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a northbound through lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, a southbound through lane, a westbound through lane, and an eastbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

4.11.6.4F *If the Encilia Avenue and Quincy Street Connection plan is implemented as part of the proposed project, then prior to issuance of building permits, the project applicant shall implement the following improvements: In addition to those identified in **Mitigation Measure 4.11.6.4E**, either through fees paid to the City of Moreno Valley based on the City's DIF*

system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley as noted below:

- **Moreno Beach Drive/Eucalyptus Avenue.** Restripe the southbound shared through/right-turn lane to a southbound through lane. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would mitigate the impacts of the project at this intersection.
- **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** Pay the fair share (calculated to be 10.84%) to add a southbound right-turn lane.
- **Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program. In addition, add a northbound left-turn lane, northbound through lane, southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF program. Therefore, payment of the DIF and TUMF would fully mitigate the impact of the project at this intersection.
- **Moreno Beach Drive/Encilia Avenue.** Install a traffic signal, add a northbound through lane, southbound left-turn lane, and a southbound through lane. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would mitigate the impacts of the project at this intersection.

Facts in Support of the Findings: Future Year (2035) with Project conditions considers the addition of traffic generated by the proposed project to Future Year (2035) Baseline conditions. The addition of project traffic to the Future Year (2035) scenario would result in conditions exceeding City and Caltrans LOS standards at twelve intersections.

All of the intersections that are forecast to experience a deficient LOS with the proposed project would also operate with a deficient LOS without the proposed project. Although the proposed project does not cause these intersections to operate at an unsatisfactory LOS, it does contribute to the worsening of the intersections' LOS and therefore mitigation would be required to offset the cumulative impact of the project.

Freeway mainline and ramp junctions were evaluated in the Future Year 2035 plus Project condition. Nine segments are forecast to operate at an unsatisfactory level of service in the Future Year 2035 Cumulative plus Project condition. The Traffic Study for the proposed Project also analyzes the Future

Year 2035 plus Project conditions a.m. and p.m. peak hour ramp merge-diverge volumes and levels of service for the freeway segments on SR-60. Nine ramp junctions are forecast to operate at an unacceptable level of service in the future Year 2035 plus Project condition. (DEIR pgs. 4.11-25 to 4.11-27)

According to Section 4.11 in the DEIR, with the implementation of the recommended improvements, the minimum level of service standards would be maintained for the Future Year (2035) with Project scenario and impacts would be reduced to a less than significant level for all identified intersections. In addition, reconstruction of the interchanges at the location of the deficient freeway ramp intersections identified in **Mitigation Measure 4.11.6.2D** are already programmed into the TUMF program. It is anticipated that by future year (2035) improvement to the identified freeway ramps and intersections would be built through the TUMF process and coordination by Caltrans, WRCOG, and the City of Moreno Valley. Because the project would pay its fair-share cost associated with these improvements and because such improvements are anticipated to be constructed by the future year (2035), impacts associated with this issue are less than significant after the identified mitigation measures have been implemented. (DEIR, pg. 4.11-35)

**b. General Plan Build Out With Project Conditions (Intersection)
Traffic and Level of Service Impacts**

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Findings: Implementation of **Mitigation Measure 4.11.6.4E** will reduce the impact related to General Plan buildout to less than significant.

Facts in Support of the Findings: General Plan Build Out with project conditions considers the addition of traffic generated by the proposed project to General Plan Build Out baseline conditions. An intersection LOS analysis was conducted to determine General Plan Build Out intersection performance. The addition of project traffic to the General Plan Build Out scenario would result in conditions exceeding City and Caltrans LOS standards at 13 intersections.

All of the intersections that are forecast to experience a deficient LOS with the proposed project would also operate with a deficient LOS without the proposed project. Although the proposed project does not cause these intersections to operate at an unsatisfactory LOS, it does contribute to the worsening of the intersections' LOS and therefore mitigation would be required to offset the cumulative impact of the project. (DEIR, pg. 4.11-28)

According to Section 4.11 of the DEIR, with the implementation of the recommended improvements, the minimum level of service standards would be maintained for the General Plan Build Out with Project scenario and impacts would be reduced to a less than significant level for all identified intersections. However, as noted previously, improvements to the freeway intersections and infrastructure are under the authority of Caltrans. In addition, the deficient freeway ramp intersections identified in **Mitigation Measure 4.11.6.2E** are already programmed into the TUMF program. It is anticipated that by the General Plan Build Out, improvements to the identified freeway ramps and intersections would be built through the TUMF process and coordination by Caltrans, WRCOG, and the City of Moreno Valley. Because the project would pay its fair-share cost associated with these improvements and because such improvements are anticipated to be constructed by the future year (2035), impacts associated with this issue are less than significant after the identified mitigation measures have been implemented. (DEIR, pg. 4.11-37)

7. Utilities and Service Systems

a. Storm Water Drainage Requirements

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Findings: Implementation of the following mitigation measures will reduce the impact to storm water drainage to less than significant:

4.7.6.3A *Prior to the approval of associated project rough grading plan, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations.*

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would route storm water flows from the Project site into Quincy Channel after flows are routed through a combination of water quality basins and sand filters. Due to the installation of impervious surfaces on the Project site, the post-development flows would be higher than the pre-development flows. To avoid a significant impact to the existing drainage capacity, the post-development flows coming from the

proposed Project site are required to be equal to or less than pre-development flows.¹³ To reduce flows to below or equal to pre-development conditions, the on-site storm water flows would be routed to the on-site detention basins¹⁴ before flows are routed off site. While the increase in impervious surfaces attributable to the proposed Project would contribute to a greater volume and higher velocity of storm water flows, the proposed Project's water quality basins would accept and accommodate runoff that would result from project construction at pre-project conditions.

As identified in the Preliminary Hydrology Calculations¹⁵ prepared for the Project, to adequately contain and store the greatest volume that would be generated, the Project site would require a minimum storage volume of 13.6 acre-feet. The proposed amount of storage area (20.3 acre-feet) is greater than the required amount of storage area. Based on this, it appears there is excess capacity of 6.7 acre-feet (20.3 acre-feet – 13.6 acre-feet = 6.7 acre-feet) of storage area available from the on-site detention basins; therefore, the proposed Project appears to have adequate drainage capacity that would result in post-development flows being reduced to pre-development flows before leaving the Project site. However, to ensure that impacts associated with on-site drainage capacity are reduced to a less significant level, the **Mitigation Measure 4.7.6.3A** has been identified to reduce potential impacts to less than significant levels. (DEIR, pgs. 4.12-16 to 4.12-17)

8 Global Climate Change

a. Greenhouse Gas Emissions

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect due to the generation of greenhouse gas emissions (GHGs).

Findings: Implementation of the following mitigation measures will reduce the impact related to greenhouse gas emissions to less than significant:

4.13.6.1A *Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that building features have been incorporated in building*

¹³ As part of the MS4 Permit issuance requirements, projects must identify any Hydrologic Conditions of Concern and demonstrate that changes to hydrology are minimized to ensure that post-development runoff rates and velocities from a site do not adversely affect downstream erosion, sedimentation, or stream habitat.

¹⁴ A detention basin is an area where excess storm water is stored or held temporarily and then slowly drains when water levels in the receiving channel recede. In essence, the water in a detention basin is temporarily detained until additional room becomes available in the receiving channel.

¹⁵ *Preliminary Hydrology Calculations for ProLogis Park Moreno Valley-Eucalyptus TPM 35679*, Thienes Engineering, November 4, 2008.

plans as required by Title 24 of the California Code of Regulations. These features include but are not limited to the following:

- *Exterior windows shall utilize window treatments for efficient energy conservation.*
- *Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets, dual-flush toilets minimizing water consumption by 20 percent from the Building Standards Code baseline water consumption shall be used.*
- *Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating) shall be commissioned by the Commissioning Authority.*
- *Per CALGreen Code, restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.*

4.13.6.1B *Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project:*

- *Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.*
- *Use of “Green Building Materials,” such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.*
- *Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions.*
- *Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants.*
- *Design the project building to exceed the California Building Code’s (CBC) Title 24 energy standard, including, but not limited to, any combination of the following:*

- *Increase insulation such that heat transfer and thermal bridging is minimized.*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
- *Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.*
- *Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping.*
- *Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings.*
- *Install light-colored “cool” roof and cool pavements.*
- *Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.*
- *Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas.*

4.13.6.1C *Prior to the issuance of occupancy permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been be incorporated into the operation of the project:*

- *The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HCF) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO₂]) for refrigeration and fire suppression equipment.*
- *Provide vegetative or man-made exterior wall shading devices for east-, south-, and west facing walls with windows.*
- *Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:*
 - *Install drought-tolerant plants for landscaping.*

- *Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water.*
- *Install water-efficient irrigations systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.*
- *Provide employee education about reducing waste and available recycling services.*

Facts in Support of the Findings: Future development that could occur on the proposed Project site could generate GHG emissions during construction and operation activities. It is anticipated that the majority of energy consumption (and associated generation of GHG emissions) would occur during the project’s operation (as opposed to its construction). The total GHG emissions over the entire construction process are expected to be 2,700 metric tons. Based on a comparison of the proposed Project to the South Coast Air Quality Management District tiered interim GHG significance criteria, the most applicable screening threshold listed is the Industrial at 10,000 ton per year (tpy) CO₂e. The long-term project operational GHG emissions for the proposed Project are 79,000 tpy CO₂e and exceed this threshold; therefore, the project operational GHG emissions are significant. In order to ensure that the proposed Project complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32, the Governor’s EO S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor, **Mitigation Measures 4.13.6.1A through 4.13.6.1C** shall be implemented. The mitigation measure would contribute to a reduction in GHG emissions from energy, mobile, and water usage sources. With implementation of the identified mitigation measures, the proposed Project’s GHG emissions would be reduced to less than significant levels.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: aesthetics (individually and cumulative), agricultural resources (individually and cumulative), air quality (individually and cumulative), cumulative population and housing, and transportation. In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the Project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other

considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Aesthetics (Individual and Cumulative Impacts)

a. Scenic Vistas

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have adverse effects on one or more scenic vistas, notably views of the Box Springs Mountains, the Badlands, Moreno Peak, and the Russell Mountains.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.1 of the DEIR, the nearest sensitive permanent visual receptor to the Project would be the existing single-family residences to the southeast across future Encilia Avenue. In general, views for the residences southeast of the site will change from vacant land to industrial buildings with extensive landscaping including rows of citrus trees to help provide a visual buffer. Permanent views for residences north of SR-60 and transient views for travelers on SR-60 will change as the tops of the proposed industrial buildings will partially block views of the mountains to the south. Despite the provision of ornamental landscaping and citrus trees along the northern, western, and southern boundaries, implementation of the proposed Project would obstruct background views of the distant Box Springs Mountains for residences southeast of the Project, foreground and midground views of travelers on SR-60, and background views of the Mount Russell Range for residences north of SR-60 and along Pettit Street. This obstruction of views is a significant visual impact of the proposed Project. The sizes, heights, and general locations of buildings on the site are limited by the types of uses being proposed as part of this Project. Therefore, there is no feasible mitigation available to reduce impacts related to the loss of this viewshed. Since there is no feasible mitigation available to reduce adverse effects on scenic vistas, impacts associated with this issue would remain significant and unavoidable. (DEIR, pgs. 4.1-9 to 4.1-17)

b. Scenic Resources and Scenic Highways

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have adverse effects on one or more scenic vistas, including views of the Box Springs Mountains and the Badlands for both residents and travelers on SR-60.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas and scenic highways will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.1 of the DEIR, the City of Moreno Valley identifies SR-60 as a local scenic road.¹⁶ According to the City's General Plan, the man-made environment is equally important as natural landforms in terms of scenic values (e.g., buildings, landscaping and signs). Agricultural uses, such as citrus groves, are one example of a man-made environment that constitutes a visually pleasing feature.

Existing views for motorists traveling eastbound and westbound on SR-60 consist of noise attenuation walls, commercial and residential development, landscaping, parking lots, open space, and orange groves in addition to the mountains and badlands in the distance. Development of the proposed Project would alter the existing view by introducing large industrial buildings adjacent to the freeway. Existing eastbound views on SR-60 would be altered with the development of the proposed Project. Motorists would still view noise attenuation walls, urban development, landscaping, and scattered trees as they look to the south, although these views would be of short duration for motorists traveling at normal freeway speeds.

The proposed Project would have highly reflective surfaces at the taller (43 feet) glass veneered office towers, but would not result in development along ridge lines. The proposed Project would result in an increased number of large bulk structures, but would include colors and materials that are compatible with the existing environment. The proposed ornamental landscaping and citrus trees would provide some visual screening. However, the proposed Project would result in the obstruction of most of the Mount Russell Range for motorists traveling on SR-60, so the proposed buildings would obstruct the view of a scenic feature. The proposed Project meets criteria in both the moderate and major visual intrusion categories. In an overabundance of caution, the worst-case scenario is utilized. Therefore, it is anticipated that based on Project design features, the proposed Project would have a major visual intrusion (i.e., significant impact) for motorists traveling on SR-60. Incorporation of the proposed building façades and

¹⁶ *Conservation Element, Figure 7-2 Major Scenic Resources*, City of Moreno Valley General Plan, adopted July 11, 2006.

ornamental landscaping design features will soften the visual appearance of the buildings from SR-60; however, the obstruction of local views will still be significant, and there are no feasible mitigation measures available that would reduce these impacts to less than significant levels. Therefore, impacts associated with this issue would remain significant and unavoidable. (DEIR, pgs. 4.1-17 to 4.1-19)

c. Existing Visual Character or Quality of Site and its Surroundings

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have adverse effects that change the general character of the Project site (e.g., loss of open area), the components of the visual settings (e.g., landscaping and architectural elements), and the visual compatibility between proposed site uses and adjacent land uses.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to the existing visual character of the site will remain significant and unavoidable.

Facts in Support of the Finding: The significance of visual impacts is inherently subjective as individuals respond differently to changes in the visual characteristics of an area. Development of the proposed Project would change the existing character of the Project site from open space to a more urbanized setting with large industrial buildings. The change in the character of the site would constitute a significant alteration of the existing visual character of the Project site.

According to Section 4.1 of the DEIR, the proposed Project features a variety of architectural elements including façade accents such as corner treatments and roof trim. The Project also provides variation in wall planes that serve to avoid an institutional appearance and break up the bulk of the buildings. This variation would create shadow lines at various times of the day. The proposed ornamental landscaping would replace the scattered weedy vegetation. Landscaping on the site would be provided in accordance with City Municipal Code Chapter 9.17, which requires the installation of landscaping on site and the planting of one tree for every 30 linear feet of building dimension that is visible from the parking lot or public right-of-way. As part of conditions of approval for the proposed Project, orange trees would be planted on the northern portion of the Project site adjacent to SR-60 and along the perimeter of the proposed Project site adjacent to the public right-of-way or residential zoning.

Since the Project site is currently vacant, suburban development of any type would cause a fundamental change in the visual characteristics of the Project site. In addition, the site is currently planned for industrial, business park, single-family, and multifamily uses, which would be different in appearance from the proposed industrial warehouse buildings. Of these uses, the lower density housing (R2) is currently designated adjacent to the existing residences southeast of the Project site.

The proposed Project would replace the existing vacant parcel and citrus groves with development that is visually compatible with the existing commercial development to the west and the existing and the approved Ridge industrial development to the east, but it will not be compatible with the residential uses to the southeast or farther to the north across SR-60.

Incorporation of the proposed building façades and landscaping design features will soften the visual appearance of the buildings from both SR-60 and nearby residences; however, the fundamental change in visual character of the area will still be significant. Even with compliance with the City’s General Plan and Municipal Code development guidelines for industrial development, including the 250-foot buffer between industrial and residential land uses, the anticipated fundamental change in views expected in this area will be significant. Due to the heights and masses of buildings needed to accommodate the proposed land uses, no feasible mitigation is available that would reduce these potential impacts to less than significant levels. Therefore, impacts associated with this issue would remain significant and unavoidable. (DEIR, pgs. 4.1-19 to 4.1-21)

d. Cumulative Aesthetics Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could in connection with past, present, and probable future projects adversely affect one or more scenic vistas.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this cumulative impact to a level of less than significant. Accordingly, Project-related cumulative impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The development of the proposed Project would partially obstruct views of surrounding mountain ranges from current vantage points near the Project structures. However, vistas would not be completely obstructed from viewpoints through parking circulation areas, openings between rows of buildings or trees, or at the end of vehicular rights-of-way. Development of lands within the City, particularly along SR-60, would result in the cumulative conversion from open space to a more urbanized land use. The proposed Project would continue a recent development trend in the City to expand industrial uses along the south side of SR-60 east of the City’s Auto Center. This development trend has not yet been incorporated into the City’s General Plan. The proposed Project, in conjunction with other cumulative projects, would be developed in a manner consistent with existing development trends in the City. Since other cumulative projects in the area would include similar distribution uses, it can be anticipated that such uses would have a similar design and massing as the proposed Project. Since

the proposed Project would obstruct views of the surrounding mountains, it can be reasonable to conclude that similar warehouse distribution uses would also obstruct views of the surrounding mountains. In addition, General Plan Policy 7.7.4 in the Conservation Element requires the designation of SR-60 as a local scenic roadway. Therefore, the proposed Project, in combination with other cumulative projects in the eastern portion of the City and along SR-60 would have a cumulatively significant and unavoidable impact on aesthetics (i.e., views and scenic resources) in this portion of the City. (DEIR, pgs. 4.1-21 to 4.1-22)

2. **Agricultural Resources (Individual and Cumulative Impacts)**

a. **Conversion of State Designated Farmland**

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could impact 82.5 acres of Prime Farmland.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to state designated farmland will remain significant and unavoidable.

Facts in Support of the Finding: Section 4.2 of the DEIR identifies several potential agricultural conservation measures contained in the City's General Plan that include: enrolling productive agricultural land into a Williamson Act Contract; providing protection to ongoing agricultural operations from complaints and nuisance complaints from adjacent new development; protecting productive agricultural land subject to conversion through the purchase of or transfer of its development rights; purchasing conservation easements on existing agricultural land to ensure that the land is never converted to urban uses; and donating funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

The potential agricultural conservation measures identified in the DEIR are not considered to be feasible by the City for the following reasons:

Williamson Act Contracts: Williamson Act contracts are entered into voluntarily by property owners and the City cannot force owners to participate in this program. In addition, Williamson Act contracts will result only in temporary preservation of agricultural land since property owners have the option of non-renewal of these contracts at any time after the ten-year contract period ends.

Protecting Existing Agricultural Operations: Providing protection for ongoing agricultural activities from new developments, such as buffers between agricultural operations and new development or requiring the notification and disclosure of agricultural activities to the purchasers adjacent properties, will not permanently protect agricultural land.

Transfer of Development Rights, Conservation Easements, or Agricultural Conservation Bank: The purchase or transfer of development rights, purchase of conservation easements, or donation of funds to assist in the conservation of agricultural land would need to be implemented to ensure the preservation of agricultural land. As stated previously, the City anticipates the conversion of agricultural land within the City and does not set aside land for permanent preservation. The current General Plan does not include any agricultural designations. The City allows agricultural uses in all land use designations as an interim use until such time as the land is developed per the vision identified in the General Plan. One of the goals stated in the City’s recent General Plan is the “...orderly conversion of agricultural lands.” For this reason, the City expects that the majority of the land within the City will be converted to urban uses, although some agriculture will continue as interim uses, as allowed by the City’s Development Code for all zoning categories. The existing and continued reduction in productive agricultural operations within the City is produced by several factors including; urbanization in the City and Inland Empire resulting in dramatically increasing land prices; high water and labor costs; environmental regulation (e.g., insects, odors, groundwater contamination, and solid waste removal); and competition from Kern County and the Central Valley with lower land costs and reduced regulations. (DEIR, pgs. 4.1-10 to 4.1-14)

The City has determined that these measures are economically infeasible and that they are contrary to the City’s vision (as stated in its General Plan) for the Project site and alternative mitigation has not been identified, and impacts related to this issue remain significant and unavoidable. (DEIR, pgs. 4.2-6 to 4.2-9)

b. Conversion of Farmland to a Non-Agricultural Use

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would result in the development of industrial uses on land that has historically been utilized for citrus production.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts from the conversion of farmland to a non-agricultural use will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.2 of the DEIR, the Project site has historically been in agricultural production and was most recently used to grow citrus. The conversion of the Project site to a non-agricultural use is a result of various economic and demographic factors. Increased cost for water and a continuing demand for housing and other development in the City and region are the primary reasons for this agricultural land conversion. A LESA model was also used to evaluate the site. It was determined that the Project LESA score is 85.3, which is considered significant. The Project does not include design features that would prevent the existing agricultural operations in the area from continuing. The Project would convert land that was previously used for agriculture and the development of the proposed Project may contribute to the conversion of adjacent lands. However, the Project is a logical extension of development in the City and does not create leapfrog development or islands of agricultural land that would be difficult to farm. The City recognizes development pressures within the City, and that these pressures will increase as the City continues to build out. Additionally, while the Project would not directly cause the conversion of adjacent agricultural land to non-agricultural uses because it has lain fallow for several years, it would contribute to development pressure within the City that could potentially lead to the conversion of agricultural land off site. However, as stated in the previous discussion of these Findings regarding the conversion of state designated farmland, the City has determined the agricultural conservation measures identified by the City are economically infeasible and that they are contrary to the City's vision (as stated in its General Plan) for the Project site and alternative mitigation has not been identified. Therefore, impacts associated with this issue remain significant and unavoidable. (DEIR, pgs. 4.1-9 to 4.1-10)

c. Cumulative Agricultural Resource Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would have a significant cumulative impact on agricultural resources in Riverside County.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to cumulative state designated farmland will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.2 of the DEIR, the Project-related impacts to Prime Farmland and the conversion of agricultural land to a non-agricultural use cannot be mitigated through a local or regional program to mitigate impacts to agricultural resources. As stated previously, the City does not maintain a General Plan or zoning designation for agricultural uses and there are no Project-

level feasible mitigation measures that would help reduce cumulative impacts. The cumulative effect of development in the region will continue to result in the conversion of agricultural lands to non-agricultural uses. Because agricultural land, including Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance are finite resource, the conversion of approximately 122.8 acres of farmland to industrial uses, combined with planned and future development in the City and region, represents a significant cumulative impact to agricultural operations and resources. As stated in the previous discussion of these Findings regarding the conversion of state designated farmland and conversion of agricultural land to a non-agricultural land use, the City has determined the agricultural conservation measures identified by the City are economically infeasible and that they are contrary to the City's vision (as stated in its General Plan) for the Project site and alternative mitigation has not been identified. Therefore, cumulative impacts to agricultural resources are considered significant and unavoidable. (DEIR, pg. 4.1-11)

2. Air Quality (Project-Specific and Cumulative Impact)

a. Air Quality Management Plan Consistency

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project has the potential to conflict with implementation of regional Air Quality Management Plan and the SIP.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measures 4.3.6.2A through 4.3.6.2M and 4.3.6.3A through 4.3.6.3C** are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the proposed Project will not be consistent with AQMP and the SIP and therefore impacts are considered significant and unavoidable.

Facts in Support of the Finding: An Air Quality Management Plan (AQMP) describes air pollution control strategies to be taken by counties or regions classified as nonattainment areas. The AQMP's main purpose is to bring the area into compliance with the requirements of Federal and State air quality standards. The AQMP uses the assumptions and projections by local planning agencies to determine control strategies for regional compliance status. Therefore, any projects causing a significant impact on air quality would impede the progress of the AQMP. CEQA requires that projects resulting in a General Plan Amendment be analyzed for consistency with the AQMP.

For a Project in the Basin to be consistent with the AQMP, the pollutants emitted from the Project must not exceed the South Coast AQMD significant threshold or cause a significant impact on air quality. One measurement tool in determining consistency with the AQMP is to determine how a Project accommodates the expected increase in population or employment. The proposed Project site is located in an urbanizing area of the City of Moreno Valley along SR-60, which accommodates traffic in the area. In addition, the proposed warehouse uses would be within walking distance of existing homes and commercial areas in the local vicinity. The proposed Project would add jobs resulting from the development of the warehouse uses to the City, with the potential to minimize the VMT traveled within the Project site and community.

The SCAQMD also has the following consistency criteria: the proposed Project cannot result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP; and the proposed Project cannot exceed the assumptions in the AQMP in 2010 or increments based on the year of Project build-out phase.

Implementation of the proposed Project would require a zone change from Business Park (BP), Business Park Mixed Use (BPX), Multi-Family Residential (R-15), Suburban Residential (R-5), and Residential Agriculture (RA-2) to Light Industrial for the entire 122.8 acres. Since the proposed Project will require a General Plan Amendment, the Project has not been considered in preparation of the General Plan and therefore it is uncertain if it is consistent with the AQMP.

Because the Project site is located in a nonattainment air basin for ozone, PM₁₀ and PM_{2.5}, the proposed Project's emission of ozone precursors (CO, ROG, and NO_x), PM₁₀ and PM_{2.5} would contribute to the existing nonattainment status in the Basin. Thus, according to the SCAQMD Consistency Criterion No. 1, the proposed Project is not consistent with the AQMP.

The proposed Project would have significant impacts. **Mitigation Measures 4.3.6.2A** through **4.3.6.2M** and **Mitigation Measures 4.3.6.3A** through **4.3.6.3C** shall be implemented as part of the proposed Project. The proposed Project would be considered to be consistent only after the City of Moreno Valley General Plan Amendment is approved. Once the City's General Plan Amendment and the required zoning changes are approved, the proposed Project would be included in the next SCAG and SCAQMD AQMP projections. When that occurs, the proposed Project would be consistent with the regional AQMP and the SIP. However, until that occurs, the Project is inconsistent with the regional AQMP and the impacts are considered significant and unavoidable. (DEIR, pgs. 4.3-21 to 4.3-22)

b. Equipment Exhaust from Construction-Related Activities

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project has the potential to exceed applicable daily thresholds that may affect sensitive receptors.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.6.2A through 4.3.6.2M are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the proposed Project will have a significant impact due to equipment exhaust from construction related activities and therefore impacts are considered significant and unavoidable.

4.3.6.2A *Prior to the issuance of a grading permit, the Project developer shall require by contract specifications that contractors shall place construction equipment staging areas at least 200 feet away from sensitive receptors. Contract specifications shall be included in the proposed Project construction documents, which shall be reviewed by the City.*

4.3.6.2B *Prior to the issuance of a grading permit, the Project developer shall require by contract specifications that contractors shall utilize power sources (e.g., power poles) or clean-fuel generators. Contract specifications shall be included in the proposed Project construction documents, which shall be reviewed by the City.*

4.3.6.2C *Prior to the issuance of a grading permit, the Project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier II Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed Project construction documents, which shall be reviewed by the City.*

Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

Post January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

4.3.6.2D *All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*

4.3.6.2E *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*

4.3.6.2F *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM₁₀ and PM_{2.5} fugitive dust haul road emissions. Speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.6.2G *Groundcover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).*

4.3.6.2H *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).*

4.3.6.2I *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.6.2J *Grading plans, construction specifications and bid documents shall also include the following requirements:*

- *Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High-pressure injectors shall be provided on diesel construction equipment if feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where gasoline powered equipment is available;*
- *Use electric construction equipment where it is practical to use such equipment;*
- *Install catalytic converters on gasoline-powered equipment where this type of equipment is available;*

- *Ride-sharing program for the construction crew shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch vendor services shall be allowed on site during construction to minimize the need for off-site vehicle trips; and*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.6.2K *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM₁₀ (fugitive dust) generation or other construction-related air quality issues.*

4.3.6.2L *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

These measures shall be enforced by the on-site facilities manager (or equivalent).

4.3.6.2M *During Project grading and construction, the various Project contractors shall adhere to the control measures listed in Tables 1 and 2.*

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
<i>Backfilling</i>	<ul style="list-style-type: none"> • <i>Stabilize backfill material when not actively handling; and</i> • <i>Stabilize backfill material during handling; and</i> • <i>Stabilize soil at completion of activity.</i> 	<ul style="list-style-type: none"> • <i>Mix backfill soil with water prior to moving; and</i> • <i>Dedicate water truck or high capacity hose to backfilling equipment; and</i> • <i>Empty loader bucket slowly so that no dust plumes are generated; and</i> • <i>Minimize drop height from loader bucket.</i>
<i>Clearing and grubbing</i>	<ul style="list-style-type: none"> • <i>Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and</i> • <i>Stabilize soil during clearing and grubbing activities; and</i> • <i>Stabilize soil immediately after clearing and grubbing activities.</i> 	<ul style="list-style-type: none"> • <i>Maintain live perennial vegetation where possible; and</i> • <i>Apply water in sufficient quantity to prevent generation of dust plumes.</i>
<i>Clearing forms</i>	<ul style="list-style-type: none"> • <i>Use water spray to clear forms; or</i> • <i>Use sweeping and water spray to clear forms; or</i> • <i>Use vacuum system to clear forms.</i> 	<ul style="list-style-type: none"> • <i>Use of high pressure air to clear forms may cause exceedance of Rule requirements.</i>
<i>Crushing</i>	<ul style="list-style-type: none"> • <i>Stabilize surface soils prior to operation of support equipment; and</i> • <i>Stabilize material after crushing.</i> 	<ul style="list-style-type: none"> • <i>Follow permit conditions for crushing equipment; and</i> • <i>Pre-water material prior to loading into crusher; and</i> • <i>Monitor crusher emissions</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
		<p><i>opacity; and</i></p> <ul style="list-style-type: none"> <i>Apply water to crushed material to prevent dust plumes.</i>
<i>Cut and fill</i>	<ul style="list-style-type: none"> <i>Pre-water soils prior to cut and fill activities; and</i> <i>Stabilize soil during and after cut and fill activities.</i> 	<ul style="list-style-type: none"> <i>For large sites, pre-water with sprinklers or water trucks and allow time for penetration; and</i> <i>Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts.</i>
<i>Demolition – mechanical/manual</i>	<ul style="list-style-type: none"> <i>Stabilize wind erodible surfaces to reduce dust; and</i> <i>Stabilize surface soil where support equipment and vehicles will operate; and</i> <i>Stabilize loose soil and demolition debris; and</i> <i>Comply with AQMD Rule 1403.</i> 	<ul style="list-style-type: none"> <i>Apply water in sufficient quantities to prevent the generation of visible dust plumes.</i>
<i>Disturbed soil</i>	<ul style="list-style-type: none"> <i>Stabilize disturbed soil throughout the construction site; and</i> <i>Stabilize disturbed soil between structures.</i> 	<ul style="list-style-type: none"> <i>Limit vehicular traffic and disturbances on soils where possible; and</i> <i>If interior block walls are planned, install as early as</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
		<p><i>possible; and</i></p> <ul style="list-style-type: none"> • <i>Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.</i>
<i>Earthmoving activities</i>	<ul style="list-style-type: none"> • <i>Pre-apply water to depth of proposed cuts; and</i> • <i>Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 ft in any direction; and</i> • <i>Stabilize soils once earthmoving activities are complete.</i> 	<ul style="list-style-type: none"> • <i>Grade each Project phase separately, timed to coincide with construction phase; and</i> • <i>Upwind fencing can prevent material movement on site; and</i> • <i>Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.</i>
<i>Importing/exporting of bulk materials</i>	<ul style="list-style-type: none"> • <i>Stabilize material while loading to reduce fugitive dust emissions; and</i> • <i>Maintain at least 6 inches of freeboard on haul vehicles; and</i> • <i>Stabilize material while transporting to reduce fugitive dust emissions; and</i> • <i>Stabilize material while unloading to reduce fugitive dust emissions; and</i> 	<ul style="list-style-type: none"> • <i>Use tarps or other suitable enclosures on haul trucks; and</i> • <i>Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage; and</i> • <i>Comply with track-out prevention/mitigation requirements; and</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
	<ul style="list-style-type: none"> • <i>Comply with CVC Section 23114.</i> 	<ul style="list-style-type: none"> • <i>Provide water while loading and unloading to reduce visible dust plumes.</i>
<i>Landscaping</i>	<i>Stabilize soils, materials, slopes</i>	<ul style="list-style-type: none"> • <i>Apply water to materials to stabilize; and</i> • <i>Maintain materials in a crusted condition; and</i> • <i>Maintain effective cover over materials; and</i> • <i>Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes; and</i> • <i>Hydroseed prior to rain season.</i>
<i>Road shoulder maintenance</i>	<ul style="list-style-type: none"> • <i>Apply water to unpaved shoulders prior to clearing; and</i> • <i>Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.</i> 	<ul style="list-style-type: none"> • <i>Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs; and</i> • <i>Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs.</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
<i>Screening</i>	<ul style="list-style-type: none"> • <i>Pre-water material prior to screening; and</i> • <i>Limit fugitive dust emissions to opacity and plume length standards; and</i> • <i>Stabilize material immediately after screening.</i> 	<ul style="list-style-type: none"> • <i>Dedicate water truck or high capacity hose to screening operation; and</i> • <i>Drop material through the screen slowly and minimize drop height; and</i> • <i>Install wind barrier with a porosity of no more than 50 percent upwind of screen to the height of the drop point.</i>
<i>Staging areas</i>	<ul style="list-style-type: none"> • <i>Stabilize staging areas during use; and</i> • <i>Stabilize staging area soils at Project completion.</i> 	<ul style="list-style-type: none"> • <i>Limit size of staging area; and</i> • <i>Limit vehicle speeds to 15 miles per hour; and</i> • <i>Limit number and size of staging area entrances/exits.</i>
<i>Stockpiles/ bulk material handling</i>	<p><i>Stabilize stockpiled materials, and stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 ft in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage.</i></p>	<ul style="list-style-type: none"> • <i>Add or remove material from the downwind portion of the storage pile; and</i> • <i>Maintain storage piles to avoid steep sides or faces.</i>
<i>Traffic areas for construction</i>	<ul style="list-style-type: none"> • <i>Stabilize all off-road traffic and parking areas; and</i> 	<ul style="list-style-type: none"> • <i>Apply gravel/paving to all haul routes as soon as possible to</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
<i>activities</i>	<ul style="list-style-type: none"> • <i>Stabilize all haul routes; and</i> • <i>Direct construction traffic over established haul routes.</i> 	<p><i>all future roadway areas; and</i></p> <ul style="list-style-type: none"> • <i>Barriers can be used to ensure vehicles are only used on established parking areas/haul routes.</i>
<i>Trenching</i>	<ul style="list-style-type: none"> • <i>Stabilize surface soils where trencher or excavator and support equipment will operate; and</i> • <i>Stabilize soils at the completion of trenching activities.</i> 	<ul style="list-style-type: none"> • <i>Pre-watering of soils prior to trenching is an effective preventive measure. For deep trenching activities, pre-trench to 18 inches, soak soils via the pre-trench and resuming trenching; and</i> • <i>Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment.</i>
<i>Truck loading</i>	<ul style="list-style-type: none"> • <i>Pre-water material prior to loading; and</i> • <i>Ensure that freeboard exceeds 6 inches (CVC 23114).</i> 	<ul style="list-style-type: none"> • <i>Empty loader bucket such that no visible dust plumes are created; and</i> • <i>Ensure that the loader bucket is close to the truck to minimize drop height while loading.</i>
<i>Turf overseeding</i>	<ul style="list-style-type: none"> • <i>Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and</i> 	<ul style="list-style-type: none"> • <i>Haul waste material immediately off site.</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
	<p><i>plume length standards; and</i></p> <ul style="list-style-type: none"> • <i>Cover haul vehicles prior to exiting the site.</i> 	
<i>Unpaved roads/parking lots</i>	<ul style="list-style-type: none"> • <i>Stabilize soils to meet the applicable performance standards; and</i> • <i>Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.</i> 	<ul style="list-style-type: none"> • <i>Restricting vehicular access to established unpaved travel paths and parking lots can reduce stabilization requirements.</i>
<i>Vacant land</i>	<p><i>In instances where vacant lots are 0.10 ac or larger and have a cumulative area of 500 sf or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective control measures.</i></p>	

ac = acre(s) AQMD = Air Quality Management District
CVC = California Vehicle Code ft = feet sf = square feet

Air Quality Measure 4.3.6.2M Table 2: Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 mph)

<i>Fugitive Dust Source Category</i>	<i>Control Measures</i>
<i>Earthmoving</i>	<ul style="list-style-type: none"> • <i>Cease all active operations; or</i> • <i>Apply water to soil not more than 15 minutes prior to moving such soil.</i>
<i>Disturbed surface areas</i>	<ul style="list-style-type: none"> • <i>On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than 4 consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than $\frac{1}{20}$ of the concentration required to maintain a stabilized surface for a period of 6 months; or</i> • <i>Apply chemical stabilizers prior to wind event; or</i> • <i>Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of 4 times per day; or</i> • <i>Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; or</i> • <i>Utilize any combination of these control actions such that, in total, these actions apply to all disturbed surface areas.</i>
<i>Unpaved roads</i>	<ul style="list-style-type: none"> • <i>Apply chemical stabilizers prior to wind event; or</i> • <i>Apply water 2 times per hour during active operation; or</i> • <i>Stop all vehicular traffic.</i>
<i>Open storage piles</i>	<ul style="list-style-type: none"> • <i>Apply water 2 times per hour; or</i> • <i>Install temporary coverings.</i>
<i>Paved road track-out</i>	<ul style="list-style-type: none"> • <i>Cover all haul vehicles; or</i> • <i>Comply with the vehicle freeboard requirements of Section 23114 of the CVC</i>

Air Quality Measure 4.3.6.2M Table 2: Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 mph)

<i>Fugitive Dust Source Category</i>	<i>Control Measures</i>
	<i>for both public and private roads.</i>
<i>All categories</i>	<ul style="list-style-type: none"> • <i>Executive Officer and the USEPA as equivalent to the methods specified in this table may be used.</i>

CVC = California Vehicle Code

USEPA = United States Environmental Protection Agency

Facts in Support of the Finding: Grading and other construction activities produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew. The use of construction equipment on site would result in localized exhaust emissions. Activity during peak grading days typically generates a greater amount of air pollutants than other Project construction activities.

Section 4.3 of the DEIR indicates construction equipment/vehicle emissions during proposed on-site grading periods would exceed the SCAQMD daily thresholds for ROG and NO_x. Although construction of the structures uses different types of equipment on site than during grading periods, similarities do exist in terms of equipment exhaust emissions and fugitive dust emissions. While it is anticipated that total emissions during construction would be below the peak grading day emissions, construction emissions of ROG and NO_x would still exceed the SCAQMD daily threshold. This is a significant impact requiring **Mitigation Measures 4.3.6.2A through 4.3.6.2M**. The use of low-NO_x diesel fuel in construction equipment typically reduces NO_x emissions by 16 percent.¹⁷ Use of this fuel would reduce NO_x emissions but not below SCAQMD thresholds. However, there is no reasonable way to ensure that retrofitted diesel-powered equipment, low- NO_x diesel fuel, and alternative fuel sources would be available during the construction period; therefore, it is not possible to quantify reductions in NO_x emissions that would result from **Mitigation Measures 4.3.6.2A through 4.3.6.2M**. Because no additional feasible mitigation is available to reduce construction-related NO_x emissions, this impact remains significant and unavoidable. Furthermore, there is no feasible mitigation to reduce the ROG

¹⁷ <http://www.aqmd.gov/ceqa/igr/2006/feb/10-01.pdf>, site accessed December 30, 2011.

emissions during architectural coating phase to less than the daily threshold. Thus, the emissions during construction of NO_x and ROG will remain significant. (DEIR, pgs. 4.3-22 to 4.3-29)

c. Architectural Coating Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed applicable daily thresholds for VOC.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measure 4.2.6.4A is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measures, impacts related to architectural coatings are considered significant and unavoidable.

4.3.6.4A *The Project applicant shall use “Low-Volatile Organic Compounds” paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Project applicant shall use materials that do not require painting or are pre-painted.*

Facts in Support of the Finding: Architectural coatings contain volatile organic compounds (VOC) that are similar to ROG and are part of the O₃ precursors. Rule 1113 is applicable to any person who applies or solicits the application of any architectural coating within the Basin. Rule 1113 sets limits on the amount of VOC emissions allowed for all types of architectural coatings, along with a time table for tightening the emissions standards in the future.

According to Section 4.3 of the DEIR, approximately 344 pounds of ROG would be generated during the architectural coating phase of the Project. Manual applications such as paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge have 100 percent transfer efficiency. Construction of the Project using the required HVLP spray method reduces the daily VOC emissions to 224 pounds per day during the architectural coatings application period. The amount of VOC generated per day from the application of architectural coating even with the use of the required HVLP spray method (224 pounds) during the application of architectural coatings would exceed the SCAQMD VOC threshold of 75 lbs/day. Emissions associated with architectural coatings can be reduced by using pre-coated/natural-colored building materials, water-based or low VOC coating or by using coating transfer or spray equipment with

high transfer efficiency. Adherence to SCAQMD Rule 1113 and **Mitigation Measure 4.3.6.4A** would reduce the Project's architectural coatings emissions impact. However, even with adherence to SCAQMD Rule 1113, the SQAQMD VOC threshold would still be exceeded. Therefore, impacts associated with this issue would remain significant and unavoidable. (DEIR, pg. 4.3-31)

d. Long-Term Project-Related Emissions Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed applicable daily thresholds for operational activities.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.6.5A and 4.3.6.5B are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, long term construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.6.5A *Prior to issuance of building permits, the Project applicant shall provide evidence to the City that applicable (as determined by the City) Transportation Demand Management (TDM)/Transportation Control Measure (TCM) strategies such as preferential parking for employee vanpooling/carpooling, bicycle parking facilities (such as bicycle lockers and racks), bus turnouts, and other strategies are incorporated into the design of the proposed Project.*

4.3.6.5B *Prior to issuance of building permits, the Project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the Project design. These methods and features may include (but are not limited to) the following:*

- *Construction of buildings that exceed statewide energy requirements beyond 2010 percent of that identified in Title 24, Part 6 Energy Efficiency Standards:*
 - *Use of low-emissions water heaters;*
 - *Use of central water-heating systems;*
 - *Use of energy-efficient appliances;*

- *Use of increase insulation;*
- *Use of automated controls for air conditioners;*
- *Use of energy-efficient parking lot lighting; and*
- *Use of lighting controls and energy-efficient lighting.*
- *Utilize low-VOC interior and exterior coatings during Project repainting.*
- *Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the amount of vehicle trips.*
- *Installation of skylights and energy-efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.*
- *Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed Project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required.*
- *Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats.*
- *Reduction of energy demand associated with potable water conveyance through the following methods:*
 - *Incorporating drought-tolerant plants into the landscaping palette; and*
 - *Use of water-efficient irrigation techniques.*
- *Energy-efficient low-pressure sodium parking lot lights or lighting equivalent as determined by the City, shall be used;*
- *Buildings shall be oriented north-south where feasible;*
- *Implement an on-site circulation plan in parking lots to reduce vehicle queuing;*

- *Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 250 employees or multitenant worksites;*
- *Include bicycle parking facilities such as bicycle lockers and racks;*
- *Include showers for bicycling employees use; and*
- *Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.*

Facts in Support of the Finding: Although implementation of **Mitigation Measures 4.3.6.5A** through **4.3.6.5B** may reduce vehicle trips associated with the proposed Project, it is not possible to quantify the reduction in the amount of emissions that may occur. Considering the volume of emissions generated and current commuter habits, it is unlikely the implementation of TDMs/TCMs will result in a reduction of operational Project emissions to below existing SCAQMD thresholds. Application of Leadership in Energy and Environmental Design (LEED) standards and green building design principles could reduce emissions from building operations such as heating and cooling; however, such standards and principles would not reduce emissions of CO, ROG, NO_x, PM₁₀, and PM_{2.5} to below SCAQMD thresholds. No other feasible mitigation measures have been identified to reduce the operational emissions of CO, ROG, NO_x, PM₁₀, and PM_{2.5} to a less than significant level. Because the Project site is located in a nonattainment air basin for criteria pollutants, the addition of air pollutants resulting from operation of the proposed Project would contribute to the continuation of nonattainment status in the Basin. In the absence of mitigation to reduce the proposed Project's emission of contribution of CO, ROG, NO_x, PM₁₀, and PM_{2.5} to below SCAQMD thresholds, long-term air quality impacts resulting from the operation of the proposed Project would remain significant and unavoidable. (DEIR, pgs. 4.2-26 to 4.2.28)

e. Project-Related Localized Operational Emissions Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed applicable long-term operational daily thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measures 4.3.6.6A** and **4.3.6.6B** are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, long term operational-related emission impacts are considered significant and unavoidable.

4.3.6.6A *Prior to issuance of the first building permit, building and site plan designs shall ensure that the Project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. The following design features shall be used to fulfill this requirement:*

- *Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.*
- *Increase in insulation such that heat transfer and thermal bridging is minimized.*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
- *Incorporate dual-paned or other energy efficient windows.*
- *Incorporate energy efficient space heating and cooling equipment.*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.*
- *To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*
- *To reduce energy demand associated with potable water conveyance, the Project shall implement the following:*
 - *Landscaping palette emphasizing drought-tolerant plants;*
 - *Use of water-efficient irrigation techniques; and,*

- *U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*
- *The Project shall provide secure, weather-protected, on-site bicycle storage/parking.*
- *The Project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information.*
- *The Project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the Project site plan.*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to promote the following:*
 - *Implementation of compressed workweek schedules.*
 - *SmartWay partnership;*
 - *Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.*
 - *Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by*

SmartWay 1.0 or greater carriers.

- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.*
- *Provision of preferential parking for EV and CNG vehicles.*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
- *Use of SmartWay 1.25 rated trucks.*
- *Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.*
- *Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.*
- *Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.*
- *Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.*
- *Each facility operator which upon occupancy does not already operate 2077 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.*

4.3.6.6B *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including*

paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project site plan.

f. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts cumulative air quality impacts will remain significant and unavoidable.

Facts in Support of the Finding: Included in Section 4.3 of the DEIR, the Project would contribute criteria pollutants to the area during Project construction. A number of individual projects in the area may be under construction simultaneously with the proposed Project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction would result in substantial short-term increases in air pollutants. This would be a contribution to short-term cumulative air quality impacts.

The traffic study included vehicular trips from all present and future projects in the Project vicinity; therefore, the CO hot spot concentrations calculated at these intersections include the cumulative traffic effect. Based on this, no significant cumulative CO impacts would occur.

Long-term operation of the Project would exceed the standards for CO, ROC, NO_x, PM₁₀, and PM_{2.5}. The Basin is in nonattainment for PM₁₀ and ozone at the present time; therefore, the construction and operation of the proposed Project would exacerbate nonattainment of air quality standards for PM₁₀ and ozone within the Basin and contribute to cumulative air quality impacts. Therefore, long-term cumulative air quality impacts are considered to be significant and unavoidable.

The Health Risk Assessment (HRA) conducted for the proposed Project identified the increase in health risks to the nearby sensitive receptors from the proposed Project's air pollutant emissions. This HRA identified that the Project's incremental increase is only a very small fraction of the ambient condition.

Therefore, the concentration of diesel particulates at the Project site is below the established risk threshold. Individuals living and working in southern California may be exposed to levels of diesel emissions that are cumulatively significant; however, that circumstance is not created by the Project.

It is reasonable to anticipate that advancements in truck/transportation technology would reduce the amount of particulate matter in future years. However, a determination of the amount and extent of that reduction in diesel particulate matter from these types of activities is not available at this time. Therefore, in an overabundance of caution, because other cumulative projects in the area would also contribute diesel particulates in the area and because the Riverside area has a level of particulate matter that is above the SCAQMD's recommended cancer risk threshold of 10 in one million, regional impacts associated with diesel particulate matter are considered cumulatively considerable and the proposed Project will make a significant contribution to that cumulative impact. (DEIR, pgs. 4.3-37 to 4.3-38)

4. Land Use and Planning (Individual and Cumulative)

b. Conflict with Applicable Land Use Plans, Policies, or Regulations

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would potentially conflict with various land use plans, policies, or regulations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce bring the Project into compliance with all land use plans. Accordingly, Project-related conflicts with land use plans will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.8 of the DEIR, a discussion of the proposed Project's consistency with the 2007 AQMP has been analyzed in Section 4.3 (Air Quality) of this EIR. "Since the proposed Project will require a General Plan Amendment, the Project has not been considered in preparation of the City's General Plan and therefore is inconsistent with the AQMP. Amendments to the City of Moreno Valley General Plan, zoning reclassification, and plan approval are required before the affected portion of the proposed Project can be implemented. This is a significant impact requiring mitigation." That section of this EIR concluded that, despite the recommended mitigation, Project air quality impacts related to the AQMP would remain significant.

The Project proposes the development of warehouse uses, which would result in an inconsistency with the existing residential zoning on the southern portion of the site, and the BP zone on the northern portion of the site. The development that would occur with the zone change has the potential to create indirect

environmental impacts since the zone change would permit more intense and larger industrial/warehousing uses on the Project site, requiring a discretionary action based on an environmental determination of the Project. These environmental impacts are analyzed through this EIR for each of the environmental topics. The baseline for comparative analysis of environmental impacts would be the existing condition of the Project site. Currently, there is no existing development on the Project site, which represents the worst-case scenario on which the EIR analysis is based. With implementation of the zone change, the proposed Project would be consistent with zoning requirements identified by the City.

According to the latest development plans, the closest loading and unloading operations of the proposed Project (e.g., truck courts) would be located 395 feet northwest of the nearest single-family residence (see plans in Appendix K). In addition, the reconfigured roadways surrounding the Project site would discourage industrial traffic through the residential areas to the southeast. Despite these design characteristics, the fundamental change from residential/business park uses to industrial adjacent to residential represents an incremental adverse effect on the “quality of life” of existing residents in this area, which represents a potentially significant land use compatibility impact. This impact requires the City Council to approve a Zone Change to bring the proposed zoning designations into consistency with the Zoning Map and Municipal Code.

The Compass Growth Vision plan provides a framework for local and regional decision-making regarding growth, transportation, land use, and economic development. The main objective of the Compass Growth Vision is to manage the forecast growth while improving future living conditions for all people within the SCAG area, including live, work, and play activities.

The proposed Project may not be fully consistent with the growth principles of the Compass Growth Vision plan. The nature of the proposed Project allows the transport of commodities from a single area rather than multiple areas, minimizing vehicle trip generation. Conversely, trucks from the proposed Project may increase localized and freeway congestion. The Project eliminates a planned transition of land uses that may incrementally reduce livability in this portion of the City. The proposed Project does support increased prosperity by providing additional (mainly “blue collar”) employment opportunities close to existing housing within the City of Moreno Valley. The proposed Project is located in an area where existing infrastructure (freeway, sewer, electrical, water, etc.) is present. The development of the proposed Project will augment existing services available in the City and region. In these ways, the Project is only partially consistent with the principles of the Compass Growth Vision. (DEIR, pgs. 4.8-5 to 4.8-17)

a. Cumulative Land Use and Planning

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would have a cumulative impact to land use and planning issues.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related cumulative impacts to land use and planning will remain significant and unavoidable.

Facts in Support of the Finding: Implementation of the proposed Project represents establishment of new land uses within the currently undeveloped Project site that would result in an intensification of permitted land uses associated with a land use change from Business Park and Residential to Light Industrial uses, changes to the General Plan Circulation Element, and the loss of the Primary Animal Keeping Overlay (PAKO) associated with the RA-2 zone. The proposed Project is generally consistent with regional plans and planning efforts, although it is not fully consistent with the SCAG's RTP and Compass Blueprint Plan because it eliminates some housing in favor of industrial employment uses. However, it will incrementally improve the City's long-standing jobs/housing ratio, which is also a regional goal of the various SCAG plans. It is also not consistent with existing General Plan land use designations, objectives and policies, nor is it consistent with existing zoning designations on the site. For these reasons, a General Plan Amendment and Zone Change are proposed for consideration by the City.

In addition, the proposed Project represents a fundamental change in community character for this portion of the City (i.e., mixed residential and business park to industrial warehouse buildings), which can represent an incremental adverse change in terms of public perception. This change would be particularly acute if both the proposed Project and the approved West Ridge Commerce Centre (an industrial Project just east of the proposed Project) were built within a relatively short period of time, as they would both follow relatively closely the completion of the Sketchers Logistics Center (another warehouse Project) east of both the proposed Project and the West Ridge Project, on the east side of Redlands Boulevard. Furthermore, the addition of industrial space from the proposed Project and the adjacent West Ridge (industrial) Project may create an over-supply of warehousing space in the City, based on current economic conditions.

The proposed changes in land use will also result in a loss of up to 584 (R-15) multi-family residential units. However, this was determined to be a less than significant Project impact on local housing because the City's Housing Element identifies over twice as much potential affordable housing as the City's

RHNA allocation, so it will not make a significant contribution to a cumulatively considerable impact on regional housing.

Similar to the proposed Project, some of the cumulative projects within the Project vicinity would also require amendments to the existing General Plan and zoning, which may in turn cause additional cumulative impacts. Therefore, planned industrial development in the City may contribute to a cumulatively considerable impact or change in the overall character of the surrounding area, and the proposed Project would make a significant contribution to that change in terms of consistency with adopted land use plans. No feasible mitigation is available to reduce this significant contribution. However, the Project would not make a similar cumulatively considerable land use impact relative to dividing an established community or conflicting with an approved habitat conservation plan. (DEIR, pgs. 4.8-17 to 4.8-18)

5. Transportation

a. Existing (2011) With Project Conditions (Intersection) Traffic and Level of Service Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.11.6.4A** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, existing (2011) with Project LOS impacts are considered significant and unavoidable.

Facts in Support of the Finding: As indicated in Section 4.11 of the DEIR, with the addition of Project traffic, the following intersections are forecast to operate at unsatisfactory levels of service: Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); and Redlands Boulevard/Eucalyptus Avenue-Fir Avenue (p.m. peak hour).

The Project would contribute to the worsening of the already unsatisfactory LOS at the intersection of Redlands Boulevard/SR-60 Westbound Ramps and would create a significant impact at the intersection of Redlands Boulevard/Eucalyptus Avenue-Fir Avenue. Therefore, mitigation is required at both intersections.

Also, the following segments are forecast to operate at an unsatisfactory level of service in the Existing plus Project condition: SR-60 Eastbound: Pigeon Pass Road to Heacock Street (a.m. and p.m. peak hours); SR-60 Westbound: Heacock Street to Perris Boulevard (a.m. peak hour); and SR-60 Westbound: Perris Boulevard to Nason Street (a.m. peak hour).

The Project would add to the existing unsatisfactory LOS on these three freeway segments; therefore, the addition of Project traffic would be considered a cumulative impact. Neither the Project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Review of the SCAG Regional Transportation Improvement Plan (RTIP) indicates that there are no projects programmed on SR-60 within the study area. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways. Therefore, the cumulative impact to these three segments of SR-60 would be significant and unavoidable. (DEIR, pgs. 4.11-19)

b. Opening Year 2016 With Project Conditions (Intersection) Traffic and Level of Service Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.11.6.4B** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, existing (2016) with Project LOS impacts are considered significant and unavoidable.

Facts in Support of the Finding: Opening Year (2016) with Project conditions considers the addition of traffic generated by the proposed Project to Opening Year (2016) without Project conditions. Section 4.11 of the DEIR indicates that the following intersections would operate at unsatisfactory LOS: Moreno Beach Drive/SR-60 Westbound Ramps (p.m. peak hour); Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); and Redlands Boulevard/Eucalyptus Avenue-Fir Avenue (p.m. peak hour). The Project would have a significant impact at all three intersections, and therefore mitigation would be required.

Freeway mainline and ramp junctions were evaluated in the Opening Year (2016) plus Project condition. The following segments are forecast to operate at an unsatisfactory level of service in the Opening Year (2016) plus Project condition: SR-60 Eastbound: Pigeon Pass Road to Heacock Street (a.m. and p.m. peak hours); SR-60 Eastbound: Heacock Street to Perris Boulevard (p.m. peak hour); SR-60 Westbound: Heacock Street to Perris Boulevard (a.m. peak hour); and SR-60 Westbound: Perris Boulevard to Nason Street (a.m. peak hour).

The Project would add to the existing unsatisfactory LOS on these four freeway segments; therefore, the addition of Project traffic would be considered a cumulative impact. Neither the Project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Review of the RTIP indicates that there are no projects programmed on SR-60 within the study area. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways. Therefore, the cumulative impact to these three segments of SR-60 would be significant and unavoidable.

**c. Opening Year 2016 Cumulative With Project Conditions
(Intersection) Traffic and Level of Service Impacts**

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.11.6.4C** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, existing (2016) cumulative with Project LOS impacts are considered significant and unavoidable.

Facts in Support of the Finding: According to Section 4.11 of the DEIR, an intersection LOS analysis was conducted to determine Opening Year (2016) Cumulative intersection performance. The addition of Project traffic to the Opening Year (2016) Cumulative scenario would result in conditions exceeding the established LOS standard at the following intersections: Moreno Beach Drive/SR-60 Eastbound Ramps (p.m. peak hour); Moreno Beach Drive/Cottonwood Avenue (p.m. peak hour); Moreno Beach Drive/Alessandro Avenue (p.m. peak hour); Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/SR-60 Eastbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/Fir Avenue-Eucalyptus Avenue (a.m. and p.m. peak hours); Redlands Boulevard/Encilia

Avenue-Eucalyptus Avenue (p.m. peak hour); and Redlands Boulevard/Alessandro Boulevard (p.m. peak hour).

While these intersections are forecast to exceed satisfactory levels of service in Opening Year (2016) Cumulative with Project conditions, with the exception of the intersection of Redlands Boulevard/Eucalyptus Avenue-Fir Avenue and Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue, these intersections already exceeded established LOS standards in the Opening Year (2016) Cumulative without-Project condition. Because the proposed Project would contribute to and would cause intersections to operate at unsatisfactory levels, mitigation is required.

Freeway mainline and ramp junctions were evaluated in the Opening Year 2016 Cumulative plus Project condition. The following segments are forecast to operate at an unsatisfactory level of service in the Opening Year 2016 Cumulative plus Project condition: SR-60 Eastbound: Pigeon Pass Road to Heacock Street (a.m. and p.m. peak hours); SR-60 Eastbound: Heacock Street to Perris Boulevard (a.m. and p.m. peak hours); SR-60 Eastbound: Perris Boulevard to Nason Street (a.m. and p.m. peak hours); SR-60 Westbound: Heacock Street to Perris Boulevard (a.m. and p.m. peak hours); SR-60 Westbound: Perris Boulevard to Nason Street (a.m. and p.m. peak hours); and SR-60 Westbound: Nason Street to Moreno Beach Drive (a.m. peak hour).

The Project would add to the existing unsatisfactory LOS on these six freeway segments; therefore, the addition of Project traffic would be considered a cumulative impact. Review of the RTIP indicates that there are no projects programmed on SR-60 within the study area. Furthermore, neither the Project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways. Therefore, the cumulative impact to these segments of SR-60 would be significant and unavoidable.

d. Cumulative Transportation Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would have a cumulative significant impact to transportation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measure 4.11.6.4C is incorporated into the MMRP for the Project, and will be implemented as specified

therein. However, the Council finds that even with application of these mitigation measures, cumulative transportation impacts are considered significant and unavoidable.

Facts in Support of the Finding: Cumulative impacts associated with traffic volumes are determined based the addition of traffic volumes from approved and pending projects in the area and projected traffic growth to existing traffic volumes. The cumulative analysis forecasts that, with the development of the proposed Project and the cumulative projects, eight intersections would require improvements in order to maintain the City's LOS standard of D.

Those intersections are as follows: Moreno Beach Drive/SR-60 Eastbound Ramps (p.m. peak hour); Moreno Beach Drive/Cottonwood Avenue (p.m. peak hour); Moreno Beach Drive/Alessandro Avenue (p.m. peak hour); Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/SR-60 Eastbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/Fir Avenue-Eucalyptus Avenue (a.m. and p.m. peak hours); Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue (p.m. peak hour); and Redlands Boulevard/Alessandro Boulevard (p.m. peak hour).

Although the suggested improvements are consistent with the City's General Plan, the Project will be responsible for contributing its fair share toward the funding of the future improvements via payment of the City's DIF. Of these eight affected intersections, five intersections are under the jurisdiction of the City of Moreno Valley.

Three intersections are under the jurisdiction of Caltrans. The improvements identified in **Mitigation Measure 4.11.6.4C** would reduce impacts at these intersections to a less than significant level. However, since the affected freeway ramp intersections are under the jurisdiction of Caltrans, neither the Project proponent nor the City has control over the specific timing of when the improvements would be constructed. It is anticipated that by opening year (2016), improvements at these intersections would not be constructed, as they are not currently planned for near-term construction. Therefore, this cumulative impact in opening year (2016) remains significant and unavoidable until such time as the improvements to this interchange are constructed by Caltrans, WRCOG, and the City of Moreno Valley through the TUMF process.

Because TUMF provides a mechanism for collecting fees from all development projects in the area that would contribute traffic to the existing roadway network, fees for the improvements to the affected freeway intersections would be collected. Therefore, it is anticipated that since these freeway intersection improvements are programmed into the TUMF program, such improvements would be constructed by

future year (2035) and would be able to accommodate future year (2035) traffic levels, resulting in a less than significant cumulative impact.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed four alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project’s objectives as described in Section II.B above. CEQA requires the evaluation of a “No Project Alternative” to assess a maximum net change in the environment as a result of implementation of the Project. The No Project Alternative, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed yet the site would be developed in a similar manner to the proposed Project and consistent with existing zoning for the site. A Reduced Intensity Alternative, a Commercial Center (mixed retail/office) Alternative, and an Off-site Alternative were also selected for analysis. CEQA requires the evaluation of alternatives that can reduce the significance of identified impacts and “feasibly attain most of the basic objectives of the proposed Project.” Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the “No Project” Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Specific Plan 208 zoning designation, consisting of an underlying land use of Business Park/Industrial. To allow for quantified comparison of potential impacts, the No Project Alternative was assumed to result in the development of approximately 1,420,000 square feet of industrial warehouse uses on approximately 63 acres and approximately 180,000 square feet of commercial service uses on approximately 8 acres as would be allowed under the existing zoning and land use designations. The commercial service component of this alternative would be located along the frontage of Perris Boulevard while the industrial warehouse uses would occupy the remaining portion of the site. (DEIR, pg. 6-12)

Impacts: The No Build Alternative, as referenced in Section 6.0 of the DEIR, would result in similar impacts when compared to the proposed Project. Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Aesthetics; Williamson Act Contracts/Agricultural Zoning and Forestry Resources; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Mineral Resources; Noise; Population and Housing; Public Services; Recreation and Parks; and Utilities and Service Systems. The Project’s significant and unavoidable agricultural impacts, air quality impacts,

climate change and GHG impacts, and transportation impacts would also occur in the same manner as the proposed Project. However, under the No Build Alternative, potential air quality, climate change, and traffic/transportation impacts would be greater than the proposed Project because of the higher trip generation potential of the commercial uses.

Objectives: Under the No Build Alternative, the subject site would develop in a similar manner as the proposed Project, and most of the Project Objectives would be achieved. However, the objectives specifically oriented towards warehouse and industrial uses would be met at a reduced level due to the commercial component included in this Alternative.

Finding: Under the No Build Alternative, the Project site would be developed with approximately 1,420,000 square feet of industrial warehouse uses on approximately 63 acres and approximately 180,000 square feet of commercial service uses on approximately 8 acres. This Alternative would result in the same significant and unavoidable impacts associated with agricultural resources, air quality, climate change and greenhouse gases, and traffic that have been identified within the DEIR. However, potential air quality, climate change, and traffic/transportation impacts would be greater than the proposed Project because of the higher trip generation potential of the commercial uses. Because the No Build Alternative results in an increase in potential significant and unavoidable impacts in comparison to the proposed Project, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for air pollution and greenhouse gas emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent but at a reduced level. Implementation of the Reduced Intensity Alternative would yield approximately 1,212,100 square feet of development, a reduction of approximately 25 percent or approximately 434,033 square feet, when compared to the approximately 1,616,133 square-foot Project analyzed in the EIR.

Impacts: Under the Reduced Intensity Alternative, impacts related to agricultural resources would be similar to the proposed Project as the same amount of land would be disturbed. Similarly, impacts related to short-term construction-related air quality would be similar to the proposed Project as the same amount of land would be disturbed and the same mix of equipment would be utilized. Because of the decrease in vehicle trips achieved under this alternative, impacts to the operation of local roadways and intersections

would be proportionally reduced from what was identified for the proposed Project; however, long-term traffic impacts to state freeway segments and merge/diverge areas would remain significant and unavoidable. Long-term operational-related air quality impacts would be reduced in magnitude when compared to the Project but would remain significant and unavoidable. Impacts associated with the generation of greenhouse gas emissions would also be reduced proportionate to the reduction in building area in comparison to the proposed Project, but would remain significant and unavoidable.

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project.

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 25 percent (or 434,033 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable agricultural resources impacts, construction and operational air quality impacts, and cumulative greenhouse gas impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

3. Alternative 3 - Commercial Center (Mixed Commercial/Office)

Description: As identified in Section 6.0 of the DEIR, the Commercial Center Alternative would result in the development of commercial service and office uses on the Project site. Although business and professional offices, financial institutions, and medical clinics are permitted in SP208, they are permitted only in the industrial support areas while commercial service-oriented uses are permitted throughout the

SP208 Industrial designation. For this reason, the General Plan and zoning designations for the site would need to be amended to accommodate the business and professional offices. Permitted commercial service uses include, but are not limited to, Automotive Sales/Rental/Leasing & Accessories, Automotive/Truck Repair, Business Supply/Equipment Sales/Rental & Services, and Repair Services. Approximately 760,000 square feet of commercial service uses would be developed on approximately 35 acres. The balance of the site (35 acres) would be developed with up to approximately 760,000 square feet of office uses.

Impacts: As identified in Section 6.0 of the DEIR, the Commercial Center Alternative would result in similar impacts for the following eight environmental issues: Agriculture and Forestry Resources; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; and Mineral Resources. Because of the increase in vehicle trips under this alternative, impacts to the operation of local roadways and intersections would be proportionally greater than what was identified for the proposed Project. Long-term traffic impacts to state freeway mainline segments and merge/diverge areas would remain significant and unavoidable. Under the Commercial Center Alternative, impacts related to short-term construction emissions would be similar to the proposed Project as the same amount of land would be disturbed and the same mix of equipment would be utilized. Long-term operational-related air quality emissions would be increased in magnitude because of the increase in vehicle trips when compared to the Project and would remain significant and unavoidable. Traffic-related noise would be increased in magnitude but would be similarly mitigated like the proposed Project and would remain less than significant.

Objectives: Under this alternative, some of the proposed Project objectives are not met as warehouse uses would not be built. However, development of this alternative would provide new employment opportunities for residents of Moreno Valley, but not within the industrial employment sector.

Findings: Under the Commercial Center Alternative, development of commercial service and office uses would occur. This Alternative would have similar impacts that have been identified within the DEIR. However, the Commercial Center Alternative would result in an increase in trip generation in comparison to the proposed Project, and would result in an increase in the severity of the significant and unavoidable impacts to construction and operational air pollution emissions, climate change and greenhouse gas emission, and traffic. The City Council finds that the Commercial Center Alternative would fulfill some but not all of the Project Objectives. Moreno Valley residents would have more opportunities for employment but a warehouse would not be built. Because the Commercial Center Alternative will not fulfill the primary objective of the Project and the severity of significant and unavoidable impacts would

be increased in comparison to the proposed Project, the Council hereby rejects the Commercial Center Alternative.

4. Alternative 4 - Off-Site Location

Description: As identified in Section 6.0 of the DEIR, this alternative would result in the same intensity of development of approximately 1,616,133 square feet of warehouse uses on approximately 70.3 acres. The alternative Project site identified by the City is bounded by Krameria Street (extended) to the north, vacant and partially developed property and March Air Reserve Base to the west, Indian Street to the east, and the Perris Valley Storm Drain and vacant land to the south. The off-site location is approximately 1.0 miles northwest of the Project site and is within the same Industrial Area Specific Plan as the proposed Project. This alternative off-site property is not owned or under the control of the applicant. The off-site location is currently zoned SP 208 I and is designated Business Park in the City's General Plan, identical to the proposed Project development of this site would not require soil import, inherently reducing impacts from air pollution emissions during construction.

Impacts: Section 6.0 of the DEIR, identifies nine environmental issues that would have similar impacts as the proposed Project. These issues are: Cultural Resources; Geology and Soils; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; and Utilities and Service Systems. With the Off-Site Location Alternative, impacts related to air quality and traffic impacts would be similar to those identified with the proposed Project. Short-term construction and long-term air quality operational and climate change/greenhouse gas emissions impacts under this alternative would remain significant and unavoidable and would result in similar conditions as identified for the proposed Project. Additionally, due to adjacent sensitive receptors, potential impacts to these receptors would be greater in magnitude when compared to the proposed Project. Similarly, noise impacts would be greater in magnitude due to the adjacent sensitive receptors. Operational traffic would result in increased traffic on vanity roadways and may impact different intersection and roadways in comparison to the proposed Project. Under this Alternative, impacts to agricultural resources would be eliminated.

Objectives: The Off-Site Alternative would meet most of the Project objectives. The location of the Off-Site Alternative further north of Harley Knox Boulevard would not meet the Project objectives of locating distribution services near transportation corridors and clustering such uses near the state highway system.

Finding: Under the Off-Site Alternative, development of the warehouse would occur in a different location. This Alternative would have similar impacts that have been identified within the DEIR. And most of the objectives of the proposed Project would be met, would not meet the Project objectives of locating distribution services near transportation corridors and clustering such uses near the state highway

system. The Council finds that the Off-Site Alternative would have similar impacts to all environmental issues except for agriculture because this Alternative would eliminate the significant and unavoidable impacts to agricultural resources.. Because the Off-Site Alternative will not substantially reduce the environmental impact of the Project and it would not meet the Project objectives of locating distribution services near transportation corridors and clustering such uses near the state highway system, the Council hereby rejects the Off-Site Alternative.

5. Alternatives Considered and Rejected

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 6-3 through 6-5) Three possible alternatives were considered and rejected because they could not accomplish the basic objectives of the Project or they were considered infeasible. Per the *CEQA Guidelines* (Section 15126.6(c)), factors that may be considered when addressing the feasibility of alternatives include failure to meet most of the stated Project objectives, infeasibility, or inability to avoid significant environmental effects. The purpose of the proposed Project is to provide for and expand employment and revenue opportunities within the City of Moreno Valley. The proposed Project would expand employment options in a location that is convenient to existing transportation corridors, convenient to existing and future City residents and would augment the City's economic base. The following provides and discussion of the three development scenarios that were considered and rejected as potential alternatives to implementation of the proposed Project based on Section 15126.6 of the *CEQA Guidelines* because they did not feasibly attaining most of the basic objectives of the Project while reducing or avoiding any of the significant effects of the proposed Project:

- No Build Alternative: No development would take place within the Project limits and no impacts would occur. However, disallowing development of the site, as suggested by this alternative, would not fulfill the primary objectives of the proposed Project and the site would likely be developed in accordance with existing zoning should the Project not move forward. Retention of the Project site in its current condition would not expand employment opportunities to residents of the City. Retaining the site in its current undeveloped condition would not generate the revenue (e.g., property tax) that could augment the City's current revenue stream. Therefore, the No Build Alternative was rejected from further consideration in the EIR.
- Residential Alternative: The Residential Alternative would develop the 71-acre Project site with approximately 355 single-family units based on the City's R5 zone. The R5 zone was utilized as this is the zoning designation of the nearest residential uses to the north along Perris Boulevard

and north of the Perris Valley Storm Drain channel. A zone change, General Plan Amendment, and Specific Plan Amendment would be required for this alternative to change the Project site from its existing Business Park/Light Industrial (BP) General Plan designation and Industrial Area Plan (SP208 I) zoning designation to a residential R5 designation. Furthermore, a Specific Plan Amendment would be required to remove the Project site from the underlying Industrial Specific Plan 208. Since the Residential Alternative consists only of residential uses, employment-generating opportunities would not occur aside from temporary construction work, which would be filled predominantly by those already residing in the area. The residential uses would produce demand for public services that would exceed the amount of municipal revenues it would generate. The Project's full potential to utilize the area's close proximity to various freeways and transportation corridors would not be realized as only residential uses would occur under the Residential Alternative. Additionally, the development of the entire 71-acre Project site under this alternative would result in the placement of the residential uses within an area planned for industrial uses which could result in additional adverse impacts such as exposure to air pollutants, noise, and land use incompatibilities. This alternative has been rejected because it would result in greater impacts and would not satisfy the basic City employment generating objectives for development of the Project site.

- Mixed Commercial/Residential Alternative: The Mixed Commercial/Residential Alternative would develop the 71-acre Project site with approximately 690,000 square feet of Community Commercial uses and 532 multiple-family units. A zone change, General Plan Amendment, and Specific Plan Amendment would be required for this alternative to change the Project site from its existing Business Park/Light Industrial (BP) General Plan designation and SP208 I zoning designation to a residential designation and commercial designation. Additionally, a Specific Plan Amendment would be required to remove the Project site from the underlying Industrial Specific Plan 208. While the commercial component of this Alternative would utilize the Project site's close proximity to nearby transportation corridors, the development of the remainder of the site with residential uses would not provide the varied employment and service uses and revenue associated with the proposed Project. The development of approximately half of the Project site under this alternative with residential uses would result in the placement of the residential uses adjacent to SP208 I industrial/business park uses which could potentially result in additional adverse impacts such as exposure to air pollutants, noise, and land use incompatibilities. The residential component of this alternative would produce demand for public services that would exceed the amount of municipal revenues it would generate, and there would be little to no

employment opportunities created. Therefore, the mixed commercial/residential alternative would not meet the Project objectives of providing new employment and revenue generation options in close proximity to local consumers to the same degree as the proposed Project. The employment opportunities and economic benefits derived from the proposed Project are superior to the Mixed Commercial/Residential Alternative. This alternative has been rejected because it would result in greater impacts and would not satisfy the basic City employment generating objectives for development of the Project site.

6. Environmentally Superior Alternative

As explained by Section 6.0 in the DEIR, Alternative 2 (Reduced Intensity Alternative) reduces the severity of Project related air quality impacts. However, long-term air quality impacts, would remain significant after mitigation for this alternative for ROG, NO_x, PM₁₀ and PM_{2.5}. In a similar manner, Alternative 2 would reduce the volume of daily traffic trips when compared to the proposed Project; however, such impacts to state freeway mainline segments and merge/diverge areas would remain significant and unavoidable until freeway improvements are completed by the state. Alternative 2 would also reduce the quantity of greenhouse gas emission when compared to the proposed Project; however, impacts to Climate Change would remain significant and unavoidable. The remaining environmental issues would ultimately be similar to the proposed Project through adherence to existing standards and mitigation measures. Based on the analysis in Section 6.0 and the summary contained in Table 6.K, Alternative 2, the Reduced Intensity Alternative, is the environmentally superior alternative. The amount of development under this alternative would be reduced when compared to the proposed Project; however, the Alternative 2 would not satisfy several of the Project objectives because it would reduce the level at which it meets the employment generating Project objectives. Because the Reduced Intensity Alternative allows the development of warehouse uses and the provision of new employment opportunities, it meets many of the City's stated Project objectives, while at the same time reduces the impacts associated with the proposed Project. However, because of the lower industrial density, the Alternative fails to meet several key employment generating objectives related to density efficiencies in the same manner as the proposed Project.

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states that an EIR must describe the ways

in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Section 5.0 of the DEIR identifies the extent to which the new jobs created by a Project are filled by existing residents is a factor that tends to reduce the growth inducing effect of a Project. Construction of the proposed Project will create short-term construction jobs. Due to the existing high unemployment levels that exist in the City, the potential exists for these short-term positions to be filled by workers who, for the most part, reside in the City or neighboring communities to the Project area. Therefore, construction of the proposed Project will not generate a permanent increase in population within the Project area.

As previously identified, the proposed Project is expected to employ 646 people. These full-time positions are also anticipated to be filled by workers who, for the most part, reside in the Project area due to high unemployment levels that exist in the City. Operations of the proposed Project will not generate a permanent increase in population within the Project area.

The area surrounding the Project site is governed by the City of Moreno Valley General Plan and the area is guided by Specific Plan 208. Specific Plan 208 guides land use within the Project area to ensure that new development and redevelopment is implemented consistent with the land use policies, controls, and standards contained in Specific Plan 208. Any development of remaining undeveloped land adjacent to the Project site would require its own discretionary approvals and is not reliant on the proposed Project. However, development of the Project site may lead to indirect growth in the Specific Plan area by making available the extension of infrastructure such as water, sewer, drainage, etc. This growth has been planned for and is guided by Specific Plan 208.

The proposed Project would occur within an area currently designated for industrial uses. The proposed Project would not require a General Plan Amendment nor does it require a change in the underlying zoning designation. In addition, the Project reflects the City of Moreno Valley's vision for the area and is consistent with Specific Plan 208. Land uses surrounding the Project site would be in conformance with the City's General Plan and Specific Plan 208. Impacts to population and housing are less than significant; see Section 13 Population and Housing of the Initial Study (Appendix A of the DEIR).

The proposed Project would not eliminate a constraint for development of an approved Project within the City of Moreno Valley. There are no projects in the City of Moreno Valley or surrounding cities that have been approved but are conditioned or dependent on additional improvements

at the Project site. Specific Plan 208 guides land uses surrounding the Project site to ensure compatibility between existing operations and adjacent surrounding development. Additionally, the proposed Project would not add capacity to urban services or infrastructure that would be utilized by other Project proponents in the surrounding area.

The proposed Project would not result in any significant pressure to redevelop the area around the Project site at a higher density. As previously stated, the development of remaining undeveloped land adjacent to the Project site is independent and not reliant on the proposed Project. Therefore, implementation of the proposed Project would not result in redevelopment of adjacent lands at a higher intensity than already prescribed in the City of Moreno Valley's General Plan and Specific Plan 208.

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the Project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a local agency formation commission of a resolution making determinations; or
- (c) A Project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project does not trigger any of the conditions cited in Guidelines §15127. Nonetheless, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- The Project would involve a large commitment of nonrenewable resources;

- The primary and secondary impacts of the Project would generally commit future generations of people to similar uses;
- The Project involves uses in which irreversible damage could result from any potential environmental incidents associated with the Project; and/or
- The proposed consumption of resources is not justified (e.g., the Project could waste energy).

Determining whether the proposed Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The Project site is generally fallow agricultural land with the site historically used for sod farming operations. However, as identified within the City's General Plan, the City anticipates the eventual conversion of agricultural uses to urban uses and the proposed Project would permanently alter the site by converting predominantly agricultural uses to urban uses. This is a significant irreversible environmental change that would occur as a result of Project implementation. Because no significant mineral resources were identified within the Project limits, no significant impacts related to these issues would result from development of the Project site. Natural resources in the form of construction materials would be utilized in the construction of the proposed Project and energy resources in the form of electricity and natural gas would be used during the long-term operation of the Project; however, their use is justified in supporting the City's planned use of the site and is not expected to negatively impact the availability of these resources.

In addition, this industrial warehouse Project, in concert with the other built or approved industrial warehouse projects, will fundamentally change the character and land use pattern of this portion of the City. Many of the Project-specific impacts are addressed, as outlined above, but the change in the use of the land from agricultural to industrial represents a substantial irreversible change for this area. However, this is an intended change as verified by the City's General Plan land use designations and zoning for the area. (DEIR pgs. 5-2 and 5-3)

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Aesthetics - Scenic Vistas;
2. Aesthetics - Scenic Resources and Scenic Highways;
3. Aesthetics - Existing Visual Character or Quality of Site and its Surroundings;
4. Aesthetics – Cumulative;
5. Agricultural Impacts - Conversion of State Designated Farmland;
6. Agricultural Impacts - Conversion of Farmland to a Non-Agricultural Use;
7. Agricultural Impacts - Cumulative;
8. Air Quality Impact - Air Quality Management Plan Consistency;
9. Air Quality Impact - Equipment Exhaust from Construction-Related Activities;
10. Air Quality Impact - Architectural Coatings;
11. Air Quality Impact - Long-Term Project-Related Emissions;
12. Air Quality Impact - Project-Related Localized Operational Emissions;
13. Air Quality Impact - Cumulative;
14. Land Use and Planning Impact - Conflict with Applicable Land Use Plans, Policies, or Regulations;
15. Land Use and Planning - Impact Cumulative;
16. Transportation Impact - Existing With Project Conditions (Intersection) Traffic and Level of Service;

17. Transportation Impact - Opening Year With Project Conditions (Intersection) Traffic and Level of Service;
18. Transportation Impact - Opening Year 2016 Cumulative With Project Conditions (Intersection) Traffic and Level of Service; and
19. Transportation Impact – Cumulative.

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(C) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives or the other alternatives do not substantively reduce the severity of unavoidable and significant impacts.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social,

economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a Project on the environment, the Project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, California Administrative Code, Title 4, 15093 (a) states: “If the benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered „acceptable.””

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

Facts in Support of the Finding (Overriding Considerations). The ProLogis project has four overriding considerations: (1) development consistent with City standards; (2) economic viability; (3) employment generation; and (4) infrastructure improvements.

(1) Consistency with City Goals. The City's Development Review process will assure the proposed development is consistent with the City's General Plan, zoning, and Municipal Code upon approval of the requested General Plan Amendment, Zone Change, and other development applications. The analysis in the DEIR indicates the ProLogis project is generally consistent with the following development goals of the City's General Plan and the requirements of the City zoning code and municipal code for the five environmental issues that were determined to be significant even after implementation of proposed mitigation:

- **DEIR Section 4.1 Aesthetics - Consistency with General Plan Policies.** The project is consistent with Objective 2.5 and Policy 2.5.1 by providing industrial uses near SR-60 and within the FAR limits outlined. The project does not appear to be fully consistent with Policies 2.5.2 and 2.5.3 because it places industrial uses adjacent to lower density residential uses without the typical buffering land uses (e.g., higher density residential or business park). The project is consistent with Policy 2.5.4 as it precludes industrial traffic through residential areas by eliminating Quincy Street south of the new Eucalyptus Avenue road alignment and eliminating the new Encilia Avenue (old Eucalyptus Avenue) west of the Quincy Channel. The project is generally consistent with Objective 2.10 and Policies 2.10.1 through 2.10.5 by providing detailed architectural and landscaping themes for the proposed buildings and grounds, including adjacent to SR-60. The project is consistent with Policies 2.10.7 and 2.10.8 relative to lighting, although the tower accent features at the corners of the buildings may produce new off-site glare. The project appears to be consistent with Policy 2.10.9 as its fences and walls will incorporate landscaping and materials designed to reduce graffiti (see design details in DEIR Appendix K). The project may not be fully consistent with Policy 2.10.11 in terms of buffering for nearby residential uses, although it does comply with the new Municipal Code requirement of a 250-foot

buffer between industrial and residential uses. Policies 2.10.12 and 2.10.13 require screening for parking areas and the project is consistent with that policy.

- **DEIR Section 4.1 Aesthetics -Consistency with Municipal Code Requirements.** The previous analysis indicates the project is not consistent with Objective 7.7 and Policies 7.7.4 and 7.7.5 as it does not fully preserve significant views and vistas, including those along SR-60. Signage will be consistent with Municipal Code requirements so it is consistent with Policy 7.7.3. Finally, the project appears to be consistent with the various Municipal Code requirements for the proposed land uses outlined in Section 4.1.2 related to landscaping, setbacks, parking, storage, etc.
- **DEIR Section 4.2 Agriculture – Consistency with General Plan Policies -** The Moreno Valley General Plan policies and zoning designations support agriculture only as an interim use, and no land in the City is designated solely for agricultural use or for agricultural preservation. Despite this, the proposed zone change would conflict with the existing zone and Primary Animal Keeping Overlay (PAKO) designation for this portion of the project site; however, this change would remove less than one percent of the PAKO-designated land and would not represent a significant loss of land under this overlay designation. Based on the recent trends of urban development in the City, development pressures will eventually lead to the conversion of agricultural land in the City to suburban uses.

The City’s General Plan recognizes that these conversions will eventually occur, and the proposed project is a demonstration of that trend. The proposed project would result in the conversion of Prime Farmland, development of this site and the surrounding area is consistent with the long-term vision of the City as outlined in the General Plan. The Moreno Valley General Plan policies support agriculture as an interim use, and no land in the City is designated for agricultural preservation.

- **DEIR Section 4.3 Air Quality – Consistency with General Plan Policies –** Chapter 9 of the City’s General Plan defines goals and policies related to air quality within the City of Moreno Valley. The specific policies of the General Plan that are relevant to the proposed project are as follows:
 - *Objective 6.7: Reduce mobile and stationary source air pollutant emissions.*

- **Policy 6.7.1:** *Cooperate with regional efforts to establish and implement regional air quality strategies and tactics.*
- **Policy 6.7.5:** *Require grading activities to comply with South Coast Air Quality Management District's Rule 403 regarding the control of fugitive dust.*
- **Policy 6.7.6:** *Require building construction to comply with the energy conservation requirements of Title 24 of the California Administrative Code.*

The proposed project site is located in an urbanizing area of the City along SR-60 which accommodates traffic in the area. In addition, the proposed warehouse uses would be within walking distance of existing homes and commercial areas in the local vicinity. The proposed project will incrementally reduce overall vehicle miles traveled (VMT) in the region by introducing employment into an area (i.e., the City of Moreno Valley) with a low jobs/housing ratio as monitored by the Southern California Association of Governments (SCAG). This reduction in VMT will consequently reduce air pollutant emissions so the project is consistent with City General Plan Objective 6.7 and Policies 6.7.1. Mitigation Measures 4.3.6.2A through 2M to control dust, and Mitigation Measure 4.3.6.5B requires the project to exceed Title 24 energy conservation requirements, so the project is consistent with General Plan Policies 6.7.5 and 6.7.6.

- **DEIR Section 4.8 Land Use and Planning – Consistency with General Plan Policies –** Section 9.2.2 Community Development of the General Plan contains the following goals and objectives:
 - *Goal 2.1: A pattern of land uses which organizes future growth, minimizes conflicts between land uses, and which promotes the rational utilization of presently underdeveloped and undeveloped parcels.*
 - *Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.*
 - *Objective 2.1: Balance the provision of urban and rural lands within Moreno Valley by providing adequate land for present and future urban and economic development needs, while retaining the significant natural features and the rural character and lifestyle of the northeastern portion of the community.*

- *Objective 2.5: Promote a mix of industrial uses which provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley with the establishment of industrial activities that have good access to the regional transportation system, accommodate the personal needs of workers and business visitors; and which meets the service needs of local businesses.*
- *Policy 2.5.1: The primary purpose of areas designated Business Park/Light Industrial is to provide for manufacturing, research and development, warehousing and distribution, as well as office and support commercial activities. The zoning regulations shall identify the particular uses permitted on each parcel of land. Development intensity should not exceed a Floor Area Ratio of 1.00 and the average floor area ratio should be significantly less.*
- *Policy 2.5.2: Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses.*
- *Policy 2.5.3: Screen manufacturing and industrial uses where necessary to reduce glare, noise, dust, vibrations and unsightly views.*
- *Policy 2.5.4: Design industrial development to discourage access through residential areas.*

In addition, General Plan Section 9.6.2 Safety Element contains the following applicable objective:

- *Objective 6.6: Promote land use patterns that reduce daily automotive trips and reduce trip distance for work, shopping, school, and recreation.*

The City's adopted General Plan Land Use Map designations for the existing project area largely reflect the existing land use pattern. The northern portion of the proposed project site is designated Business Park/Light Industrial, while the southern area, south of proposed Eucalyptus Avenue, is designated Residential in the City's General Plan. The primary purpose of areas designated Business Park/Light Industrial is to provide for manufacturing, research and development, warehousing and distribution, as well as office and support commercial activities.¹⁸ The proposed project is not consistent with the current General Plan and zoning, and includes a General Plan Amendment (and related Zone Change) so the project will be consistent with the General Plan. Impacts relative to the City's Primary Animal Keeping Overlay (PAKO) are addressed in the discussion of DEIR Section 4.2 Agriculture.

¹⁸ Moreno Valley General Plan. *Chapter 9 Goals and Objectives. Policy 2.5.1.* Pg. 9-7.

General Plan Objective 2.1 and Policy 2.5.1 require a transition of buffer of land uses between residential and industrial uses. In this area, the R5 and R15 zone areas in the southern portion of the site act as a buffer from the BP uses near the freeway and the RA2 residential uses. It should be noted that, while there is an existing transition of land uses from BP to R2 in the vicinity of the project site, it is not the function of either the R-5 or R-15 zones to act as a buffer between non-residential land uses and low density residential uses.

The project provides light industrial uses close to freeway access that will generate short- and long-term employment for the City while minimizing conflicts with existing residential land uses to the southeast through planned changes in the circulation network, so it is consistent with Land Use Goals 2.1 and 2.2, Objectives 2.1 and 2.5, Policies 2.5.1 through 2.5.4, and Safety Objective 6.6. In addition, the proposed project is generally consistent with SR-60 East Corridor Study and can accommodate limited expansions of the Moreno Valley Auto Mall if necessary in the next two years.

- Relative to the City's Housing Element, the proposed project would result in the loss of potential housing units as the General Plan Amendment (GPA) and Zone Change (ZC) request a change to industrial uses. Development of the site as proposed could eliminate as many as 681 housing units from the site, with 80 percent of those units (548) at a density that is generally accepted as helping to promote housing affordability (15 units per acre) on a regional level. The loss of the (max) potential 548 units (R-15 land) from the proposed project would reduce the total potential affordable units from 20,894 to 20,346 or still 2.7 times the RHNA number. The proposed project would not reduce the City's potential pool of affordable housing to below its RHNA number; therefore, it would not create a significant impact related to the City's Housing Element.
- **DEIR Section 4.8 Land Use and Planning – Consistency with the Municipal Code.** Section 9.05, Industrial Districts, of the City Municipal Code requires a minimum 250-foot buffer between residential uses and truck activity areas of industrial uses. The site plan of the proposed project provides a buffer of almost 400 feet from the closest residence to the southeast, so the project is consistent with this adopted land use buffer requirement.

- **DEIR Section 4.11 Transportation – Consistency with General Plan Policies** – The project is consistent with Community Development Policy 2.2.17 because the proposed amendment to the Circulation Element will prevent industrial traffic from traveling through existing residential areas southeast of the site. The project is also consistent with most of the relevant policies of the Circulation Element, including: providing adequate emergency access (Policy 5.1.1); minimizing traffic conflicts (Policies 5.1.2, 5.5.3, and 5.5.4); providing adequate off-street parking (Policy 5.1.3), ADA and Title 24 consistency (Policy 5.1.5); promoting through access (Policies 5.1.6, 5.2.2, 5.3.1, and Objective 5.5); mitigating project-related traffic impacts (Policy 5.5.8); allow for bicycle, pedestrian, and non-vehicular access options (Objective 5.8 and Policy 5.8.4, Objective 5.10 and Policy 5.10.1, Objective 5.11 and Policies 5.11.1 and 5.11.2); and using safe project design procedures (Policies 5.5.5, 5.5.9, and 5.5.10) plus applicable Municipal Code requirements.

The project is not fully consistent with Objective 5.2 which requires Level of Service C or roadways or Level of Service D on local freeway segments, but will make improvements, pay City Development Impact Fees, and make contributions to the County’s Traffic Uniform Mitigation Fee (TUMF) program to offset project impacts, which is consistent with City Policies 5.3.5, 5.3.6, and 5.3.7).

(2) Economic Viability. ProLogis estimates the project would result in a property tax increase from \$282,058 in 2013 to \$1.4 million at project buildout, representing an increase of \$1.2 million. Although a fiscal/economic study was not prepared for the ProLogis project, a comprehensive fiscal study was recently prepared by David Taussig and Associates (DTA¹⁹) for 41 million square feet of logistics warehousing proposed east of the ProLogis project site. This study indicated that logistics warehousing in Moreno Valley generates a surplus of City revenues versus costs. Since the ProLogis project is also logistics warehousing, it is reasonable to assume similar ratios of revenues and costs as outlined in the DTA study. Based on data in the DTA study, the ProLogis project could be expected to generate a surplus of approximately \$330,000 per year to the City at buildout.²⁰ This estimate is supported by data from a

¹⁹ “Fiscal and Economic Impact Study for the World Logistics Center Specific Plan.” David Taussig and Associates, Inc. January 15, 2013. See Appendix C.

²⁰ The DTA 2013 study estimated a surplus of \$6 million for 41 million square feet of logistics warehousing in the City, so the ProLogis project (2.25 million square feet) would generate a surplus of approximately \$330,000 using similar data and assumptions. See Appendix A.

similar fiscal study prepared for a recent warehouse project in the City of Perris²¹. That study estimated 1.7 million square feet of warehousing would generate an annual surplus of \$216,500 which would equal \$331,000 if a similar cost/revenue ratio was applied to the proposed ProLogis project²².

(3) Employment Generation. ProLogis estimates the project would generate a need for approximately 1,400 temporary construction—related workers²³ and approximately 600 permanent full-time employee positions at buildout of the proposed warehousing.

(4) Traffic and Infrastructure Improvements. The DEIR²⁴ indicated that the ProLogis project would produce an estimated 4,408 or 37 percent fewer Passenger Car Equivalent or PCE trips per day compared to the site as presently zoned (7,527 trips for ProLogis compared to 11,935 trips under current zoning). Note the PCE calculation takes into account large trucks in the vehicle mix.

ProLogis estimates the proposed project would pay approximately \$4.5 million for onsite road improvements including mainly Eucalyptus Avenue as an arterial street. In addition, ProLogis will provide \$9.2 million in Development Impact Fees (DIFs) to the City and other agencies in the following categories:

- * Moreno Valley Unified School District school impact fees
- * Arterial Streets
- * Traffic Signals
- * Interchange Improvements
- * Fire Facilities
- * Police Facilities
- * City Hall
- * Corporate Yard
- * Maintenance Equipment
- * Transportation Uniform Mitigation Fee (TUMF-separate from DIF)(see below)
- * Multi-Species Habitat Conservation Plan (MSHCP-County)
- * Riverside County Area Drainage Fee
- * Stephen’s Kangaroo Rat Habitat Conservation Plan Fee (SKR HCP)
- * SR-60/Moreno Beach Drive/Redlands Blvd. Improvement Fee

²¹ Andrew Chang and Company, LLC. Stratford Ranch Industrial Development, Fiscal and Economic Impacts, City of Perris. September 2012. See Appendix D.

²² \$216,500 for 1.7 million square feet (Stratford Ranch) is equal to \$331,000 for 2.6 million square feet (ProLogis).

²³ Estimate of construction-related employees generated by the ProLogis Ontario project, May 2014. See Appendix B.

²⁴ ProLogis trip generation on DEIR Table 4.11.E, page 4.11-15, and existing zoning trip generation outlined on Table 6.B, page 6-9.

- * Fair Share for DIF and TUMF improvements per project traffic study
- * Santa Ana Watershed Authority (SAWA) mitigation for Quincy Channel impacts
- * Eastern Municipal Water District (various – water, sewer, landscaping, etc.)

The ProLogis project will also make a variety of improvements (e.g., utilities, streets) both onsite and in the surrounding area, and offsite improvements, or contributions to needed roadway and intersection improvements, are shown below as summarized from the project Traffic Impact Assessment²⁵ and as outlined in Mitigation Measures 4.11.6.4A-4F:

Make Improvements or Fully Fund Before Project Opening

- Redlands Boulevard/SR-60 Westbound Ramps – Install traffic signal.
- Redlands Boulevard/Fir Avenue/Eucalyptus Avenue – Install a traffic signal, add a northbound left-turn lane, and add a southbound left-turn lane.
- Moreno Beach Drive/SR-60 Eastbound Ramps – TUMF fee includes interchange.

Make a Fair Share Contribution (Year 2016 Impacts)

- Moreno Beach Drive/SR-60 Eastbound Ramps – TUMF fee contributes to a planned interchange upgrade.
- Moreno Beach Drive/Cottonwood Avenue – DIF fee contributes to the addition of a southbound through lane.
- Moreno Beach Drive/Alessandro Blvd. – DIF fee contributes to the addition of a southbound through lane.
- Redlands Blvd./SR-60 Westbound Ramps – DIF and TUMF fees contribute to installation of a traffic signal and add a northbound through lane.
- Redlands Blvd./SR-60 Eastbound Ramps – TUMF fee contributes to improvement costs.
- Redlands Blvd./Fir Avenue/Eucalyptus Avenue – DIF fee contributes to installation of a traffic signal, adding a westbound right-turn lane, and adding an eastbound left-turn lane. TUMF fee will cover installation of a northbound left-turn lane and a southbound through lane.
- Redlands Blvd./Eucalyptus Avenue – TUMF fee contributes to the addition of a southbound right-turn lane.
- Redlands Blvd./Alessandro Blvd. – TUMF fee contributes to the addition of a southbound left-turn lane.

²⁵ LSA Associates, Inc. April 24, 2012 as summarized in the ProLogis Draft EIR Section 4.15, Transportation and Traffic.

Make a Fair Share Contribution (Year 2035 Impacts)

- Nason Street/Eucalyptus Avenue – DIF fee will contribute to installation of a northbound right-turn lane and restriping the westbound approach to provide dual left-turn lanes.
 - Nason Street/Alessandro Blvd. – DIF fee will contribute to installation of an eastbound through lane, westbound through lane, and overlap phasing for the eastbound right-turn lane.
 - Moreno Beach Drive/SR-60 Westbound Ramps – TUMF fee contributes to improvements.
 - Moreno Beach Drive/SR-60 Eastbound Ramps – TUMF fee contributes to improvements.
 - Moreno Beach Drive/Eucalyptus Avenue – DIF fee contributes to traffic signal and various lane improvements/restriping.
 - Moreno Beach Drive/Cottonwood Avenue – DIF fee contributes to addition of a southbound lane.
 - Moreno Beach Drive/Alessandro Blvd. – DIF fee contributes to various lane improvements and restriping.
 - Redlands Blvd./SR-60 Westbound Ramps – DIF fee contributes to installation of a traffic signal.
 - Redlands Blvd./SR-60 Eastbound Ramps – TUMF fee contributes to various interchange improvements at this location.
 - Redlands Blvd./Fir Avenue/Eucalyptus Avenue – DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
 - Redlands Blvd./Eucalyptus Avenue – DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
 - Redlands Blvd./Alessandro Blvd. - DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
- **Make a Fair Share Contribution (General Plan Buildout Impacts)(In addition to 2035)**
 - Nason Street/Eucalyptus Avenue – DIF fee will contribute to installation of a northbound right-turn lane and eastbound right-turn lane.
 - Nason Street/Alessandro Blvd. – DIF fee will contribute to installation of an eastbound left-turn lane and traffic signal improvements,
 - Moreno Beach Drive/Eucalyptus Avenue – DIF fee contributes to various lane improvements/restriping.

- Moreno Beach Drive/Cottonwood Avenue – DIF fee contributes to addition of a southbound lane.
- Moreno Beach Drive/Alessandro Blvd. – DIF fee contributes to various lane improvements and restriping.
- Auto Mall Drive/Eucalyptus Avenue – DIF fee contributes to installation of a traffic signal.
- Redlands Blvd./Alessandro Blvd. - DIF and TUMF fees contribute to installation of various lane improvements.

If the Encilia Avenue/Quincy Street Connection is Approved, the project will make the following improvements:

- Moreno Beach Drive/Eucalyptus Avenue – DIF fee will contribute to installation of various lane improvements and restriping.
- Redlands Blvd./Fir Avenue/Eucalyptus Avenue – Fair share contribution toward the addition of a southbound right-turn lane.
- Redlands Blvd./Encilia Avenue/Eucalyptus Avenue – DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
- Moreno Beach Drive/Encilia Avenue - DIF fee contributes to installation of a traffic signal and various lane improvements.

VII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies, amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. Findings

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(C) of these Findings:

- *Aesthetics Impacts (Scenic Vistas; Scenic Resources and Scenic Highways; Existing Visual Character or Quality of Site and its Surroundings; and Cumulative Impacts)* as a result of substantial change in visual characteristics of the proposed project compared to the existing site and the fact that the site was planned for Business Park and Residential uses and no feasible mitigation measures are available.
- *Agricultural Impacts (Conversion of State Designated Farmland; Conversion of Farmland to a Non-Agricultural Use; and Cumulative Impacts)* due to loss of 82.5 of Prime Farmland and Former Agriculture Activities and there is not an established regional mitigation program available.
- *Air Quality Impacts (Air Quality Management Plan Consistency; Equipment Exhaust from Construction-Related Activities; Architectural Coatings; Long-Term Project-Related Emissions; Project-Related Localized Operational Emissions; and Cumulative Impacts;)* due to the size and

type of project, the proposed project would exceed SCAQMD thresholds and available mitigation would not reduce impacts to less than significant levels.

- *Land Use and Planning Impacts (Conflicts with Applicable Land Use Plans, Policies, or Regulations; and Cumulative Impacts)* due to the proposed project not being consistent with current General Plan land use and zoning designation

- *Transportation Impacts (Existing With Project Conditions (Intersection) Traffic and Level of Service; Opening Year With Project Conditions (Intersection) Traffic and Level of Service; Opening Year Cumulative With Project Conditions (Intersection) Traffic and Level of Service; and Cumulative Impacts.)* due to various mitigation measures being under the jurisdiction of Caltrans and so implementation cannot be guaranteed by the Lead Agency (City).

The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

- a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(C) above.

- b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

- c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

VII. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the Mitigation Monitoring and Reporting Plan (MMRP) set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

Appendix A
Fiscal and Economic Impact Study
World Logistics Center

DAVID
TAUSSIG
& Associates, Inc.

**FISCAL AND ECONOMIC
IMPACT STUDY**

**WORLD LOGISTICS CENTER
MORENO VALLEY, CALIFORNIA**

JANUARY 15, 2013

Public Finance
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FISCAL AND ECONOMIC IMPACT STUDY

**WORLD LOGISTICS CENTER
MORENO VALLEY, CALIFORNIA**

Prepared For

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EXECUTIVE SUMMARY

I. PURPOSE OF STUDY

The objective of this Fiscal and Economic Impact Study (the "Study") is to analyze the fiscal and economic impacts of the proposed development of the World Logistics Center (the "Center") on the City of Moreno Valley ("City") and the County of Riverside ("County"). The Center is comprised of 41.4 million building square feet of high-cube industrial land use, 200,000 building square feet of general warehouse space, and 3,000 building square feet of light retail space for the sale of fuel, food, and convenience items. The Study analyzes the recurring fiscal impacts of the Center's development on the City General Fund, and also identifies the general economic impacts on the City in terms of employment, gross receipts, and earnings creation for City residents and workers.

II. TYPES OF FISCAL AND ECONOMIC IMPACTS TO CITY OF MORENO VALLEY EVALUATED IN THE STUDY

A. FISCAL IMPACTS ON CITY OF MORENO VALLEY GENERAL FUND

The purpose of the fiscal analysis component of this Study is to estimate the net fiscal impacts of the Center's proposed development and construction on the City General Fund. The fiscal impacts identified in this Study include recurring municipal revenues and costs to the City General Fund that result from the land use scenario analyzed. City General Fund revenues are generated from a variety of revenue sources, including property taxes, sales taxes, fees, and fines. Costs to the City General Fund are associated with a variety of services, such as police protection, fire protection, public works maintenance, and general government services.

B. ECONOMIC IMPACTS ON CITY OF MORENO VALLEY

The Study also identifies the general economic impacts on the City that would occur and quantifies these impacts wherever possible. General economic impacts include additions to the City's employment (number of average annual full- & part-time jobs), economic output (e.g., gross receipts), and earnings (the sum of wages, salaries and benefits, other labor income, and employer and employee contributions to social security). The Study also distinguishes between one-time impacts and permanent impacts. One-time impacts include benefits to the City that occur on a non-recurring basis as a result of construction activity, while permanent impacts refer to benefits that occur on a continuing basis, year after year.

III. DESCRIPTION OF WORLD LOGISTICS CENTER

The World Logistics Center (the "Center") is located in the County of Riverside and is comprised of approximately 41.6 million building square feet of industrial land use. The specific land uses are broken down into three categories: Logistics Development ("LD"), Light Logistics ("LL"), and Logistics Support ("LS"). The LD category covers 2,636 acres and is designated for high-cube logistics uses. Traffic analyses presume that buildings in this area will be a minimum of 500,000 square feet in size. The Center includes up to 41.4 million square feet of logistics uses in the LD category.

Correspondingly, the LL category covers 29 acres and is designated for general warehouse uses. There is no minimum building size in this category. The Center’s Specific Plan (“Specific Plan”) permits up to 200,000 square feet of general warehouse space in the LL category. The LS category will be allocated 3,000 square feet of building area and will be a “floating site” in the Specific Plan; the final site will be determined when development plans/tentative maps are designed. LS will accommodate fueling facilities, fast food, and convenience retail.

The Center is located in Rancho Belago, California, at the eastern edge of the City of Moreno Valley (the “City”). The Center will require the construction of significant new infrastructure, financed through public and/or private funds, to be ultimately owned by the City and maintained by the City’s General Fund. At this time, it is estimated that these public infrastructure improvements will consist of 54 lane miles of roadways, 75 acres of landscaped parkways and medians, 4 signalized intersections, 699 streetlights, 18.1 linear miles of storm drains, and 17.2 linear miles of sidewalks/trails. Please refer to **Table 2E** for further information on these public improvements.

IV. CONCLUSIONS OF ANALYSIS RELATED TO CENTER

Following are the major conclusions related to the fiscal and economic impacts of the Center:

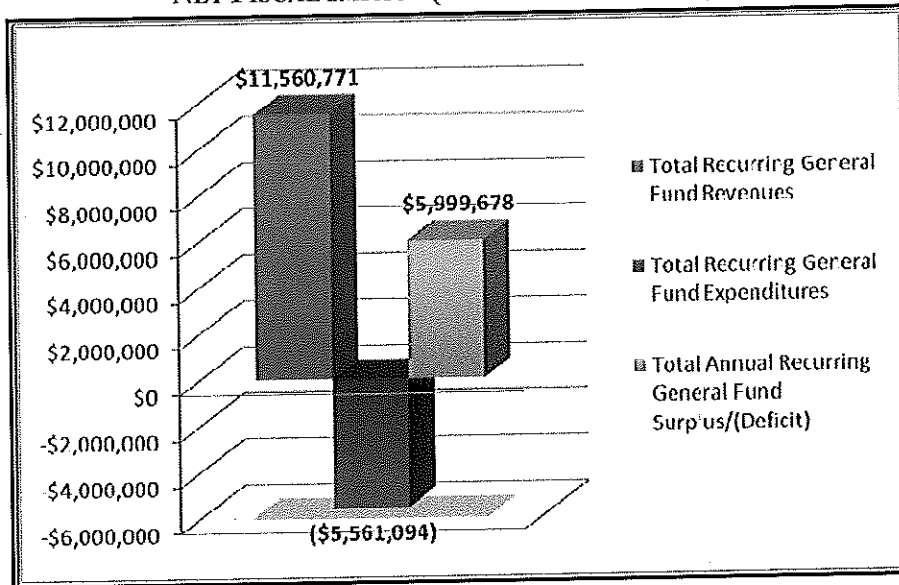
A. FISCAL IMPACTS

As reflected in **Table A** and **Figure A** below, the positive Net Fiscal Impact is estimated to be \$5,999,678 annually, based on \$11,560,771 in fiscal revenues and \$5,561,094 in fiscal costs. The fiscal surplus results primarily from property tax in lieu of VLF revenues (40.1% of total) and property tax revenues (secured and unsecured) (31.9%), together constituting approximately 72.0% of total recurring revenues to the City General Fund. The Annual Revenue/Cost Ratio of 2.08 is especially impressive, and demonstrates, inter alia, that the Center will have a very positive impact on the City’s General Fund. In comparison, the City’s General Fund currently runs a Revenue/Cost Ratio of ~0.94. Notably, the City’s costs are limited due to the fact that the Center will not create any new residents, i.e., it is a purely industrial development.

TABLE A
NET FISCAL IMPACT (CITY GENERAL FUND)

Category	Amount
Total Recurring Revenues	\$11,560,771
Total Recurring Costs	(\$5,561,094)
Annual Recurring Surplus/(Deficit)	\$5,999,678
<i>Total Annual Revenue/Cost Ratio</i>	<i>2.08</i>

FIGURE A
NET FISCAL IMPACT (CITY GENERAL FUND)



B. ECONOMIC IMPACTS

As noted previously, the economic impacts of the Center that are analyzed within the Study are (1) Permanent Employment – direct-on-site and indirect/induced (which supplies or supports direct employment); (2) Permanent Output (Gross Receipts) – total direct output *plus* output produced by suppliers and employee spending; and (3) One-Time Construction Impacts. As reflected in **Tables B and C** below, the City’s Permanent Employees and Permanent Gross Receipts, as well as its One-Time Construction Employees, Gross Receipts, and Gross Earnings are all substantially higher following Center development.

1. PERMANENT (RECURRING) EMPLOYMENT, WAGES, AND GROSS RECEIPTS

TABLE B
 (ALL NUMBERS SUBJECT TO ROUNDING)

Recurring Impact	Direct	Indirect/Induced	Total
<u>Employees</u>			
Countywide	20,808	7,569	28,377
Within City	20,808	3,785	24,593
<u>Employee Wages</u>			
Countywide	\$881 Million	\$307 Million	\$1.2 Billion
Within City	\$881 Million	\$154 Million	\$1.0 Billion
<u>Overall Output</u>			
Countywide	\$1.5 Billion	\$891 Million	\$2.4 Billion
Within City	\$1.5 Billion	\$446 Million	\$2.0 Billion

2. CONSTRUCTION (ONE-TIME) EMPLOYMENT, WAGES, AND GROSS RECEIPTS

TABLE C
(ALL NUMBERS SUBJECT TO ROUNDING)

Recurring Impact	Direct	Indirect/Induced	Total
<u>Construction Employees</u>			
Countywide	13,123	7,610	20,733
Within City	13,123	3,805	16,928
<u>Construction Wages</u>			
Countywide	\$641 Million	\$309 Million	\$950 Million
Within City	\$641 Million	\$154 Million	\$795 Million
<u>Construction Output</u>			
Countywide	\$1.7 Billion	\$955 Million	\$2.7 Billion
Within City	\$1.7 Billion	\$477 Million	\$2.2 Billion

Given a buildout period of approximately 10 years, with projected even absorption, the construction of the Center will create approximately 1,300 full-time equivalent (“FTE”) direct annual construction/one-time jobs in the City.

3. OTHER IMPACT CONCLUSIONS

TABLE D

Jobs-Housing Balance	Balance with Center	% Increase / (Decrease)
Countywide	0.74	5.15%
Within City	0.92	97.90%

Although the Center is expected to demand a high level of public infrastructure, the Center is also expected to generate sizeable revenues to the City of Moreno Valley. As Tables A, B, C, and D illustrate, the Center’s logistics component is expected to generate sizeable, substantial, and lasting employment, wage, output, and revenue impacts. Accordingly, it is critical that the Center’s high property and sales tax generating logistics uses be entirely built out to ensure that the Center generates the benefits as forecasted in this Study.

SECTION 1 INTRODUCTION

David Taussig and Associates, Inc. (“DTA”) has been engaged by Highland Fairview to prepare a Fiscal and Economic Impact Study (the “Study”) that evaluates the likely fiscal and economic impacts of the proposed development and construction of the Center on the City of Moreno Valley (the “City”). The impact of the Center on the City’s General Fund was thoroughly analyzed, although City enterprise and special funds were not explicitly considered within the Study.

I. SCOPE AND METHODOLOGY

A. RECURRING FISCAL IMPACTS

Fiscal impacts arising from a land development plan can be broadly categorized as one of two types: one-time impacts or recurring impacts. Each of these broad types may, in turn, be divided into a revenue component and a cost component. For purposes of this Study, it has been assumed that one-time revenues would directly offset one-time costs; thus, the fiscal impacts considered in this Study focus on ongoing, or recurring, fiscal impacts of the Center on the City General Fund. To the extent that revenues are generated outside of the City’s General Fund (e.g., special district revenues) or costs are incurred by the City outside of the General Fund (e.g., costs financed through a special district), they are not included within this fiscal analysis.

As previously mentioned, the fiscal impacts projected for the Study are based generally on the *Multiplier Methodology*. The primary *Multiplier Methodology* used to project the fiscal impacts in this Study was the *Per Capita-Employee (“Persons Served”) Methodology*. The Persons Served Methodology considers the fact that the exact relationship of service demands and revenue-generating potential between residents and employees is difficult to measure. Thus, utilizing a service population, or Persons Served population, comprised of all residents and 50% of employees is common fiscal practice, and suggests that a resident generally has twice the fiscal impact of an employee. This methodology involves calculating the *average City-wide* revenues/costs per Persons Served, utilizing the fiscal year 2012-2013 City budget, and applying these revenue/cost factors to the specific number of Persons Served projected for the Center.

DTA also used a *Per Employee Methodology* in the Study to project recurring fiscal factors based on employment only, such as business license tax revenues. Similar to the Persons Served Methodology discussed above, the Per Employee Methodology involves calculating the *average City-wide* revenues/costs per employee, utilizing the fiscal year 2012-2013 City budget, and applying these factors to the specific number of employees projected under the given scenario.

While most recurring revenues analyzed in the Study are projected using the *Multiplier Methodology*, some major revenue sources, including property taxes and sales taxes, are calculated using a *Case Study Methodology* that involves calculating the *marginal revenues* to be specifically generated by a particular land use, instead of applying an *average City-wide* revenue factor. For purposes of the Study, all recurring revenues and costs are stated in constant (un-inflated) 2012 dollars, based on the assumption that the relative impacts of inflation in future years will be the same for both of these fiscal impact categories.

B. GENERAL ECONOMIC IMPACTS

The Study also identifies the general economic impacts on the City that would occur due to the Center, and quantifies these impacts wherever possible. General economic impacts include additions to the City's employment (number of average annual full- & part-time jobs), economic output (e.g., gross receipts), and earnings (the sum of wages, salaries and benefits, other labor income, and employer and employee contributions to social security). The Study also distinguishes between one-time economic impacts and permanent economic impacts. One-time impacts include benefits to the community that occur on a non-recurring basis as a result of construction and development activity, while permanent, recurring impacts refer to benefits that occur on a continuing basis, year after year. Additionally, for purposes of the Study, all economic impacts are stated in constant (un-inflated) 2012 dollars, based on the assumption that the relative impacts of inflation in future years may be difficult to gauge.

In evaluating economic impacts, the Study quantifies both direct and indirect/induced economic impacts on the City. Direct economic impacts reflect the initial or first-round increases in jobs, earnings, and output, all of which occur directly on-site. Indirect/induced economic impacts are the secondary and other additional rounds of economic activity that occur as a consequence of the direct impacts, and can occur elsewhere within the City. The **indirect** impacts represent the economic activity – buying and selling of goods and services – of *suppliers* to the land use types analyzed. In this Study, suppliers to the Center consist primarily of maintenance and repair professionals, utilities' providers, wholesale trade companies, and business support services; while suppliers to retail/office developments consist mainly of real estate firms, computer and other technology firms, accounting and bookkeeping professionals, and utilities' providers. Furthermore, the suppliers representing the indirect one-time impacts are mainly heavy industrial and construction suppliers for the actual development of buildings and facilities. The **induced** impacts represent the economic activity that results from household spending by *employees* of all companies directly and indirectly affected by the construction and operation of the land uses analyzed in this Study. Indirect and induced impacts can occur throughout all industries of the economy, and have been categorized using the North American Industry Classification System (NAICS). Adopted by the Office of Management and Budget (OMB) in 1997 to replace the Standard Industrial Classification System (SIC), NAICS is a widely-used system to classify business establishments for the collection, analysis, and publication of statistical data in Canada, Mexico, and the United States. NAICS industries are identified using a six-digit coding system to classify all economic activity into twenty broad sectors, five of which are mainly goods-producing sectors and fifteen of which are services-producing sectors. This six-digit hierarchical structure allows for the identification of nearly 1,170 industries. The broad NAICS sectors include the Construction, Retail Trade, and Administrative and Support Services classifications, which are the focal NAICS categories analyzed within this Study to determine the indirect and induced economic impacts generated under the analysis.

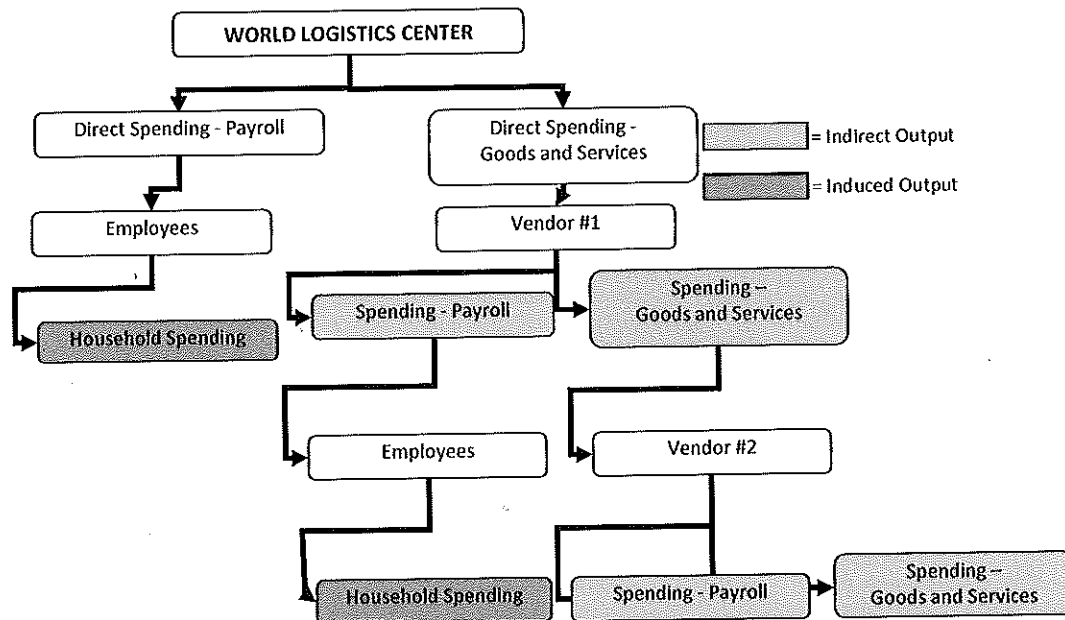
(i) IMPLAN MULTIPLIER METHOD

Although most economists agree that indirect and induced, or "multiplier" effects exist, most economists also agree that such effects are difficult to measure. Patterns on spending and employment among suppliers and employee households often vary over

time and from one region to another. Nevertheless, there are certain input-output models that can be used to estimate indirect and induced effects.

In quantifying the indirect and induced economic impacts for the Study, DTA utilized the Impact Analysis for Planning (“IMPLAN”) Input/Output Modeling System, a type of quantitative economic model that provides an approximate measure of the “multiplier effect” of a firm’s spending on payroll and the purchasing of goods and services. Like similar econometric models, IMPLAN helps to calculate the flow of payments for goods and services across different industry sectors, and between households and industries. The IMPLAN model can be envisioned simply as a large spreadsheet with hundreds of industries (plus the household sector) arrayed across the top as producers, and the same industries and households listed down the side as consumers. Each million dollars (output) in spending by any one consumer (i.e. the Center) is allocated across the producing industries from which it buys goods and services. These producing industries, in turn, spend money buying goods and services from their own distinct sets of suppliers. Thus, the IMPLAN multiplier model allows one to gauge the effect on each dollar an industry spends as it diffuses through a regional economy. Furthermore, it allows one to translate the overall regional impact of spending into jobs and employee compensation. Please refer to Table 1 for a diagram of the multiplier effect.

TABLE 1
EXAMPLE OF THE MULTIPLIER EFFECT (INDIRECT AND INDUCED OUTPUT)



The multiplier factors available to determine indirect/induced impacts are intended to reflect impacts for entire areas within a zip code. Therefore, the indirect/induced impacts identified in this Study to occur within the City boundaries are based on assumptions established by DTA and are subject to change. Please refer to **Appendix B** for further information.

II. LIMITATIONS

A. ACCURACY OF INFORMATION

The fiscal and economic models in the Study contain an analysis of revenues, costs, and impacts to the City resulting from the Center. These models are based on both (i) information provided to DTA by Highland Fairview staff and (ii) certain DTA assumptions taken from DTA's municipal cost database, as compiled by DTA from previous fiscal impact studies prepared by the firm. The sources of information and basis of the estimates calculated in the Study are stated herein. While DTA is confident that the sources of information are reliable, DTA does not express an opinion or any other form of assurance on the accuracy of such information. The analysis of fiscal impacts contained in this report is not considered to be a "financial forecast" or a "financial projection" as technically defined by the American Institute of Certified Public Accountants. The word "projection" used within this report relates to broad expectations of future events or market conditions. Since the analyses contained herein are based on estimates and assumptions that are inherently subject to uncertainty and variation depending on evolving events, DTA cannot represent that such estimates will definitely be achieved. Some assumptions inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, the actual results achieved may vary from these projections stated throughout the Study.

SECTION 2 DESCRIPTION OF RECURRING FISCAL REVENUES/COSTS

The following section presents the recurring revenue and cost impacts to the City General Fund and the methodology and assumptions utilized in the Study to project these impacts. Detailed numerical analyses of the revenue and cost impacts subsequently discussed in this section are contained in **Appendix A**.

I. ANALYSIS OF RECURRING REVENUES

CASE STUDY METHOD:

A. PROPERTY TAXES – SECURED AND UNSECURED

Property tax revenues are conservatively projected based on the City's estimated share of the general 1% property tax levy. Total secured property tax revenues received by the City from the land uses will equal approximately 8.97% of the basic 1% property tax levy from the Tax Rate Areas ("TRAs") encompassing the Center. Please note that the gross tax increment, as calculated by the Riverside County (the "County") Auditor-Controller, has been reduced to account for the projected Education Revenue Augmentation Fund ("ERAF") property tax shifts. Please refer to **Table 2A** below and **Exhibit 4** of **Appendix A** for details regarding the secured and unsecured property tax assumptions utilized in the fiscal impact analysis.

Unsecured property taxes are levied on tangible personal property that is not secured by real estate. Examples of unsecured property includes trade fixtures (e.g., manufacturing equipment and computers), as well as airplanes, boats, and mobile homes on leased land. In generating the fiscal impact models for this Study, DTA has assumed that unsecured property values average 10.00% of the secured value for non-residential land uses.

(I). ANNEXATION

According to the Riverside County Local Agency Formation Commission ("Riverside County LAFCO"), the Master Property Tax Transfer Agreement for the County of Riverside and the City of Moreno Valley (the "Property Tax Agreement") will determine the tax apportionment factors for the proposed annexation of elements of the Center to the City. Only one (1) parcel is to be annexed per the Specific Plan, however, this analysis still assumes that the annexation of this parcel will be carried out according to the terms of that agreement. Please refer to **Appendix C** for further information regarding that parcel. As the vast majority of elements of the Center are currently within the City, the overall TRA breakdown described above is weighted both by TRA, subject to the Property Tax Agreement, and acreage.

Of the property tax apportionment that is currently dedicated to the County's General Fund, 25% will be allocated to the City's General Fund upon annexation of the Center to the City, while the remaining 75% will be remitted to the County to pay for services that the County provides to City residents. For a detailed breakdown of the tax sharing assumptions, please refer to **Exhibit 4** of **Appendix A**.

B. PROPERTY TRANSFER TAX

Per California Revenue & Taxation Code §11901, *et seq.* and the Moreno Valley Municipal Code §3.22.020, sales of real property are taxed by the County at a rate of \$1.10 per \$1,000 of property value, whereas for property located in the City, the property transfer tax is divided equally between the City and the County, with the City receiving \$0.55 per \$1,000 of transferred property sale or resale value, excluding assumed liens or encumbrances. Per typical baseline assumptions, DTA assumes that non-residential development changes ownership at an average rate of 5% per year, and that continuing liens and encumbrances are insignificant.

C. PROPERTY TAX IN-LIEU OF VEHICLE LICENSE FEE

The passage of Proposition 1A in California in 2004 enacted a constitutional amendment that introduced a new methodology to calculate property taxes in-lieu of VLF. Per California Revenue and Taxation Code §97.70, the property tax in-lieu of VLF amount now grows in proportion to the growth rate of gross assessed valuation in a city or county. Property taxes in-lieu of VLF revenues are projected to grow with the change in the City-wide gross assessed valuation of taxable property from the prior fiscal year. Property tax in-lieu of VLF revenues constitute an addition to other property tax apportionments and were calculated for purposes of this Study at \$1.26 per \$1,000 increase in assessed valuation on a City-wide basis. Please refer to **Table 2A** below and **Exhibit 4** of **Appendix A** for details regarding the property tax assumptions utilized in the fiscal impact analysis.

TABLE 2A – PROPERTY TAX ASSUMPTIONS

Property Tax Assumptions	
<u>Property Tax</u>	
Industrial Sales Price / Square Foot	\$90.00
Retail Sales Price / Square Foot	\$200.00
Secured Property Tax – Net Apportionment Factor to the City of Moreno Valley as a Fraction of 1.0% Property Tax Rate (Net of ERAF)	8.97%
Unsecured Property Tax – Unsecured Taxes as a % of Secured Property Value	10.00%
<u>Property Transfer Tax</u>	
Non-Residential Property Turnover Rate	5.00%
Transfer Tax as a % of Price	0.11%
Property Transfer Tax Passed Through to City	50.00%
<u>Property Tax In-Lieu of VLF</u>	
City of MV – Total Assessed Value (FY 2011-2012)	\$10,445,118,397
City of MV – VLF Prop. Tax In-Lieu Revenues (FY 2012-2013)	\$13,195,000
VLF Property Tax In-Lieu per \$1,000 Assessed Value	\$1.26

D. MOTOR VEHICLE LICENSE FEES

(I). BACKGROUND

Prior to June 1, 2004, the Motor Vehicle License Fee (“VLF”) tax rate was equal to 2.00% of the value of a vehicle, with 0.65% paid by the vehicle owner and an additional 1.35% supplemented with a backfill from the State General Fund. A large portion of those funds was allocated to cities (42.50%) and counties (42.50%) based on population, while newly-incorporated cities received an additional population subvention based on three (3) times the number of registered voters for the first seven (7) years after incorporation.

As discussed earlier, in 2004, the VLF allocation was altered. The California Legislature implemented the “VLF Swap” in which the VLF was lowered to 0.65%. The resultant loss of city revenue was swapped with an augmentation of property tax, termed property tax in-lieu of VLF. These amounts grow annually based on the annual increase in assessed value within each respective jurisdiction (see above).

(II). SUPPLEMENTAL LAW ENFORCEMENT FUNDING (“SLESF”) AND OTHER STATE LAW ENFORCEMENT GRANTS

As a part of the 2009 state budget agreement, a number of law enforcement grant programs previously funded by the state general fund were instead funded in fiscal year (“FY”) 2009-10 and FY 2010-11 by a temporary 0.15% state VLF increase, which ended on June 30, 2011. The additional 0.15% VLF rate was intended to generate around \$500 million annually – the tax generated \$414 million in FY 2009-10 and \$442 million in FY 2010-11.

(III). SENATE BILL (SB) 89 - FEES SHIFTED TO FUND STATE LAW ENFORCEMENT GRANTS

SB89, signed in 2010 by Governor Brown, effectively eliminates the 0.65% VLF revenue that was being allocated as a general fund revenue source to California cities. Provisions in SB89 shift hundreds of millions of VLF revenues to fund the state law enforcement grants beginning FY 2011-12. The SB89 plan operates as follows:

- The “Vehicle License Registration Fee” is increased by \$12 to produce approximately \$300 million in FY 2011-12. This fee will fund state DMV vehicle license registration operations, thereby “freeing up” \$300 million of VLF revenue that had been used to fund DMV operations. This money will be transferred to a new Local Law Enforcement Services Account (“LLESA”) to fund the law enforcement grants.
- In addition, beginning July 1, 2011, SB89 transfers the remaining VLF revenue (after the Local Revenue Fund allocation for county health and welfare programs) previously allocated to cities and the County of Riverside to the LLESA.

SB89 takes \$130 million of city general revenue and shifts it to save state law enforcement grant programs. Less than \$100 million of these grant funds will come back to cities, earmarked for police services. But these funds will likely be offset by the loss of city VLF. Therefore, VLF (as

opposed to property tax in-lieu of VLF) revenue was not analyzed as a Center revenue source in this Study.

E. SALES AND USE TAXES

Direct sales tax revenues are generated by retail sales from businesses within City limits, with 1% of taxable sales receipts passed through to the City. **Exhibit 5 of Appendix A** reflects taxable sales receipts per square foot for each on-site non-residential land use type, based on data from the *Urban Land Institute's Dollars & Cents of Shopping Centers (2008)* publication and total taxable sales receipts for the Center, based on information provided by Highland Fairview and the City.

Indirect sales tax revenues, as summarized in **Exhibit 5 of Appendix A**, are generated by the purchases made by the Center's employees within the City. Based on studies outlined in the *International Council of Shopping Centers' Office Worker Local Retail Spending Patterns*, DTA assumed that each on-site employee spends nearly \$4,168 annually within the City.

TABLE 2B – SALES TAX ASSUMPTIONS

Sales Tax Assumptions	
% Sales Tax Passed Through to City of MV	1%
Local Employee Spending (Annual)	\$4,168
<i>Capture Rate of Employee Spending (within City of MV)</i>	50%
<i>Displacement Rate (of existing taxable sales within City)</i>	20%
Taxable Sales per Square Foot – Retail	\$250

F. INVESTMENT INCOME REVENUES

Investment Income revenues are generated by the increase in General Fund Revenues resulting from the Center. This increase reflects growth in the following revenue categories: property taxes, sales taxes, and multiplier revenues (as discussed below).

Revenues from this source are estimated by multiplying the Projected Recurring General Fund Revenues Available for Investment of \$11,537,696 by the Local Agency Investment Fund ("LAIF") investment fund rate of return of 0.40% by the LAIF Percentage of Earnings Cost factor of 50%. This calculation results in estimated Investment Income (less Earnings Cost) of \$23,075 (which when added to \$11,537,696 equals \$11,560,771). LAIF factors are determined quarterly by the California State Treasurer whose office governs the investment of revenues by municipalities.

Please refer to **Table 2C** below and **Exhibit 6 of Appendix A** for details regarding the investment income assumptions utilized in the fiscal impact analysis.

TABLE 2C – INVESTMENT INCOME ASSUMPTIONS

Investment Income Assumptions	
Investment Period for Recurring Non-Interest General Fund Revenues	12 Months
Local Agency Investment Fund (LAIF) Rate of Return	0.40%
Local Agency Investment Fund (LAIF) Percentage of Earnings	50%
Projected Recurring General Fund Revenues Available for Investment	\$11,537,696

MULTIPLIER METHOD:

G. OTHER TAX REVENUES

The Utility Users Tax (“UUT”) and the Transient Occupancy Tax (“TOT”) were forecasted at \$59.85 per Persons Served using the *Per Capita-Employee Multiplier Method*. Please note that this revenue multiplier has been reduced by 25% to account for only the portion of the UUT and TOT revenues that are expected to be variable with population and employee growth in the City. Historically, UUT is one of the General Fund’s largest revenue sources, as well as one of the most stable due to trends in the natural gas, wireless telephone, and cable industries.

H. BUSINESS RECEIPTS TAX & LICENSES

Business Receipts Tax and Business Licenses revenues to the City General Fund are anticipated to grow due to employment growth only. Therefore, Business Receipts Tax and Business Licenses revenues were projected at \$59.63 per Employee using the *Per Employee Multiplier Method*. However, the future addition of new retail businesses will have a particularly positive effect on the Business Receipts Tax.

I. FRANCHISE TAXES

Franchise Taxes, including Cable TV, Sewer, etc., were forecasted at \$24.81 per Persons Served using the *Per Capita-Employee Multiplier Method*.

J. LICENSES AND PERMITS

Licenses and Permits are based on the City’s collection of fees for various types of permits and community programs. Revenues are forecasted using a *Per Capita-Employee Multiplier Method* that results in a total multiplier of \$5.69 per Persons Served.

K. INTERGOVERNMENTAL REVENUES

Intergovernmental Revenues are forecasted using a *Per Capita-Employee Multiplier Method* that results in a total multiplier of \$6.00 per Persons Served.

L. CHARGES FOR CURRENT SERVICES

Current Services, including parking control fees, plan check fees, and inspections fees, were projected at \$38.12 per Persons Served, based on the *Per Capita-Employee Multiplier Method*.

M. USE OF MONEY AND PROPERTY (NON-INTEREST REVENUES)

Use of Money and Property Revenues, including Park and Community Building Rentals, were forecasted at \$0.25 per Persons Served using the *Per Capita-Employee Multiplier Method*.

N. FINES AND FORFEITURES

This revenue category represents fines and penalties collected by the City for various infractions, including Vehicle, Code, and certain Parking Fines. Fines and Forfeitures were forecasted at \$0.64 per Persons Served using the *Per Capita-Employee Multiplier Method*.

O. TRANSFERS IN

Direct cost of development related services and all development services revenue are budgeted in special funds, and the portion of the fee revenues that are attributable to overhead costs are shown as a transfer into the General Fund to reimburse the City for general support. Transfers In revenue is forecasted at \$0.37 per Persons Served, using the *Per Capita-Employee Multiplier Method*.

P. OTHER REVENUE

Other Revenues, including Miscellaneous Revenues, Donations, and Mandated Cost Reimbursements, were projected at \$1.21 per Persons Served utilizing the *Per Capita-Employee Multiplier Method*.

TABLE 2D – OTHER GENERAL FUND REVENUES (MULTIPLIER METHOD)

Category	Amount	Methodology
Other Tax Revenues	\$59.85	Persons Served plus 25% Discount
Business Receipts Tax & Licenses	\$59.63	Per Employee
Franchise Taxes	\$24.81	Persons Served
Licenses and Permits	\$5.69	Persons Served
Intergovernmental Revenues	\$6.00	Persons Served
Charges for Current Services	\$38.12	Persons Served
Use of Money and Property (Non-Interest Revenues)	\$0.25	Persons Served
Fines and Forfeitures	\$0.64	Persons Served

Category	Amount	Methodology
Transfers In	\$0.37	Persons Served
Other Revenues	\$1.21	Persons Served

Please refer to **Exhibit 7 of Appendix A** for more details on the case study assumptions and revenue multipliers utilized in the Study.

II. ANALYSIS OF RECURRING COSTS

CASE STUDY METHOD:

A. INFRASTRUCTURE AND PARKS MAINTENANCE

The Center will require the construction of new infrastructure to be ultimately owned by the City and maintained by the City's General Fund. At this time, it is estimated that these public infrastructure improvements will consist of 54 lane miles of roadways, 75 acres of landscaped parkways and medians, 4 signalized intersections, 699 streetlights, 18.1 linear miles of storm drains, and 17.2 linear miles of sidewalks/trails. Notably, other improvements to be maintained by other City Funds, i.e., Enterprise Funds, Special Funds, etc., were disregarded for purposes of this Study.

These improvements were multiplied by estimated annual cost figures for each category derived from the DTA Public Works Database, resulting in annual Infrastructure and Parks Maintenance costs of \$1,839,878.

Finally, Measure A funding – a half-cent sales tax for roadway funding administered by the Riverside County Transportation Commission – was incorporated, based on the percentage of total Measure A funds allocated to the City of Moreno Valley. Following a \$21,997 Measure A set-off, the annual Infrastructure and Parks Maintenance forecast is \$1,817,881.

TABLE 2E – INFRASTRUCTURE/PARKS REQUIREMENTS (CASE STUDY METHOD)

Infrastructure/Parks to be Maintained by City General Fund	Quantity	Cost/Unit
Roadways (Lane Miles)	54	\$7,834
Signalized Intersections	4	\$4,938
Street Lights	699	\$126
Parkways/Medians (Acres)	75	\$14,953
Storm Drains (Lineal Miles)	18.1	\$1,177
Sidewalks/Trails (Lineal Miles)	17.2	\$3,497

B. GENERAL GOVERNMENT COSTS

General Government costs are projected at a marginal rate of 7.58% of the City General Fund recurring costs, based on the assumption that the FY 2012-2003 General Government expenditures, equaling \$7.1 million, will remain at the same relative proportion of the FY 2012-2013 City General Fund non-governmental expenditures of approximately \$70.0 million in future years. The current percentage of General Government expenditures to City General Fund non-governmental expenditures is approximately 10.1%; however, these General Government costs are not expected to increase on a one-for-one basis as a result of the land use development depicted in this Study. Therefore, this Study assumes that General Government costs increase at an estimated marginal rate of 75%, or 7.58%, of the existing General Government cost overhead rate. This approach results in annual General Government costs of \$391,956.

MULTIPLIER METHOD:

C. POLICE AND FIRE PROTECTION

Police services include those costs associated with Law Enforcement and Patrol, Administration, Traffic Enforcement, Crime Prevention, Volunteer Programs, and Community-Based Policing. Police Services costs are forecasted at \$196.20 per Persons Served using the *Per Capita-Employee Multiplier Method*. Fire services include those costs associated with Fire Suppression, Fire Prevention, Equipment and Vehicles, Outreach, and Training. Fire Services costs are forecasted at \$72.84 per Persons Served using the *Per Capita-Employee Multiplier Method*.

D. ANIMAL SERVICES

Animal Control Services costs were projected at \$4.70 per Persons Served using the *Per Capita-Employee Multiplier Method*. Please note that this cost multiplier has been reduced by 50% to account for only the portion of Animal Services costs that are expected to be variable with population and employee growth in the City.

E. DEVELOPMENT SERVICES

Development Services costs, including elements of the Planning and Building Divisions, Land Development services, and certain Public Works (non-overhead/department) services related to new growth, were forecasted at \$20.87 per Employee using the *Per Capita-Employee-Multiplier Method*.

F. OTHER USES

Other Uses costs, including Records Management, Sign Programs, and the Office of Emergency Management and Volunteers, were forecasted at \$6.27 per Persons Served based on the *Per Capita-Employee Multiplier Method*. Please note that this cost multiplier has been reduced by 50% to account for only the portion of Other Uses costs that are expected to be variable with population and employee growth in the City.

G. COMMUNITY DEVELOPMENT

Community Development costs, including certain costs associated with existing City Planning and Building Safety, were forecasted at \$4.17 per Persons Served based on the *Per Capita-Employee Multiplier Method*. Please note that this cost multiplier has been reduced by 50% to account for only the portion of Community Development costs that are expected to be variable with population and employee growth in the City.

H. PUBLIC WORKS – OVERHEAD/DEPARTMENT COSTS

Public Works costs, including Administration, Engineering, and Operations and Maintenance expenses, were projected at \$10.79 per Persons Served using the *Per Capita-Employee Multiplier Method*. This category includes those Public Works costs not directly associated with Center-related roadway maintenance, signalized intersections, park rehabilitation, and other infrastructure (i.e. 54 lane miles of roadways, 75 acres of landscaped parkways and medians, 4 signalized intersections, 699 streetlights, 18.1 linear miles of storm drains, and 17.2 linear miles of sidewalks/trails).

I. TRANSFERS OUT

Transfers Out costs were forecasted at \$6.28 per Persons Served using the *Per Capita-Employee-Multiplier Method*.

TABLE 2F – OTHER GENERAL FUND COSTS (MULTIPLIER METHOD)

Category	Amount	Methodology
Police Services	\$196.20	Persons Served
Fire Services	\$72.84	Persons Served
Animal Services	\$4.70	Persons Served plus 50% Discount
Development Services	\$20.87	Persons Served
Other Uses	\$6.27	Persons Served plus 50% Discount
Community Development	\$4.17	Persons Served plus 50% Discount
Public Works	\$10.79	Persons Served
Transfers Out	\$6.28	Persons Served

SECTION 3 FISCAL IMPACTS

I. TOTAL RECURRING REVENUES: CITY OF MORENO VALLEY

Total recurring revenues to the City equal approximately \$11,560,771 per year. As illustrated in Table 3A below, the largest percentage of revenue is attributed to the property tax in lieu of VLF revenues (40.1% of total) and property tax revenues (secured and unsecured) (31.9%), together constituting approximately 72.0% of total recurring revenues to the City General Fund. Exhibits 1-6 of Appendix A provide additional details about all recurring revenues and the assumptions used in their derivation.

**TABLE 3A
RECURRING FISCAL REVENUES (CITY GENERAL FUND)**

Category	Amount	Percent*
Property Tax In-Lieu of Vehicle License Fee	\$4,636,853	40.1%
Secured Property Tax	\$3,357,120	29.0%
Business Receipts Tax & Licenses	\$1,240,751	10.7%
Tax Revenues (UUT & TOT)	\$622,664	5.4%
Indirect Sales Tax	\$433,594	3.8%
Charges for Services	\$396,591	3.4%
Unsecured Property Tax	\$335,712	2.9%
Franchises	\$258,117	2.2%
Property Transfer Tax	\$102,977	0.9%
Intergovernmental Revenues	\$62,423	0.5%
Licenses/Permits	\$59,197	0.5%
Investment Income	\$23,075	0.2%
Other Revenues	\$12,589	0.1%
Fines and Forfeitures	\$6,658	0.1%
Direct Sales Tax	\$6,000	0.1%
Transfers In	\$3,849	0.0%
Use of Money & Property	\$2,601	0.0%
Motor Vehicle Licensing Fees	\$0	0.0%
Total Revenues	\$11,560,771	100.0%

*Numbers may not sum due to rounding

II. TOTAL RECURRING SERVICES COSTS: CITY OF MORENO VALLEY

As illustrated in Table 3B below, total annual recurring costs to the City are estimated at \$5,561,094 per year. A majority of the costs are estimated to result from police services, fire

services, and Center-specific infrastructure and parks maintenance costs. Exhibits 2 and 7-10 of Appendix A provide additional details about all recurring costs and the assumptions used in their derivation.

TABLE 3B
RECURRING FISCAL COSTS (CITY GENERAL FUND)

Category	Amount	Percent*
Police	\$2,041,216	36.7%
Infrastructure & Parks Maintenance Costs	\$1,817,881	32.7%
Fire Services	\$757,809	13.6%
General Government	\$391,956	7.0%
Development Services	\$217,126	3.9%
Public Works	\$112,256	2.0%
Transfers Out	\$65,336	1.2%
Other Uses	\$65,232	1.2%
Animal Services	\$48,898	0.9%
Community Development	\$43,384	0.8%
Total Costs	\$5,561,094	100.00%

*Numbers may not sum due to rounding

III. OVERALL NET FISCAL IMPACT TO THE CITY OF MORENO VALLEY

As shown in Table 3C below, the overall fiscal impact to the City as a result of revenues generated by the Center is a recurring annual fiscal surplus of \$5,999,678 based on the generation of \$11,560,771 in recurring annual revenues and \$5,561,094 in recurring annual costs. Annual revenues are projected to equal 2.08 times the associated City General Fund costs. A summary of the overall fiscal impacts to the City is provided in Exhibit 11 of Appendix A.

TABLE 3C
NET FISCAL IMPACT (CITY GENERAL FUND)

Category	Amount
Total Recurring Revenues	\$11,560,771
Total Recurring Costs	(\$5,561,094)
Annual Recurring Surplus/(Deficit)	\$5,999,678
<i>Total Annual Revenue/Cost Ratio</i>	<i>2.08</i>
Surplus per 1,000 SF Industrial	\$144

SECTION 4 ECONOMIC IMPACTS

The Study also identifies the general economic impacts on the City that would occur due to the Center, and quantifies these impacts wherever possible. General economic impacts include additions to the City's employment (number of average annual full- & part-time jobs), economic output (e.g., gross receipts), and earnings (the sum of wages, salaries and benefits, other labor income, and employer and employee contributions to social security). The Study also distinguishes between one-time economic impacts and permanent economic impacts. One-time impacts include benefits to the community that occur on a non-recurring time basis as a result of construction and development activity, while permanent, recurring impacts refer to benefits that occur on a continuing basis, year after year.

I. RECURRING ECONOMIC IMPACTS

A. ASSUMPTIONS

In evaluating economic impacts, the Study quantifies both direct and indirect/induced economic impacts on the City. Direct economic impacts reflect the initial or first-round increases in jobs, earnings, and output, all of which occur directly on-site. Indirect/induced economic impacts are the secondary and other additional rounds of economic activity that occur as a consequence of the direct impacts, and can occur elsewhere within the City. The **indirect** impacts represent the economic activity – buying and selling of goods and services – of suppliers to the land use types analyzed. In this Study, suppliers to the Center consist primarily of maintenance and repair professionals, utilities' providers, wholesale trade companies, and business support services; while suppliers to retail/office developments consist mainly of real estate firms, computer and other technology firms, accounting and bookkeeping professionals, and utilities' providers. Furthermore, the suppliers representing the indirect one-time impacts are mainly heavy industrial and construction suppliers for the actual development of buildings and facilities. The **induced** impacts represent the economic activity that results from household spending by employees of all companies directly and indirectly affected by the construction and operation of the land uses analyzed in this Study. Indirect and induced impacts can occur throughout all industries of the economy, and have been categorized using the North American Industry Classification System (NAICS). Adopted by the Office of Management and Budget (OMB) in 1997 to replace the Standard Industrial Classification System (SIC), NAICS is a widely-used system to classify business establishments for the collection, analysis, and publication of statistical data in Canada, Mexico, and the United States. NAICS industries are identified using a six-digit coding system to classify all economic activity into twenty broad sectors, five of which are mainly goods-producing sectors and fifteen of which are services-producing sectors. This six-digit hierarchical structure allows for the identification of nearly 1,170 industries. The broad NAICS sectors include the Construction, Retail Trade, and Administrative and Support Services classifications, which are the focal NAICS categories analyzed within this Study to determine the indirect and induced economic impacts generated under the analysis.

Based on information provided by Highland Fairview, the Center is comprised of 41.4 million building square feet of high-cube industrial land use, 200,000 building square feet of general warehouse space, and 3,000 building square feet of light retail. DTA estimated the number of direct employees in the proposed development based upon an average employee per SF ratio for

similar land uses in the region. Other assumptions used to analyze the economic impact of the Center are summarized in Table 4A below.

**TABLE 4A
ASSUMPTIONS**

Assumptions	
Land Use Assumptions	<i>Sq. Ft.</i>
Logistics Development ("LD")	41,400,000
Light Logistics ("LL")	200,000
Logistics Support ("LS")	3,000
Employment Assumptions [1]	<i>per 1,000</i>
Logistics (LD/LL)	0.50
Retail (LS)	2.50
Wage Assumptions [2]	<i>Annual \$</i>
Warehousing/Transportation (Logistics) [3]	\$42,341
Construction	\$48,825
Retail [4]	\$22,885
Riverside County Average (2010)	\$40,602
<p>[1] Source: DTA Public Works Database; confirmed by "Employment Density Study," SCAG (2001), and "Logistics Trends and Specific Industries," NAIOP Research Foundation (March 2010).</p> <p>➤ Identical to metric utilized in fiscal impact analysis, please see Exhibit 3 of Appendix A (0.50 Employees/KSF = 2,000 SF per Employee).</p> <p>[2] Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Ontario Metropolitan Area and Riverside County; confirmed by Bureau of Labor Statistics (May 2010).</p> <p>[3] Standard Warehousing/Transportation Salary (~\$41,229) plus a small salary bump for 10% of employees (~\$52,346) to account for presence of high-level management and related office personnel.</p> <p>[4] Reflects a blended average, by employee count, of local "Retail" and "Food Service/Accommodation" salary codes.</p>	

B. JOB CREATION & EMPLOYEE WAGES

Development will contribute to the creation of new jobs in the City and County. As shown below in Table 4B, development of the Center is projected to generate approximately 20,808 estimated new on-site jobs within the City. Since the analyses contained herein are based on estimates and assumptions that are inherently subject to uncertainty and variation depending on evolving events, DTA cannot represent that such estimates will definitely be achieved. Some assumptions inevitably will not materialize, and unanticipated events and circumstances may

occur; therefore, the actual results achieved may vary from these projections stated throughout the Study.

In addition to these employment opportunities, DTA estimates that the Center will generate new off-site jobs in all industries of the economy, which constitute the indirect/induced employment impacts of the project. Seven thousand five hundred sixty nine (7,569) indirect/induced jobs are expected to be created in the County, of which 3,785 are projected to be within the City, as a result of the development of the Center. This estimate was derived utilizing the Impact Analysis for Planning (“IMPLAN”) Input/Output Modeling System, a type of quantitative economic model that provides an approximate measure of the “multiplier effect” of a firm’s spending on payroll and the purchasing of goods and services. Like similar econometric models, IMPLAN helps to calculate the flow of payments for goods and services across different industry sectors, and between households and industries. Unlike similar econometric models, e.g., the Regional Input-Output Modeling System (“RIMS II”), IMPLAN is the industry standard. RIMS II and IMPLAN both include induced effects, but RIMS II differs from IMPLAN in two ways: (i) RIMS II uses a single household type for induced personal consumption while IMPLAN uses nine (9) household types; and (ii) RIMS II uses the traditional single row/column Type II formulation whereas IMPLAN uses a more robust mapping of factor income to household consumption using several sub-matrices. RIMS II uses location quotients to regionalize the national technical coefficients, a method which underestimates inter-regional trade and overestimates regional multipliers when cross-hauling is present.

The IMPLAN model can be envisioned simply as a large spreadsheet with hundreds of industries (plus the household sector) arrayed across the top as producers, and the same industries and households listed down the side as consumers. Each million dollars (output) in spending by any one consumer (i.e. the Center) is allocated across the producing industries from which it buys goods and services. These producing industries, in turn, spend money buying goods and services from their own distinct sets of suppliers. Thus, the IMPLAN multiplier model allows one to gauge the effect on each dollar an industry spends as it diffuses through a regional economy. Furthermore, it allows one to translate the overall regional impact of spending into jobs and employee compensation.

While the specific location of the additional indirect jobs created within the County cannot be specifically determined, experience and modeling indicate that a large percentage of these jobs will be support service jobs, and are likely to be located close to the Center, and therefore within the City itself. For purposes of this Study, it is conservatively modeled that one-half of these indirect jobs will be located within the City. Table 4B shown below, and Exhibits 1 and 3 of Appendix B summarize the direct and indirect employment impacts of the Center.

TABLE 4B
RECURRING EMPLOYMENT AND WAGES
 (ALL NUMBERS SUBJECT TO ROUNDING)

Recurring Impact	Direct	Indirect	Induced	Total
<u>Employees</u>				
Countywide	20,808	3,349	4,219	28,377
Within City	20,808	1,675	2,110	24,593
<u>Employee Wages</u>				
Countywide	\$881 Million	\$136 Million	\$171 Million	\$1.2 Billion
Within City	\$881 Million	\$68 Million	\$86 Million	\$1.0 Billion

Overall, the creation of new jobs will provide many benefits to the City. More jobs will lead to more consumer spending by employees in existing retail establishments within the City, as well as new retail development that will be attracted to the City as a result of this spending. Job creation also results in increased tax revenues to the City through increased property taxes and sales taxes related to this new development.

However, because of the difference in timing of the various Center developments, the number of employees summarized above will not be realized at the same time. It is estimated the build-out of the Center will occur over many years, as many individual elements have not yet begun and the demand for such elements may fluctuate.

C. OVERALL ECONOMIC OUTPUT

Total Output (i.e., total expenditures including sales or gross receipts, or other operating income) within the City will increase substantially with development. Total output is estimated based on the different types of development projected to occur. As stated in Section I, this Study analyzes direct and indirect/induced impacts. Regarding gross receipts, the direct impact reflects the initial or first-round increases in output (total spending/gross receipts, including payroll), all of which occur directly on the Center site. Indirect/induced economic impacts are the secondary and other additional rounds of economic activity that occur as a consequence of the direct output impacts, and can occur outside of the Center. The indirect impacts represent the economic activity – buying and selling of goods and services – of suppliers and/or supporting businesses. The induced impacts represent the economic activity that results from household spending by employees of all companies directly and indirectly affected by the Center (please see Table 1 on Page 3 for a graphical representation of the indirect and induced effects). Table 4C shown below and Exhibit 2 of Appendix B summarize the Total Output projections anticipated.

Based again on IMPLAN multipliers and other assumptions utilized in the fiscal impact model, DTA estimated that the direct and indirect/induced effects total \$2.4 billion for the County, of which \$2.0 billion is attributable to the City.

TABLE 4C
RECURRING TOTAL OUTPUT
(ALL NUMBERS SUBJECT TO ROUNDING)

Recurring Impact	Direct	Indirect	Induced	Total
<u>Overall Output</u>				
Countywide	\$1.5 Billion	\$386 Million	\$506 Million	\$2.4 billion
Within City	\$1.5 Billion	\$193 Million	\$253 Million	\$2.0 billion

However, similar to the effect that Center absorption will have on employment, it will have a similar effect on the generation of total output, specifically due to the difference in timing of the various Center developments. As a result, the overall output summarized above will not be realized at the same time.

II. ONE-TIME EMPLOYMENT, WAGES, AND OUTPUT IMPACTS (CONSTRUCTION)

According to IMPLAN, development of the Center is also projected to create 16,928 estimated construction-related full-time equivalent (“FTE”) jobs within the City. Therefore, given a buildout period of approximately 10 years, with projected even absorption, the construction of the Center will create approximately 1,700 FTE total annual construction/one-time jobs in the City. One-time construction and development costs will also have multiplier effects on the economy, generating one-time increases in output and wages from construction of the non-residential buildings and all related site improvements.

As with recurring economic impacts, experience and modeling indicate that a large percentage of these jobs will be support service jobs, and are likely to be located close to the Center, and therefore within the City itself. For purposes of this Study, it is conservatively modeled that one-half of these indirect jobs will be located within the City. Table 4D and Table 4E below and Exhibit 5 of Appendix B summarize the projected increases in employment, wages, and output that are generated directly from construction of the Center land uses, based on DTA wage and construction cost assumptions.

TABLE 4D
ONE-TIME INCREASES IN EMPLOYMENT AND WAGES
(ALL NUMBERS SUBJECT TO ROUNDING)

One-Time Impact	Direct	Indirect	Induced	Total
<u>Employees</u>				
Countywide	13,123	3,367	4,243	20,733
Within City	13,123	1,683	2,122	16,928
<u>Employee Wages</u>				
Countywide	\$641 Million	\$137 Million	\$172 Million	\$950 Million
Within City	\$641 Million	\$68 Million	\$86 Million	\$795 Million

TABLE 4E
ONE-TIME TOTAL OUTPUT
 (ALL NUMBERS SUBJECT TO ROUNDING)

One-Time Impact	Direct	Indirect	Induced	Total
<u>Overall Output</u>				
Countywide	\$1.7 billion	\$446 million	\$509 million	\$2.7 Billion
Within City	\$1.7 billion	\$223 million	\$254 million	\$2.2 Billion

III. OTHER IMPACTS (JOBS-HOUSING BALANCE)

As stated earlier, the Center is estimated to create approximately 20,808 new on-site jobs, and DTA estimates that an additional 7,569 new off-site jobs will be created County-wide (of which 3,785 will be located within the City). As depicted in **Table 4F** and **Figure B** below, as well as in **Exhibit 4** of **Appendix B**, because the Center does not involve a residential component, the jobs generated by the Center do not need to support new households as a result of direct employment or indirect employment. This results in a Jobs-Housing balance calculation wherein the numerator increases (as described above), while the denominator remains constant.

The Jobs-Housing balance is an indicator of the balance between employment and housing opportunities. Defining what constitutes a balance between jobs and housing is not an easy task. Assuming a simple ratio of one job to one household is inappropriate today when so many households include more than one person in the workforce. A study prepared by the Southern California Association of Governments (“SCAG”) suggests that if an area has a Jobs-Household balance that significantly diverges from a regional standard of 1.0–1.29, it can be considered out of balance.

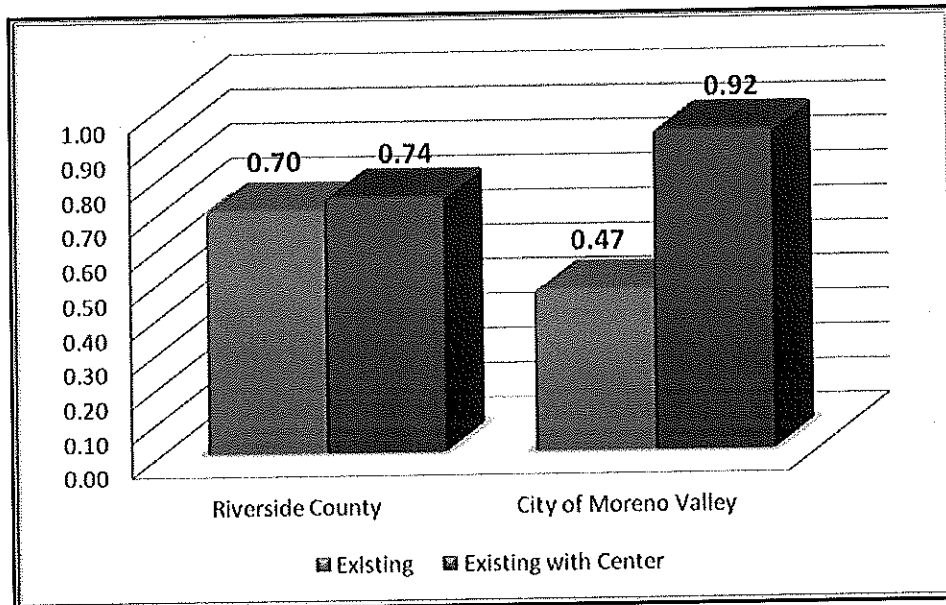
At build-out, the Center will significantly affect the Jobs-Housing balance. As described in **Exhibit 4** of **Appendix B**, moving forward with the Center will increase total employment in the City from 25,120 (current, per California Employment Development Department, Labor Market Information Division) to 49,713 (projected), increasing the City Jobs-Housing balance from 0.47 to 0.92, a metric now largely in line with the SCAG standard. The 28,377 new County employees from the Center will increase total County employment to 579,869 (projected) from 551,492 (current), resulting in an increase in the County Jobs-Housing balance as well, up to 0.74 from 0.70. **Table 4F** and **Figure B** below, and **Exhibit 4** of **Appendix B** summarize the pre- and post-Center Jobs-Housing Balance.

TABLE 4F

Jobs-Housing Balance	Balance without Center	Balance with Center	% Increase / (Decrease)
Countywide	0.70	0.74	5.15%
Within City	0.47	0.92	97.90%

However, as development of the Center is expected to occur over many years, the Jobs-Housing balance will not be significantly changed in the earlier years due to the Center. As the City's current Jobs-Housing balance is exceptionally low according to SCAG standards, the need for employment is immediate. A balance between jobs and housing has a positive impact on the City by decreasing costs associated with commuting and traffic congestion. A balanced Jobs-Housing ratio provides, inter alia, reduced commute times, improved social and cultural involvement, a more attractive work/life balance to residents, and savings to local public agencies in terms of the need to construct and maintain new road improvements and other facilities. For example, the lower transportation facility costs experienced by local public agencies will enable these agencies to invest their tax proceeds in other facilities that can improve the quality of life within the City, such as libraries, recreational centers, and other community amenities.

FIGURE B
JOBS-HOUSING BALANCE



APPENDIX A

FISCAL IMPACT MODEL

EXHIBIT A-1
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
CITY GENERAL FUND REVENUES (BY TYPE)

I. Demographics and Other Data		
2012 Estimated City Population [1]	195,216	
2012 Estimated City Employees [2]	25,120	
2012 Persons Served Population [3]	207,776	

Notes:

- [1] California Department of Finance, Price and Population Information, January 1, 2011.
- [2] California Employment Development Department ("EDD") - Labor Market Information Division, 2010 Annual Average NAICS Sector Data.
- [3] Assumes City population plus 50% of employees.
- [4] Certain revenues are not expected to increase one-to-one with the new development. A discount of 25% was applied to reflect the estimated ratio of fixed revenues to variable revenues and/or one-time to recurring revenues.

II. City Revenue Sources (by Type)

Revenue Type	Total Revenues	Revenue Type	Fiscal Impact Basis	Discount [4]	Fiscal Impact Revenue Factor
Tax Revenue	\$50,894,540		Persons Served		\$59.85
Property Tax	\$5,756,540	Recurring	Case Study	0%	NA
Sales Tax	\$11,444,000	Recurring	Case Study	0%	NA
Property Tax in Lieu-VLF	\$13,195,000	Recurring	Case Study	0%	NA
Property Tax in Lieu-Sales Tax	\$3,449,000	Recurring	Case Study	0%	NA
Documentary Transfer Tax	\$470,000	Recurring	Case Study	0%	NA
Utility Users Tax	\$15,980,000	Recurring	Persons Served	25%	\$57.68
Transient Occupancy Tax	\$600,000	Recurring	Persons Served	25%	\$2.17
Business Receipts Tax & Licenses	\$1,498,000	Recurring	Per Employee	0%	\$59.63
Franchises	\$5,154,208	Recurring	Persons Served	0%	\$24.81
Licenses/Permits	\$1,182,200	Recurring	Persons Served	0%	\$5.69
Intergovernmental Revenues	\$1,247,000	Recurring	Persons Served	0%	\$6.00
Charges for Services	\$7,920,254	Recurring	Persons Served	0%	\$38.12
Use of Money & Property	\$52,800	Recurring	Persons Served	0%	\$0.25
Interest Income	\$4,018,000	Recurring	Case Study	0%	NA
Fines and Forfeitures	\$132,000	Recurring	Persons Served	0%	\$0.64
Transfers In	\$77,513	Recurring	Persons Served	0%	\$0.37
Motor Vehicle License Fee	\$400,000	Recurring	Case Study	0%	NA
Other Revenues	\$251,550	Recurring	Persons Served	0%	\$1.21
Total Recurring Revenues	\$72,828,065				

**EXHIBIT A-2
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
CITY GENERAL FUND EXPENDITURES (BY TYPE)**

I. Demographics and Other Data

2012 Estimated City Population [1]	195,216
2012 Estimated City Employees [2]	25,120
2012 Persons Served [3]	207,776

Notes:

- [1] California Department of Finance, Price and Population Information, January 1, 2011.
 [2] California Employment Development Department (EDD) - Labor Market Information Division, 2010 Annual Average NAICS Sector Data
 [3] Assumes City population plus 60% of employees
 [4] Certain expenditures are not expected to increase one-to-one with the new development. A discount of 60% was applied to reflect the estimated ratio of fixed expenditures to variable expenditures and/or one-time to recurring expenditures

II. City Expenditures (by Type)

Expenditure Type	Total Expenditures	Revenue Type	Fiscal Impact Basis	Discount [4]	Fiscal Impact Revenue Factor
GENERAL GOVERNMENT					
City Council - Administration	\$577,099	Recurring	Case Study	0%	NA
City Manager	\$844,795	Recurring	Case Study	0%	NA
City Clerk - Administration	\$490,205	Recurring	Case Study	0%	NA
Economic Dev. - Administration	\$312,518	Recurring	Case Study	0%	NA
City Attorney - Admin.	\$930,802	Recurring	Case Study	0%	NA
Communications - Admin.	\$66,233	Recurring	Case Study	0%	NA
Human Resources - Admin.	\$709,395	Recurring	Case Study	0%	NA
Graphics Support	\$190,104	Recurring	Case Study	0%	NA
FASD - Administration	\$292,275	Recurring	Case Study	0%	NA
Financial Operations	\$1,192,981	Recurring	Case Study	0%	NA
Treasury Operations	\$1,003,866	Recurring	Case Study	0%	NA
Purchasing	\$474,506	Recurring	Case Study	0%	NA
NON-GENERAL GOVERNMENT					
Community Development	\$1,734,906	Recurring	Persons Served	50%	\$4.17
Public Works	\$2,242,854	Recurring	Persons Served	0%	\$10.79
Police	\$40,764,819	Recurring	Persons Served	0%	\$196.20
Animal Services	\$1,952,210	Recurring	Persons Served	50%	\$4.70
Other Uses	\$2,605,735	Recurring	Persons Served	50%	\$6.27
Development Services	\$4,336,491	Recurring	Persons Served	0%	\$20.87
Fire Services	\$15,134,968	Recurring	Persons Served	0%	\$72.84
Transfers Out	\$1,303,900	Recurring	Persons Served	0%	\$6.28
Total Recurring Expenditures	\$77,160,662				

**EXHIBIT A-3
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
LAND USE AND DEMOGRAPHICS SUMMARY**

FUTURE LAND USE DATA

I. World Logistics Center Developable Land Use Description

	<u>Number of Units [1]</u>
A. Residential Land Uses	0
Single-Family Detached	0
Multi-family (Affordable)	0
	<u>Sq. Ft. [1]</u>
B. Commercial Land Uses	3,000
Retail	41,600,000
Non-Retail (Logistics Development and Light Logistics)	0

DEMOGRAPHIC DATA

II. Demographics

A. Residential Land Use Population	<u>Persons per Household [2]</u>
Persons per Household	3.74
B. Non-Residential Land Use Employee Generation	<u>Sq. Ft. per Employee [3]</u>
Commercial Land Uses	400
Retail	2,000
Non-Retail (Logistics Development and Light Logistics)	0

POPULATION AND EMPLOYEES (CALCULATIONS)

III. Residential Land Use Type	<u>Number of Units</u>	<u>Residential Population</u>
Single-Family Detached	0	0
Multi-family (Affordable)	0	0
IV. Non-Residential Land Use Type	<u>Sq. Ft.</u>	<u>Total Direct Employees</u>
Retail	3,000	8
Non-Retail (Logistics Development and Light Logistics)	41,600,000	20,800

SOI POPULATION AND EMPLOYEES (TOTALS)

V. Total Projected Residential Population	0
VI. Total Projected Direct Employees	20,808
VII. Total Persons Served Population	10,404

NOTES:

- [1] Source: Highland Fairview, City of Moreno Valley.
- [2] California Department of Finance - Demographic Research Unit, Census 2010 Demographic Profile Summary File, generated May 12, 2011.
- [3] Source: DTA Public Works Database; confirmed by "Employment Density Study," SCAG (2001), and "Logistics Trends and Specific Industries," NAIOP Research Foundation (March 2010). Identical to metrics utilized in economic impact analysis, please see Exhibit B-1.
- * All figures subject to rounding

EXHIBIT A-4
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
PROPERTY TAX REVENUE ANALYSIS

GENERAL PROPERTY TAX ASSUMPTIONS

I. Property Tax Allocation (as a Portion of the 1% General Property Tax Levy)

Category	City of Moreno Valley
General Fund [2]	0.08965230 8.97%

II. Homeowner's Exemption

Homeowner's Exemption (Annually)	\$7,000
Percent of Sale Units Taking Homeowner's Exemption [3]	90%

ASSESSED VALUATION ASSUMPTIONS

III. Assessed Valuation - Projected Land Uses

Residential Land Uses	
A. Single-Family Detached Units	
Number of Units [4]	0
Estimated Blended Sales Price per Unit [5]	\$0
Total Estimated Net Taxable Value (Includes Estimated Takeout from Homeowner's Exemptions)	\$0
B. Multi-family (Affordable)	
Number of Units [4]	0
Estimated Sales Price per Unit [5]	\$0
Total Estimated Net Taxable Value	\$0
Non-Residential Land Uses	
C. Retail	
Estimated Number of Sq. Ft. [4]	3,000
Estimated Valuation per Sq. Ft. [6]	\$200
Total Estimated Net Taxable Value	\$600,000
D. Non-Retail (Logistics Development and Light Logistics)	
Estimated Number of Sq. Ft. [4]	41,600,000
Estimated Valuation per Sq. Ft. [6]	\$90
Total Estimated Net Taxable Value	\$3,744,000,000
E. Total Land Use Net Taxable Value (Includes Takeout from Homeowner's Exemption)	\$3,744,600,000

OTHER PROPERTY TAX REVENUE ASSUMPTIONS

IV. Unsecured Property Taxes - Assumptions [7]

Residential	
Unsecured Taxes as a % of Secured	2.75%
Non-Residential	
Unsecured Taxes as a % of Secured	10.00%

V. Property Tax Transfer - Assumptions [8]

Residential Property Turnover Rate	10.00%
Non-Residential Property Turnover Rate	5.00%
Transfer Tax as a % of Assessed Value	0.11%
Property Transfer Tax Passed Through to City of Moreno Valley	50.00%

VI. Motor Vehicle Licensing Fees - Assumptions

Vehicle Licensing Fees per Capita	\$2.05
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VII. Property Tax In-Lieu of Vehicle License Fee - Assumptions

Total City of Moreno Valley Gross Assessed Value [9]	\$10,445,118,397
City of Moreno Valley Property Tax In-Lieu of Vehicle License Fee [10]	\$13,195,000
Property Tax In-Lieu of Vehicle License Fee Increase per \$1,000 Assessed Value	\$1.26

**EXHIBIT A-4
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
PROPERTY TAX REVENUE ANALYSIS**

Fiscal Impact Calculation

VIII. Fiscal Impact Category	Fiscal Impact Amount
A. Secured Property Tax	
Residential Land Uses	
Single-Family Detached	\$0
Multi-family (Affordable)	\$0
Non-Residential Land Uses	
Commercial Land Uses	
Retail	\$538
Non-Retail (Logistics Development and Light Logistics)	\$3,356,582
B. Unsecured Property Tax	
Residential Land Uses	
Single-Family Detached	\$0
Multi-family (Affordable)	\$0
Non-Residential Land Uses	
Commercial Land Uses	
Retail	\$54
Non-Retail (Logistics Development and Light Logistics)	\$335,658
C. Property Transfer Tax	
Residential Land Uses	
Single-Family Detached	\$0
Multi-family (Affordable)	\$0
Non-Residential Land Uses	
Commercial Land Uses	
Retail	\$17
Non-Retail (Logistics Development and Light Logistics)	\$102,960
D. Motor Vehicle Licensing Fees [11]	\$0
E. Property Tax In-Lieu of Vehicle License Fee [12]	
Projected Residential and Non-Residential Land Uses	\$4,636,853
Total Property Tax Revenues	
	\$8,432,682

NOTES:

- [1] Based on "General Fund" Levy for Tax Rate Areas (TRAs). Data provided by the County of Riverside Auditor-Controller's Office. TRA allocations adjusted for ERAF. Figure reflects multiple TRAs ranging from 3%-21%, weighted by assessed value. As agreed, figure does not include non-General Funds.
 - [2] Regarding those TRAs in unincorporated Riverside County, the City of Moreno Valley will receive 25% of the incremental ERAF-adjusted tax allocation post annexation. Source: Resolution No. 85-551 - Master Property Tax Transfer Agreement Between the County of Riverside and the City of Moreno Valley Relating to Annexations, dated September 10, 1985.
 - [3] Estimate, subject to change.
 - [4] Please see Exhibit A-3. Subject to change.
 - [5] Please see Exhibit A-3. Subject to change.
 - [6] Estimated valuation per square foot based on recently conducted fiscal impact studies by DTA and research conducted by DTA for recently constructed comparable buildings in the Inland Empire. Estimate, subject to change
 - [7] Based on typical DTA baseline assumptions.
 - [8] Source: California Revenue & Taxation Code §11901, et seq.; Moreno Valley Municipal Code §3.22.020.
 - [9] Source: Riverside County Assessor Annual Report, Fiscal Year 2011-12, City of Moreno Valley total assessed value.
 - [10] Source: City of Moreno Valley Operating Budget, Fiscal Year 2012-2013.
 - [11] City of Moreno Valley no longer receiving motor vehicle licensing fees. Please see page 7 of Study for explanation.
 - [12] Property Tax in-lieu of Vehicle Licensing Fees applies to incremental property value post-annexation. Current estimated land value of Center site of \$74,082,308 excluded from calculation.
- * All figures subject to rounding

**EXHIBIT A-5
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
SALES TAX REVENUE ANALYSIS**

INDIRECT SALES TAX ASSUMPTIONS

i. Residential Indirect Sales Tax Assumptions

A. Mortgage Assumptions

Projected Residential Units

Single-Family Residential and Multi-family (Affordable)	\$0
Projected Sales Price per Unit (Blended)	\$0
Average Mortgage (20% Down Payment) [1]	\$0
Annual Mortgage Payment (8% for 30 Years) [2]	\$0
Additional Annual Taxes & Insurance (2.00%)	

B. Disposable Income Assumptions

Projected Residential Units

Single-Family Residential and Multi-family (Affordable)	\$0.00
Average Household Income (3:1 Income to Household Payment Ratio) [1]	0.00%
Retail Taxable Expenditures (as a % of Disposable Income) [3]	

C. Other Indirect Sales Tax Assumptions

Employees (annual spending per employee) [4]	\$4,168
Retail Taxable Sales Capture	50%
City of Moreno Valley Retail Taxable Purchase Capture [5]	
Other Sales Tax Assumptions	1.00%
% to the City of Moreno Valley [6]	

DIRECT SALES TAX ASSUMPTIONS

ii. Non-Residential Direct Sales Tax Assumptions

A. Taxable Sales per Sq. Ft. [7]

Non-Residential	\$250
Retail	\$0
Non-Retail	

B. Displaced Taxable Sales

Displaced Existing Taxable Sales within the City of Moreno Valley [8]	20%
---	-----

FISCAL IMPACT CALCULATION

iii. Fiscal Impact Category **Fiscal Impact Amount**

A. Indirect Sales Tax

Projected Residential Land Uses	\$0
Single-Family Residential and Multi-family (Affordable)	
Employee Taxable Sales	\$433,594

B. Direct Sales Tax [7]

Projected Non-Residential Land Uses	
Commercial Land Uses	\$6,000
Retail	\$0
Non-Retail	

Total Sales Tax Revenues	\$439,594
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NOTES:

- [1] DTA estimates. Subject to change.
 - [2] DTA estimate. Annual payment includes principal, interest, property taxes, and homeowner's insurance.
 - [3] Source: BOE 2008 Consumer Expenditure Survey.
 - [4] Source: "Office Worker Retail Spending Patterns: A Downtown and Suburban Area Study," ICSC (2004). Adjusted for inflation assuming 3% annual inflation rate.
 - [5] Estimate, subject to change.
 - [6] Source: Moreno Valley Municipal Code §3.36.020.
 - [7] Based on the median sales per sq. ft. figure for retail centers as outlined in "Dollars and Cents of Shopping Centers" (2008) published by the Urban Land Institute. However, no retail activity expected on Center site, only logistics warehousing. Source: Highland Fairview.
 - [8] Estimate, subject to change.
- * All figures subject to rounding

**EXHIBIT A-6
 RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
 INVESTMENT INCOME REVENUES ANALYSIS**

ASSUMPTIONS

I. Investment Income Assumptions		
Investment Period for Recurring Non-Interest General Fund Revenues		12 Months
Local Agency Investment Fund (LAIF) Rate of Return [1]		0.40%
Local Agency Investment Fund (LAIF) Percentage of Earnings Cost [2]		50.00%

FISCAL IMPACT CALCULATION

II. Fiscal Impact Category	Fiscal Impact Amount
Total Property Tax Revenues (Exhibit 4)	\$8,432,662
Total Sales Tax Revenues (Exhibit 5)	\$439,594
Total Multiplier Revenues (Exhibit 7)	\$2,665,440
Projected Recurring General Fund Revenues Available for Investment	\$11,537,696
Plus: Investment Income (Less Earnings Cost)	\$23,075
Total Recurring General Fund Revenues	\$11,560,771

NOTES:

- [1] 47-Quarter Average (March Beginning 2000 to September Ending 2011) is 3.0%, yet current rate is ~0.50%, LAIF Apportionment Rates as provided by the California State Treasurer.
- [2] Based on quarter ending September 30, 2010, LAIF Administrative Earnings Costs as provided by the California State Treasurer.
- * All figures subject to rounding

EXHIBIT A-7
 RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
 MULTIPLIER REVENUE SOURCES ANALYSIS

ASSUMPTIONS

I. Multiplier Revenues

Revenue Category	Multiplier Factor [1]	Revenue Projection Basis
Tax Revenue	\$59.85	Persons Served
Business Receipts Tax & Licenses	\$59.63	Per Employee
Franchises	\$24.81	Persons Served
Licenses/Permits	\$5.69	Persons Served
Intergovernmental Revenues	\$6.00	Persons Served
Charges for Services	\$38.12	Persons Served
Use of Money & Property	\$0.25	Persons Served
Fines and Forfeitures	\$0.64	Persons Served
Transfers In	\$0.37	Persons Served
Other Revenues	\$1.21	Persons Served

FISCAL IMPACT CALCULATION

II. Fiscal Impact Category

Fiscal Impact Amount

Tax Revenue	\$622,664
Business Receipts Tax & Licenses	\$1,240,751
Franchises	\$258,117
Licenses/Permits	\$59,197
Intergovernmental Revenues	\$62,423
Charges for Services	\$396,591
Use of Money & Property	\$2,601
Fines and Forfeitures	\$6,658
Transfers In	\$3,849
Other Revenues	\$12,589

Total Multiplier Revenues	\$2,665,440
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NOTES:

[1] Based on City of Moreno Valley Operating Budget, Fiscal Year 2012-2013.

* All figures subject to rounding

**EXHIBIT A-8
 RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
 MULTIPLIER EXPENDITURES ANALYSIS**

ASSUMPTIONS

I. Multiplier Expenditures

Expenditure Category	Multiplier Factor [1]	Expenditure Projection Basis [1]
Community Development	\$4.17	Persons Served
Public Works	\$10.79	Persons Served
Police	\$196.20	Persons Served
Animal Services	\$4.70	Persons Served
Other Uses	\$6.27	Persons Served
Development Services	\$20.87	Persons Served
Fire Services	\$72.84	Persons Served
Transfers Out	\$6.28	Persons Served

FISCAL IMPACT CALCULATION

II. Fiscal Impact Category	Fiscal Impact Amount
Community Development	\$43,384
Public Works	\$112,256
Police	\$2,041,216
Animal Services	\$48,898
Other Uses	\$65,232
Development Services	\$217,126
Fire Services	\$757,809
Transfers Out	\$65,336
Total Multiplier Expenditures	\$3,351,257

NOTES:

- [1] Based on City of Moreno Valley Operating Budget, Fiscal Year 2012-2013.
- * All figures subject to rounding

EXHIBIT A-9
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
CASE STUDY EXPENDITURES ANALYSIS

Infrastructure & Parks Maintenance Costs

I.	Estimated Additional Infrastructure Requirements [1]	54.0
	Estimated Lane Miles of Roadway	4
	Estimated Number of Signalized Intersections	699
	Estimated Number of Streetlights	75.0
	Estimated Acres of Parkways and Medians	18.1
	Estimated Mileage of Storm Drains	17.2
	Estimated Mileage of Sidewalks/Trails	
II.	Estimated Annual Costs [2]	\$7,834
	Roadway Maintenance Costs per Lane Mile	\$4,938
	Traffic Signal Maintenance per Intersection	\$126
	Street Light Maintenance per Light	\$14,953
	Parkway/Median Maintenance Costs per Acre	\$1,177
	Storm Drain Maintenance Per Mile	\$3,497
	Sidewalk/Trail Mileage per Lineal Mile	
III.	Estimated Annual Infrastructure & Parks Maintenance Calculation	\$423,029
	Roadways	\$19,752
	Signalized Intersections	\$87,759
	Street Lights	\$1,121,505
	Parkway/Median	\$106,399
	Open Space	\$60,149
	Sidewalks/Trails	
IV.	Measure A Set-Off [3]	
	Measure A Sales Tax	0.50%
	Measure A Sales Tax Passed Through to the City	10.15%
	(Measure A Set-Off resulting from World Logistics Center)	(\$21,997)
	Total Infrastructure & Parks Maintenance Costs	\$1,817,881

NOTES:

- [1] Source: Highland Fairview, reflects only those improvements to be operated and maintained by the City's General Fund. Subject to change.
- [2] Based on data obtained from the DTA Public Works database, in concert with research from the Engineering News-Record.
- [3] Half cent sales tax of which ~10% goes to the City of Moreno Valley based on percentage of total Measure A funds allocated to Moreno Valley with respect to the County total. Subject to change. Source: Riverside County Transportation Commission (RCTC) Annual Budget, Fiscal Year 2011-2012.
- * All figures subject to rounding

**EXHIBIT A-10
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
GENERAL GOVERNMENT EXPENDITURES ANALYSIS**

ASSUMPTIONS

Total Recurring General Fund Expenditures (excluding General Government Overhead) [1]	\$70,075,883
Recurring General Government Overhead Expenditures (as a % of Total Recurring General Fund Expenditures) [2]	10%
Marginal Increase in General Government Costs [3]	75%

FISCAL IMPACT CALCULATION

I. Fiscal Impact Category	Fiscal Impact Amount
Total Multiplier Expenditures (Exhibit 8)	\$3,351,257
Total Case Study Expenditures (Exhibit 9)	\$1,817,881
Projected Recurring General Fund Expenditures	\$5,169,138
Plus: General Government Costs	\$391,956
Total Recurring Expenditures	\$5,561,094

NOTES:

- [1] Based on City of Moreno Valley Operating Budget, Fiscal Year 2012-2013.
- [2] General Government Overhead Expenditures defined as costs for City Council, City Manager, City Clerk, Administrative Services, City Treasurer, etc.
- [3] Estimate, subject to change. Current City staffing numbers are likely artificially low and are thus not suitable for serving new development.
- * All figures subject to rounding

**EXHIBIT A-11
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
NET FISCAL IMPACT SUMMARY**

RECURRING GENERAL FUND REVENUES [1]	AMOUNT	PERCENT OF TOTAL
Secured Property Tax	\$3,357,120	29.0%
Unsecured Property Tax	\$335,712	2.9%
Property Transfer Tax	\$102,977	0.9%
Motor Vehicle Licensing Fees	\$0	0.0%
Property Tax In-Lieu of Vehicle License Fee	\$4,636,853	40.1%
Direct Sales Tax	\$6,000	0.1%
Indirect Sales Tax	\$433,594	3.8%
Tax Revenue	\$622,664	5.4%
Business Receipts Tax & Licenses	\$1,240,751	10.7%
Franchises	\$258,117	2.2%
Licenses/Permits	\$59,197	0.5%
Intergovernmental Revenues	\$62,423	0.5%
Charges for Services	\$396,591	3.4%
Use of Money & Property	\$2,601	0.0%
Fines and Forfeitures	\$6,658	0.1%
Transfers In	\$3,849	0.0%
Other Revenues	\$12,589	0.1%
Investment Income	\$23,075	0.2%
Total Recurring General Fund Revenues	\$11,560,771	100.0%

RECURRING GENERAL FUND EXPENDITURES [2]	AMOUNT	PERCENT OF TOTAL
Community Development	\$43,384	0.8%
Public Works	\$112,256	2.0%
Police	\$2,041,216	36.7%
Animal Services	\$48,898	0.9%
Other Uses	\$65,232	1.2%
Development Services	\$217,126	3.9%
Fire Services	\$757,809	13.6%
Transfers Out	\$65,336	1.2%
General Government	\$391,956	7.0%
Infrastructure & Parks Maintenance Costs	\$1,817,881	32.7%
Total Recurring General Fund Expenditures	\$5,561,094	100.0%

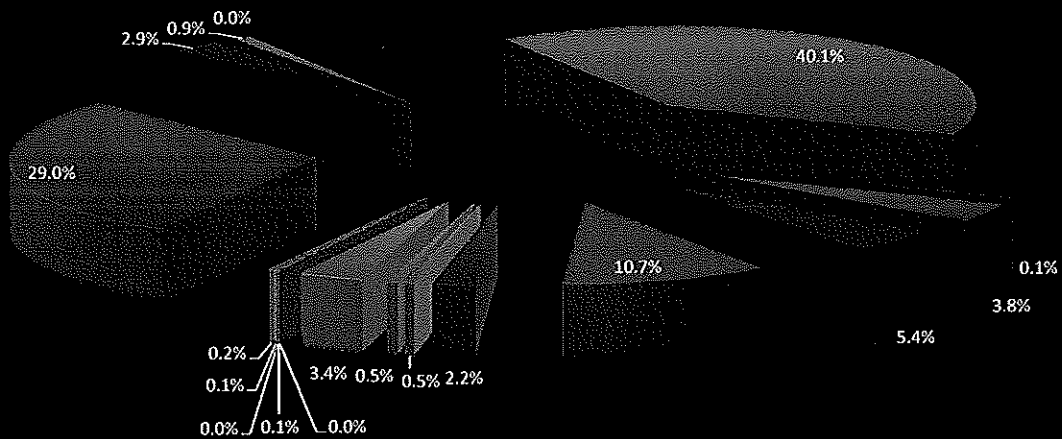
NET FISCAL IMPACT		
Total Annual Recurring General Fund Surplus/(Deficit)	\$5,999,678	
Total Annual Revenue/Expenditure Ratio	2.08	
Total Fiscal Surplus/(Deficit) per 1,000 SF Logistics	\$144	

NOTES:

- [1] Please see Exhibits 4-7 for the derivation of these calculations.
 [2] Please see Exhibits 8-10 for the derivation of these calculations.
 * All figures subject to rounding

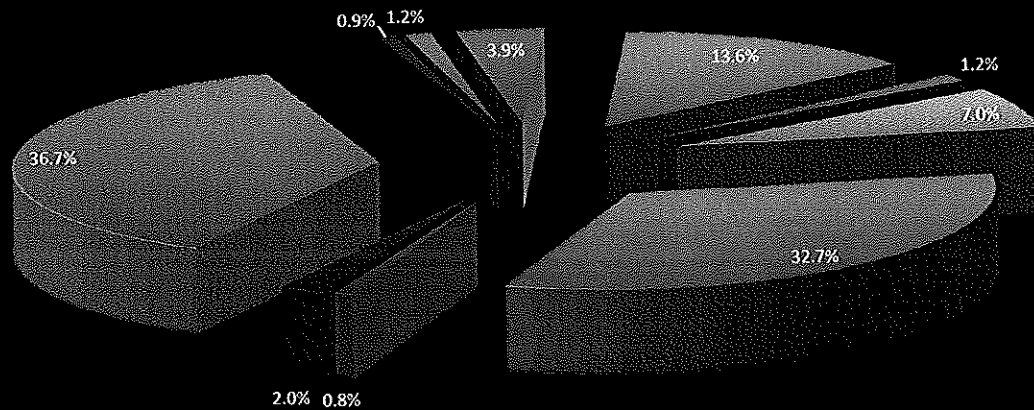
Recurring General Fund Revenues

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> ✧ <u>SECURED PROPERTY TAX</u> ✧ Motor Vehicle Licensing Fees ✧ INDIRECT SALES TAX ✧ Franchises ✧ Charges for Services ✧ Transfers In | <ul style="list-style-type: none"> ✧ Unsecured Property Tax ✧ <u>PROPERTY TAX IN-LIEU OF VEHICLE LICENSE FEE</u> ✧ Tax Revenue ✧ Licenses/Permits ✧ Use of Money & Property ✧ Other Revenues | <ul style="list-style-type: none"> ✧ Property Transfer Tax ✧ Direct Sales Tax ✧ <u>BUSINESS RECEIPTS TAX & LICENSES</u> ✧ Intergovernmental Revenues ✧ Fines and Forfeitures ✧ Investment Income |
|---|--|--|



Recurring General Fund Expenditures

- ☒ Community Development
- ☒ Animal Services
- ☒ FIRE SERVICES
- ☒ INFRASTRUCTURE & PARKS MAINTENANCE COSTS
- ☒ Public Works
- ☒ Other Uses
- ☒ Transfers Out
- ☒ POLICE
- ☒ Development Services
- ☒ General Government



APPENDIX B

ECONOMIC IMPACT MODEL

**EXHIBIT B-1
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
JOB CREATION**

ASSUMPTIONS

I. Non-Residential Land Use Assumptions

	<u>Sq. Ft. [1]</u>
A. Commercial Land Uses	0
Office	3,000
Retail	41,600,000
Logistics Development / Light Logistics	
B. Employees/KSF [2]	2.00
Office	2.50
Retail	0.50
Logistics Development / Light Logistics	

JOB CREATION CALCULATION

II. COUNTY

	<u>Direct Employees [3]</u>	<u>Indirect Employees [4]</u>	<u>Induced Employees [5]</u>	<u>Total Employees</u>
Non-Residential Land Use				0
Office	0	0	0	0
Retail	8	1	1	11
Logistics Development / Light Logistics	20,800	3,348	4,218	28,366
TOTAL, NON-RESIDENTIAL	20,808	3,349	4,219	28,377

III. CITY [6]

	<u>Direct Employees [3]</u>	<u>Indirect Employees [4]</u>	<u>Induced Employees [5]</u>	<u>Total Employees</u>
Non-Residential Land Use				0
Office	0	0	0	0
Retail	8	1	1	10
Logistics Development / Light Logistics	20,800	1,674	2,109	24,583
TOTAL, NON-RESIDENTIAL	20,808	1,675	2,110	24,593

NOTES:

- [1] Source: Highland Fairview.
 - [2] Source: DTA Public Works Database, confirmed by "Employment Density Study," SCAG (2003), "Logistics Trends and Specific Industries," NAOP Research Foundation (March 2010), and World Logistics Center ER. Identical to metrics utilized in fiscal impact analysis, please see Exhibit A-3.
 - [3] Based on multiplying SF by Employees/1,000 SF metric.
 - [4] Based on indirect-effect employment multiplier multiplied by Direct Output (see Exhibit B-2). Indirect Employment metric is based on Direct Output metric. Source: Riverside County IWPLAN multipliers.
 - [5] Based on induced-effect employment multiplier multiplied by Direct Output (see Exhibit B-2). Induced Employment metric is based on Direct Output metric. Source: Riverside County IWPLAN multipliers.
 - [6] An estimated 50% of the Center impacts occurring in Riverside County will take place in the City of Moreno Valley. Typical DTA baseline assumption. Subject to change.
- * All figures subject to rounding

**EXHIBIT B-2
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
TOTAL OUTPUT**

TOTAL OUTPUT CALCULATION

I. COUNTY	Total Square Footage [1]	Direct Output [2]	Indirect Output [3]	Induced Output [4]	Total Output
Office	0	\$0	\$0	\$0	\$0
Retail	3,000	\$637,500	\$162,275	\$175,599	\$965,374
Logistics Development / Light Logistics	41,600,000	\$1,540,761,748	\$385,622,987	\$505,601,561	\$2,431,886,295
TOTAL, NON-RESIDENTIAL	41,603,000	\$1,541,399,248	\$385,775,262	\$505,677,160	\$2,432,851,669

II. CITY [5]	Total Square Footage [1]	Direct Output [2]	Indirect Output [3]	Induced Output [4]	Total Output
Office	0	\$0	\$0	\$0	\$0
Retail	3,000	\$637,500	\$76,137	\$87,800	\$801,437
Logistics Development / Light Logistics	41,600,000	\$1,540,761,748	\$192,811,494	\$252,750,780	\$1,986,324,021
TOTAL, NON-RESIDENTIAL	41,603,000	\$1,541,399,248	\$192,887,631	\$252,838,580	\$1,987,125,458

NOTES:

- [1] Source: Highland Fairview
 - [2] Source: Riverside County (IRPLAN) multipliers. Retail Direct Output derived by multiplying SF by projected rated taxable sales per SF of \$250, discounted by 15% to reflect "leakage". Logistics Direct Output based on direct effect employment multiplier divided into Direct Logistics Jobs (see Exhibit A3). i.e., Direct Output metric is based on projected Direct Employment for this category.
 - [3] Source: Riverside County (IRPLAN) multipliers. Indirect Output metric is based on Direct Output metric.
 - [4] Source: Riverside County (IRPLAN) multipliers. Induced Output metric is based on Direct Output metric.
 - [5] An estimated 50% of the Center impacts occurring in Riverside County will take place in the City of Moreno Valley. Typical DTA baseline assumption. Subject to change.
- All figures subject to rounding

**EXHIBIT B-3
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
TOTAL WAGES**

I. COUNTY

	Direct Wages [1]	Indirect Wages [2]	Induced Wages [3]	Total Wages
Non-Residential Land Use	\$0	\$0	\$0	\$0
Office	\$183,082	\$46,163	\$59,899	\$289,134
Retail	\$880,685,919	\$135,943,227	\$171,247,176	\$1,187,876,322
Logistics Development / Light Logistics				
TOTAL, NON-RESIDENTIAL	\$880,869,002	\$135,989,380	\$171,307,075	\$1,188,165,456

II. CITY [4]

	Direct Wages [1]	Indirect Wages [2]	Induced Wages [3]	Total Wages
Non-Residential Land Use	\$0	\$0	\$0	\$0
Office	\$183,082	\$23,076	\$29,950	\$236,108
Retail	\$880,685,919	\$67,971,613	\$85,623,588	\$1,034,281,121
Logistics Development / Light Logistics				
TOTAL, NON-RESIDENTIAL	\$880,869,002	\$87,994,690	\$85,653,538	\$1,034,517,229

NOTES:

- [1] Based on Direct Employees multiplied by Retail annual salary of \$22,655, which reflects a blended average of local "retail" codes and "Food stores/accommodation" codes
- [2] Based on Direct Employees multiplied by Logistics annual salary of \$42,841, which equals standard Warehousing/Transportation Salary (-\$41,229) plus a small salary bump for 10% of employees (-\$52,348) to account for presence of high-level management and related office personnel
- [3] Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Orange Metropolitan Area and Riverside County, confirmed by Bureau of Labor Statistics (May 2010)
- [4] Based on indirect employees multiplied by County average annual salary of \$40,602
- [5] Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Orange Metropolitan Area and Riverside County, confirmed by Bureau of Labor Statistics (May 2010)
- [6] Based on induced employees multiplied by County average annual salary of \$49,602
- [7] Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Orange Metropolitan Area and Riverside County, confirmed by Bureau of Labor Statistics (May 2010)
- [8] An estimated 50% of the Center impacts occurring in Riverside County will take place in the City of Moreno Valley. Typical DTA baseline assumption. Subject to change

• All figures subject to rounding

**EXHIBIT B-4
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
JOBS-HOUSING BALANCE**

ASSUMPTIONS

I. Existing Demographics

	Amount
A. Riverside County	784,357
Housing Units [1]	551,492
Employees [2]	
B. City of Moreno Valley	53,772
Housing Units [1]	25,120
Employees [2]	

II. Job Impacts [3]

A. Riverside County	20,808
Direct Impact	3,349
Additional Indirect, County	4,219
Additional Induced, County	28,377
Total Center, County	
B. City of Moreno Valley	20,808
Direct Impact	1,675
Additional Indirect, City	2,110
Additional Induced, City	24,593
Total Center, City	

III. Cumulative Center Demographics

A. Existing plus Center - Riverside County	579,869
Percentage Increase	5.15%
B. Existing plus Center - City	49,713
Percentage Increase	97.90%

JOBS-HOUSING BALANCE CALCULATION

IV. Jobs-Housing Balance

A. Riverside County	0.70
Existing	0.74
Existing with Center	5.15%
Percentage Increase	
B. City of Moreno Valley	0.47
Existing	0.92
Existing with Center	97.90%
Percentage Increase	

NOTES:

- [1] Source: State of California, Department of Finance, E5 Population and Housing Estimates for Cities, Counties, and the State, 2001-2010.
 [2] Source: California Employment Development Department ("EDD") - Labor Market Information Division, 2010 Annual Average NAICS Sector Data. Selected zip codes in Riverside County and City of Moreno Valley, special request by DTA. For these purposes, County employee figure does not equal Riverside County "labor force" figure because "labor force" reflects employed County residents irrespective of where they work.
 [3] Please see Exhibit B-1.
 * All figures subject to rounding

**EXHIBIT B-5
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
ONE-TIME IMPACTS**

JOB CREATION CALCULATION - FULL-TIME EQUIVALENTS ("FTE")

I. COUNTY

	Direct Employees [1]	Indirect Employees [2]	Induced Employees [3]	Total Employees
Non-Residential Land Use				
Office	0	0	0	0
Retail	1	0	0	1
Logistics Development / Light Logistics	13,122	3,366	4,243	20,731
TOTAL, NON-RESIDENTIAL	13,123	3,367	4,243	20,733

II. CITY [4]

	Direct Employees [1]	Indirect Employees [2]	Induced Employees [3]	Total Employees
Non-Residential Land Use				
Office	0	0	0	0
Retail	1	0	0	1
Logistics Development / Light Logistics	13,122	1,683	2,122	16,927
TOTAL, NON-RESIDENTIAL	13,123	1,683	2,122	16,928

NOTES:

- [1] Based on direct employment multiplier multiplied by one-time output (see below). As this is a range of just one industry (warehouse), Direct Employment metric is based on Direct Output. Source: Riverside County MPLAN multipliers.
 - [2] Based on indirect employment multiplier multiplied by one-time output (see below). Indirect Employment metric is based on Direct Output. Source: Riverside County MPLAN multipliers.
 - [3] Based on induced employment multiplier multiplied by one-time output (see below). Induced Employment metric is based on Direct Output. Source: Riverside County MPLAN multipliers.
 - [4] An estimated 50% of the Center impacts occurring in Riverside County will take place in the City of Moreno Valley. Typical DTA baseline assumption. Subject to change.
- * All figures subject to rounding.

TOTAL WAGE CALCULATION

III. COUNTY

	Direct Wages [1]	Indirect Wages [2]	Induced Wages [3]	Total Wages
Non-Residential Land Use				
Office	\$0	\$0	\$0	\$0
Retail	\$46,203	\$9,857	\$12,424	\$68,484
Logistics Development / Light Logistics	\$640,681,136	\$136,681,476	\$172,276,486	\$949,639,098
TOTAL, NON-RESIDENTIAL	\$640,727,339	\$136,691,333	\$172,288,909	\$949,707,581

IV. CITY [4]

	Direct Wages [1]	Indirect Wages [2]	Induced Wages [3]	Total Wages
Non-Residential Land Use				
Office	\$0	\$0	\$0	\$0
Retail	\$46,203	\$4,928	\$6,212	\$57,343
Logistics Development / Light Logistics	\$640,681,136	\$68,340,738	\$86,138,243	\$795,160,117
TOTAL, NON-RESIDENTIAL	\$640,727,339	\$68,345,666	\$86,144,455	\$795,217,460

NOTES:

- [1] Based on direct employees multiplied by Construction annual salary of \$45,829. Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Orange Metropolitan Area and Riverside County, confirmed by Bureau of Labor Statistics (May 2010).
 - [2] Based on indirect employees multiplied by County average annual salary of \$40,602. Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Orange Metropolitan Area and Riverside County, confirmed by Bureau of Labor Statistics (May 2010).
 - [3] Based on induced employees multiplied by County average annual salary of \$40,602. Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Orange Metropolitan Area and Riverside County, confirmed by Bureau of Labor Statistics (May 2010).
 - [4] An estimated 50% of the Center impacts occurring in Riverside County will take place in the City of Moreno Valley. Typical DTA baseline assumption. Subject to change.
- * All figures subject to rounding.

TOTAL OUTPUT CALCULATION

V. COUNTY

	Total Square Footage [1]	Direct Output [2]	Indirect Output [3]	Induced Output [4]	Total Output
Office	0	\$0	\$0	\$0	\$0
Retail	3,000	\$123,386	\$32,181	\$36,673	\$192,240
Logistics Development / Light Logistics	41,600,000	\$1,710,954,655	\$448,240,640	\$508,634,262	\$2,665,729,558
TOTAL, NON-RESIDENTIAL	41,603,000	\$1,711,078,041	\$448,272,821	\$508,670,935	\$2,665,921,798

VI. CITY [5]

	Total Square Footage [1]	Direct Output [2]	Indirect Output [3]	Induced Output [4]	Total Output
Office	0	\$0	\$0	\$0	\$0
Retail	3,000	\$123,386	\$16,090	\$18,337	\$157,813
Logistics Development / Light Logistics	41,600,000	\$1,710,954,655	\$223,120,320	\$254,267,131	\$2,188,342,106
TOTAL, NON-RESIDENTIAL	41,603,000	\$1,711,078,041	\$223,136,411	\$254,285,468	\$2,188,499,519

NOTES:

- [1] Source: Highland Parkview.
 - [2] Construction costs related to construction to be spent within the County, which is assumed to be 85% of the total construction expenditure. Total construction expenditures equal approximately \$1.6 billion (\$1.6 billion total cost of \$1.9 billion). Source: Highland Parkview, confirmed by PSMA's data.
 - [3] Based on indirect output multiplier of per % of Direct Output. Indirect Output metric is based on Direct Output Metric. Source: Riverside County MPLAN multipliers.
 - [4] Based on induced output multiplier of per % of Direct Output. Induced Output metric is based on Direct Output Metric. Source: Riverside County MPLAN multipliers.
 - [5] An estimated 50% of the Center impacts occurring in Riverside County will take place in the City of Moreno Valley. Typical DTA baseline assumption. Subject to change.
- * All figures subject to rounding.

**EXHIBIT B-6
RANCHO BELAGO, CALIFORNIA: WORLD LOGISTICS CENTER
SUMMARY**

ASSUMPTIONS (IMPLAN)

I. <u>LAND USE ASSUMPTIONS</u>	Sq. Ft.
Logistics Development / Light Logistics	41,600,000
Office	0
Retail	3,000
II. <u>EMPLOYMENT ASSUMPTIONS</u>	per 1,000 SF
Logistics Development / Light Logistics	0.50
Office	2.00
Retail	2.50
III. <u>SALES ASSUMPTIONS</u>	per SF
Logistics Development / Light Logistics	\$0.00
Office	\$0.00
Retail	\$250.00

CONCLUSIONS (IMPLAN)

Recurring Impacts

IV. <u>JOB CREATION</u>	Direct	Indirect/Induced	Total
Countywide	20,808	7,569	28,377
Within City	20,808	3,785	24,593
V. <u>EMPLOYEE WAGES</u>	Direct	Indirect/Induced	Total
Countywide	\$880,869,002	\$307,296,455	\$1,188,165,456
Within City	\$880,869,002	\$153,648,227	\$1,034,517,229
VI. <u>TOTAL OUTPUT</u>	Direct	Indirect/Induced	Total
Countywide	\$1,541,399,248	\$891,452,422	\$2,432,851,669
Within City	\$1,541,399,248	\$445,726,211	\$1,987,125,458

One-Time Impacts

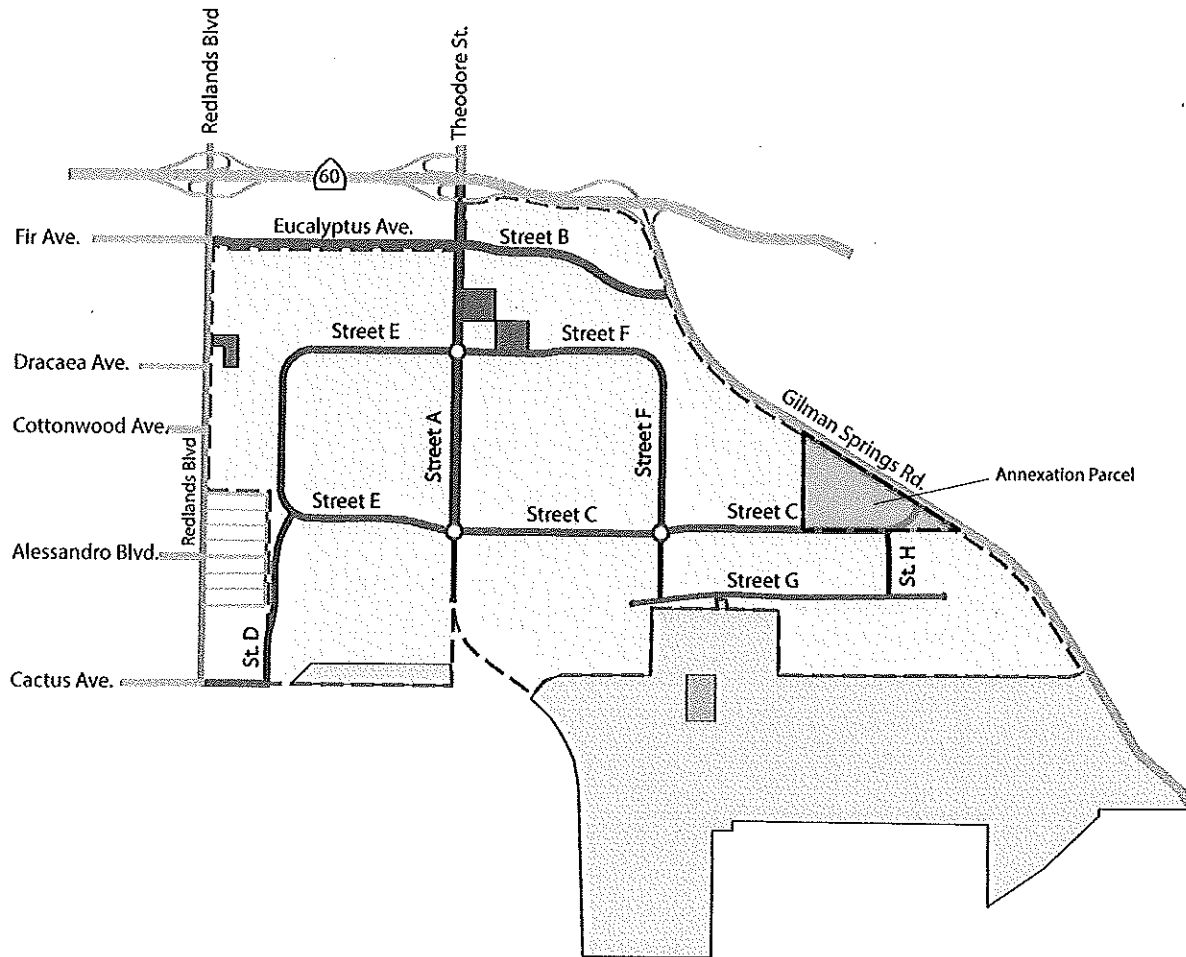
VII. <u>CONSTRUCTION JOBS</u>	Direct	Indirect/Induced	Total
Countywide	13,123	7,610	20,733
Within City	13,123	3,805	16,928
VIII. <u>CONSTRUCTION WAGES</u>	Direct	Indirect/Induced	Total
Countywide	\$640,727,339	\$308,980,242	\$949,707,581
Within City	\$640,727,339	\$154,490,121	\$795,217,460
IX. <u>CONSTRUCTION OUTPUT</u>	Direct	Indirect/Induced	Total
Countywide	\$1,711,078,041	\$954,843,757	\$2,665,921,798
Within City	\$1,711,078,041	\$477,421,878	\$2,188,499,919

Other Impacts

X. <u>JOBS-HOUSING BALANCE</u>	Balance With Center	% Increase/ (Decrease)
Countywide	0.74	5.15%
Citywide	0.92	97.90%

APPENDIX C

ANNEXATION EXHIBIT



Annexation Exhibit



Scale: Nona
May 2, 2012

HIGHLANDFAIRVIEW
Rancho Belago, Ca 92555

P:\World Logistics Center\SP\WLC SP Exhibits\Brian\Files for LPA\Illustrator\Annexation Bdry

Appendix B
MANPOWER for Crossroads 10

MANPOWER for Crossroads 10, Ontario

Completed May, 2014

427,047 SF

Survey – 2 man crew

Demo – 4 man crew

Grading – 15 man crew

Curb & Gutter – 10 man crew

Paving – 12 man crew

Building concrete – 25 man crew

Underground utilities – 6 man crew

Underground fire lines – 6 man crew

Fencing – 5 man crew

Landscape – 15 man crew

Pavement striping – 3 man crew

Painting – 5 man crew

Rebar – 6 man crew

Sack & Patch – 7 man crew

Welding – 3 man crew

Structural steel – 5 man crew

Roof structure – 20 man crew

Roofing – 7 man crew

Caulking – 5 man crew

Plumbing – 4 man crew

Insulation – 2 man crew

Electrical – 6 man crew

HVAC – 4 man crew

Sheetmetal – 4 man crew

Interior doors/Hardware – 2 man crew

Overhead doors – 6 man crew

Glass/Storefront – 7 man crew

Frame/Drywall – 4 man crew

Acoustic ceiling – 2 man crew

Flooring – 3 man crew

FRP – 2 man crew

Cabinets – 2 man crew

Signage – 1 man crew

Restroom Accessories – 1 man crew

Dock levelers – 4 man crew

Window blinds – 1 man crew

Interior sprinkler – 8 man crew

Cleaning – 5 man crew

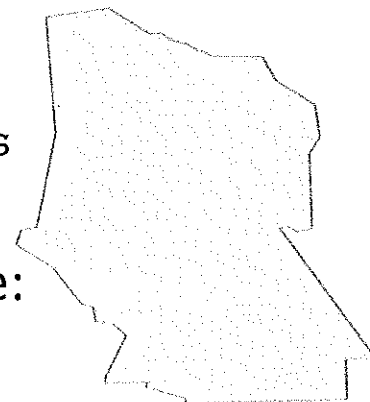
General Contractor staff- 5

Total manpower jobs: 234

Moreno Valley Eucalyptus 6 buildings: $234 \times 6 = 1,404$ temporary construction jobs

Appendix C

The Logistics Industry of Inland Empire: A Fiscal and Economic Impact Study



The Logistics Industry of the Inland Empire: A Fiscal and Economic Impact Study

PURPOSE:

The purpose of the Fiscal and Economic Impact Study is to provide (i) a general review of the impact of the Logistics Industry on the Inland Empire region of California and (ii) a detailed summary of the projected fiscal and economic impacts to four cities (Jurupa Valley, Chino, Moreno Valley, and Fontana, collectively the "Cities") as a result of the hypothetical development of a 500,000 sq. ft. "high cube" logistics facility in each jurisdiction. The hypothetical facilities in Moreno Valley and Fontana were assumed to be highly automated, while the facilities in Jurupa Valley and Chino were assumed to be not as automated, and staffed by more employees.

METHODOLOGY:

The Study analyzes both the recurring fiscal impacts of the facilities' development on the General Funds of the Cities. Importantly, because one-time revenues typically offset one time impacts, the Study does not address one time revenues (except for estimating development impact fees) and focuses primarily on recurring revenues. The Study also identifies the general economic impacts on the Cities in terms of employment, gross receipts, and earnings creation for residents and workers of the Cities.

Fiscal Impacts:

The fiscal impacts projected are based generally on the *Multiplier Methodology* and in particular the *Per Capita-Employee ("Persons Served") Methodology*. To project most recurring fiscal factors, the Study employed the *Per Capita-Employee ("Persons Served") Methodology* and for major revenue sources, e.g. property tax and sales tax, the Study employed the *Case Study Methodology*. In order to provide conservative results, the Study does not assume that any of the facilities would generate "point of sale" sales tax revenues.

Economic Impacts:

Beacon Economic's economic impact analysis incorporates three stages of the development process: construction, tenant improvements, and operations. To conduct the economic impact analysis, the Study used Version 3 of the IMPLAN economic modeling system and operated under the assumption that each phase has three economic effects:

1. Direct: Caused by the additional output of goods and services from a logistics facility.
2. Indirect: Ripple effect among all of the industries whose outputs are used by the logistics center and its overall supply chain
3. Induced: Arise when employment increases in a region and stimulates greater household spending.



RESULTS:

Recurring Fiscal Impact:

The model reflects the estimated recurring surplus to the general fund of each of the Cities that will result from the development of a 500,000 sq. ft. logistics facility. Results are summarized below:

Fiscal Impact	Moreno Valley	Fontana	Jurupa Valley	Chino
	High-Tech	High-Tech	Low-Tech	Low-Tech
Total Annual Recurring Fund Revenues	\$113,532	\$100,510	\$45,537	\$111,411
Total Annual Recurring Fund Costs	(\$62,171)	(\$55,881)	(\$22,909)	(\$81,017)
Total Annual Recurring Surplus/(Deficit)	\$51,361	\$44,629	\$22,628	\$30,394
Total Annual Revenue/Cost Ratio	1.83	1.80	1.99	1.38

Each jurisdiction will enjoy a positive fiscal impact as a result of new development of a 500,000 sq. ft. logistics facility. As an example, in the case of Jurupa Valley, for every one dollar incurred by the City in providing City services to the facility, the City will get \$1.99 back in new facility revenues.

Development Impact Fees:

Development fees are one-time revenues to the City. New development is generally required to pay these fees prior to the construction of a project. Although non-recurring and not technically a part of the fiscal or economic impacts presented by the Study, they are substantial as indicated in the table below:

Impact Fees	Moreno Valley	Fontana	Jurupa Valley	Chino
	High-Tech	High-Tech	Low-Tech	Low-Tech
Capital Facilities Fees	\$1,671,440	\$1,920,560	\$1,152,898	\$3,094,800
Schools Fees	\$255,000	\$255,000	\$255,000	\$255,000
Sewer/Water Connection Fees	\$234,838	\$452,090	\$329,169	\$467,725
Other/Misc. Fees	\$537,194	\$298,813	\$426,545	N/A
Total Development Impact Fees	\$2,698,472	\$2,926,463	\$2,163,612	\$3,817,525

Recurring Economic Impact:

Each of the tenants for the logistics facility will have ongoing operating expenses. These annual operating costs drive additional spending in the economy. The spending creates recurring economic impacts that once again have direct, indirect, and induced expenses. The results of the economic phase of Study are summarized below:

Recurring Economic Impact	Moreno Valley	Fontana	Jurupa Valley	Chino
	High-Tech	High-Tech	Low-Tech	Low-Tech
Direct Number of Employees within the City	192	192	305	305
Indirect/Induced Number of Employees within the City	71	65	63	76
Total Recurring Number of Employees within the City	263	257	368	381
Additional Jobs Outside City within the Inland Empire	40	46	42	29
Total Recurring Number of Employees	303	303	410	410
Direct Economic Impact	\$19,162,236	\$19,162,236	\$18,161,890	\$18,161,890
Indirect/Induced Economic Impact	\$8,129,476	\$8,635,107	\$7,412,746	\$9,767,757
Total Recurring Economic Impact within the City	\$27,291,712	\$27,797,343	\$25,574,636	\$27,919,647
Additional Impact Outside City within the Inland Empire	\$4,380,235	\$3,874,604	\$4,443,906	\$2,098,895
Total Recurring Economic Impact	\$31,671,947	\$31,671,947	\$30,018,542	\$30,018,542

One-Time/Construction Economic Impact:

Each of the tenants for the logistics facility will also have substantial construction, development, and tenant improvement expenses. Again, the spending creates economic impacts that have direct, indirect, and induced expenses. The results of the economic phase of the Study are summarized below:

Total One-Time Economic Impact	Moreno Valley	Fontana	Jurupa Valley	Chino
	High-Tech	High-Tech	Low-Tech	Low-Tech
Direct Number of Employees within the City	403	403	304	305
Indirect/Induced Number of Employees within the City	138	133	112	139
Total One-Time Number of Employees within the City	541	536	416	444
Additional Jobs Outside City within the Inland Empire	93	98	63	35
Total One-Time Number of Employees	634	634	479	479
Direct Economic Impact	\$50,000,000	\$50,000,000	\$37,500,000	\$37,500,000
Indirect/Induced Economic Impact	\$16,457,246	\$18,750,303	\$14,366,256	\$18,335,554
Total One-Time Economic Impact within the City	\$66,457,246	\$68,750,303	\$51,866,256	\$55,835,554
Additional Impact Outside City within the Inland Empire	\$10,717,683	\$8,424,626	\$6,045,116	\$2,075,819
Total One-Time Economic Impact	\$77,174,929	\$77,174,929	\$57,911,372	\$57,911,372

Simply put, the logistics industry serves as an invaluable anchor for the Inland Empire economy. The increase in the volume of trade in the Southern California customs districts has created stronger demand for logistics services. As a result, the logistics industry in the Inland Empire has expanded over the past few decades and significantly enhanced the regional economy through improved productivity and higher wages. As can be seen by the results of this Study, individual developments alone provide a large, long term economic benefit for the Cities where they are located as well as their surrounding area.



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Appendix D

Stratford Ranch Industrial Development: Fiscal & Economic Impact

Stratford Ranch Industrial
Development: Fiscal &
Economic Impact

September 2012

Andrew Chang & Company, LLC

1301 H Street Sacramento ■ CA 95814 ■ 916-538-6091

About Andrew Chang & Company, LLC:

The professionals at Andrew Chang & Company work with our clients to achieve tangible results by combining best-in-class research and analyses with unique insights into public policy and government operations and business strategy. Using advanced economic, statistical and business administration techniques, we provide strategy and operations consulting to Fortune 1000 firms and provide policy, economic, fiscal and operations consulting to public sector agencies and non-profit organizations. We are a California State Department of General Services certified small business and CMAS vendor. Andrew Chang & Company are recognized experts in State and local government revenue projection modeling and have performed revenue projection modeling for cities and State government agencies throughout California. The professional qualifications of the staff who worked on this report are set forth as Exhibit A.

**Proposed Stratford Ranch Industrial Development in the City of Perris:
Fiscal & Economic Impacts
(Table of Contents)**

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2. Background	6
3. Fiscal Impact	7
4. Economic Impact	10
Conclusion	13
Appendix A – Methodology	14
Appendix B - Multipliers	16
Exhibit A – Professional Qualifications	17

**Proposed Stratford Ranch Industrial Development in the City of Perris:
Fiscal & Economic Impacts
(Key Findings)**

- The Stratford Ranch Industrial Development will increase City revenues by approximately \$216,500 or 0.4% annually. Over a 5-year period after construction, City revenues will increase by \$1.1 million cumulatively. The new revenue from the development will be driven by: property tax, business license fees, and indirect sales tax.
- During the construction phase, 486 direct jobs will be created that will support 595 indirect jobs in the City and 933 indirect jobs in the economic region. Additionally, over a two-year period, construction spending will add an additional \$74.8 million to local output and \$306.2 million to regional output. Construction spending will also increase local earnings by \$21.4 million and regional earnings by \$87.6 million.
- After construction, the development will create 685 new on-site jobs and have estimated annual revenue of \$19.2 million. The 685 new jobs will support 841 indirect jobs within the City and 1066 jobs within the economic region. The revenue generated from the development will add an additional \$27.1 million to the local economy and \$34.3 million to the regional economy. Additionally, local earnings will increase by \$9 million and regional earnings will increase by \$11.4 million

**Proposed Stratford Ranch Industrial Development in the City of Perris:
Fiscal & Economic Impacts**

1. Scope

The proposed Stratford Ranch Industrial project is located in the northern portion of the City of Perris and totals approximately 133.3 gross acres (Figure 1.1). The project involves development of approximately 79.23 net acres for two high-cube logistics warehouse buildings totaling up to 1,712,880 square feet, improvements to the adjacent Perris Valley Storm Channel (PVSC) including utility roads covering approximately 45.7 acres and construction of the Lateral D Channel. In summary, the project site will be developed with high-cube logistics warehouse uses; street, water, drainage, and sewer infrastructure to accommodate the logistics warehouse project; widening and associated improvements to the PVSC; and Lateral D Channel from Redlands Avenue to the PVSC.

**Figure 1.1
Location of Development Site**



Source: AirPhotoUSA, 2008; Albert A Webb, Assoc., 2011; County of Riverside, 2011

The project vicinity is characterized as a mix of developed and undeveloped properties. Developed properties in the vicinity include an industrial/warehouse building in Moreno Valley to the northwest, agricultural irrigation ponds in Moreno Valley to the north, residential subdivisions to the northeast, an RV and trailer camping facility to the southwest, and a residential subdivision to the southeast. The nearest residences to the warehouse component of the project are located to the northeast at approximately 400 feet, to the east at approximately 1,720 feet, and to the southeast at approximately 1,700 feet.¹

In order to inform the decision making process, Andrew Chang and Company, LLC has been retained to determine the fiscal and economic impacts for the city and the region, resulting from the proposed development.

Importantly, the fiscal and economic benefits of the proposed Project as set forth in this report are independent of the payment of any host or franchise fee. In other words, this economic benefits analysis does not include any host or franchise fee payment.

¹ LSA Associates, Inc., "Stratford Ranch Industrial – City of Perris/Draft Environmental Impact Report," July 2012

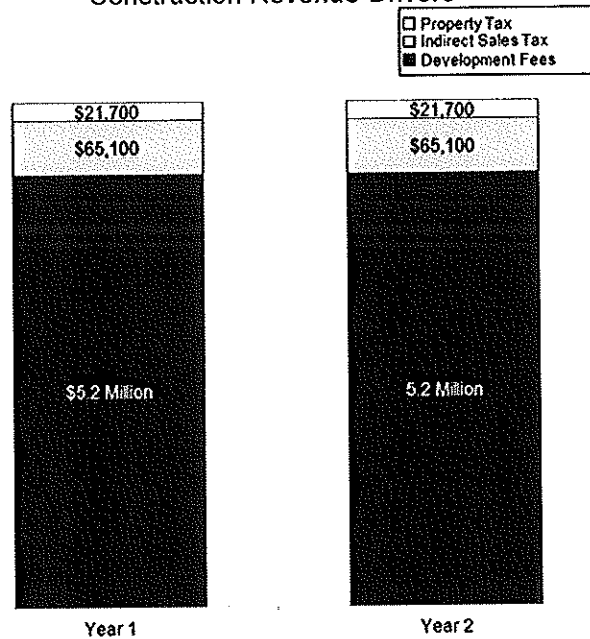
3. Fiscal Impact

The fiscal impact of the proposed Stratford Ranch Industrial Development on the City of Perris will occur over two phases. The first phase will be temporary and occur during the projected two-year construction and development phase. The second phase will be indefinite and will begin once construction and development of the site is complete.

3.1 Construction and Development Phase

This analysis assumes that the construction and development of the project site will take two years to complete. It is projected that construction will begin at the start of 2013 and finish at the end of 2014. The fiscal impact of the construction and development period was measured by the increased revenues that the project would generate for the City. The increased revenue is driven by indirect sales tax, property tax and one-time development fees. Figure 3.1 outlines the respective annual revenue increases for each driver.

Figure 3.1
Construction Revenue Drivers



Source: United States Bureau of Economic Analysis, RIMS II Multipliers, 2008; Andrew Chang & Company Analysis

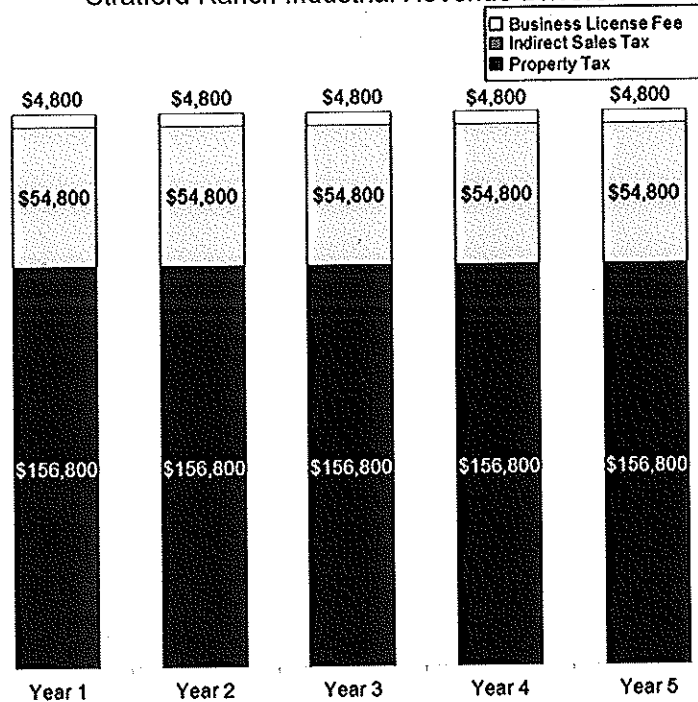
During the construction and development phase the largest revenue driver will be the one-time development fees. These fees include city fees, school fees, sewer and water fees and permits. Distributing these fees over the two-year construction period will increase City

revenues by \$5.2 million annually. Additionally, the City will receive \$65,100 each year in indirect sales tax resulting from the economic activity occurring during construction and \$21,700 each year from property taxes. Overall, City revenues will increase by \$11.2 million during the construction phase.

3.2 Post Build Out

After the development and construction of the site is completed, the two high-cubed warehouses will be fully functional and will continue to bring in additional revenues for the City. Figure 3.2 outlines the revenue drivers that will increase the City's revenues on an annual basis. As with the construction phase, additional City revenues will result from an increase in indirect sales tax and property taxes in addition to an annual business license fee.

Figure 3.2
Stratford Ranch Industrial Revenue Drivers

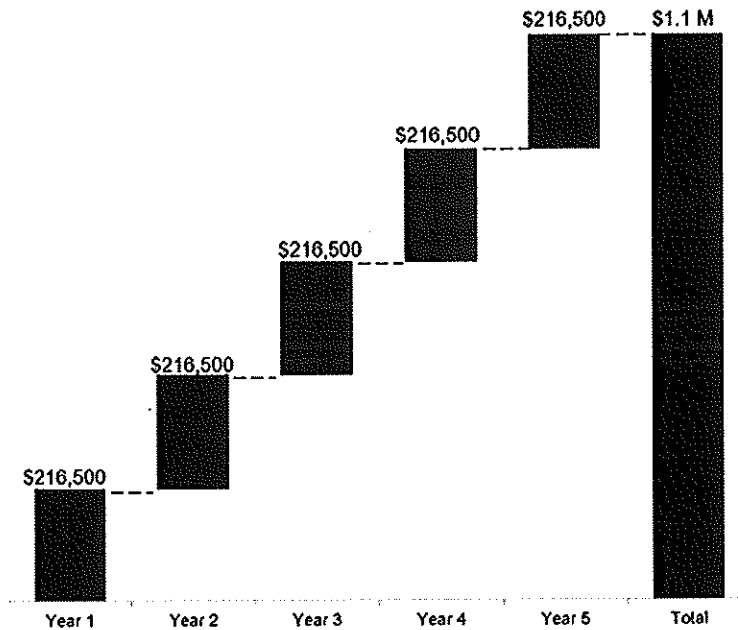


The largest revenue driver is the property tax. Currently the property tax for the proposed site totals approximately \$21,700. After the site is developed, it is estimated that the property tax will increase to \$178,500. After apportioning this increase to reflect the amount the City of Perris will actually receive, it is estimated that the increased property tax

will annually add \$156,800 to City revenues. Indirect sales tax is the second largest revenue driver. After taking the estimated earnings growth the City will get from the development and multiplying it by the effective sales tax rate, it is estimated that the development will generate an additional \$54,800 in indirect sales tax for the City. Lastly, increased City revenue from business license fees will total \$4,800 annually.

Figure 3.3 shows that after totaling up all the revenue drivers, it is estimated that the development will increase City revenues by approximately \$216,500 annually after the initial construction and development phase. In the City's 2011 Comprehensive Annual Financial Report, City revenues totaled \$54.2 million. A revenue increase of \$216,500 in FY 2013-14 (construction completion estimated to be end of 2013) will expand Perris revenues by 0.4%.

Figure 3.3
Yearly Revenue Added From Stratford Ranch Industrial



Source: United States Bureau of Economic Analysis, RIMS II Multipliers, 2008; Andrew Chang & Company Analysis

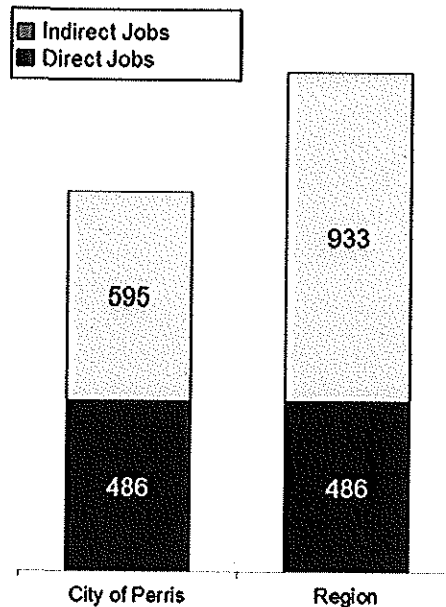
It is estimated that the additional revenue created by the development will remain stable on an annual basis. Therefore, over a five-year period after construction, City net revenues will increase by an estimated total of approximately \$1.1 million. Over a ten year period after construction, City net revenues will increase by approximately \$2.2 million.

4. Economic Impact

4.1 One-Time Construction & Development Impacts

Construction and development of the site will produce a temporary (2 year) economic stimulus as a result of one-time construction related spending. Construction and development costs are estimated to be approximately \$160 million and the number of on-site construction jobs is estimated to be 486. To assess the economic impact of the temporary construction and development spending, RIMS II construction multipliers adjusted for both the City of Perris and the region were used. As seen in Figure 4.1, the approximate 486 on-site construction jobs will support 595 indirect jobs in the local economy (City of Perris) and 933 indirect jobs in the region (Riverside, San Bernardino and Ontario Metropolitan Statistical Area (MSA)).

Figure 4.1
Jobs Created by Construction of Transfer Station



Source: United States Bureau of Economic Analysis, RIMS II Multipliers, 2008; Andrew Chang & Company Analysis

The construction spending generated at the site will ripple through both the local and regional economy and create a one-time increase in output and earnings. Figure 4.2 shows the indirect increase in output (GDP) and earnings that the construction and development will create. Each year during the two-year phase, construction will create an additional \$37.4 million in the local (City) economy and an additional \$153.1 million in the regional economy.

Furthermore, annual City personal earnings will increase by approximately \$10.7 million and regional personal earning will increase by approximately \$43.8 million. In total, over the two-year period the construction and development will increase City output by \$74.8 million and regional output by \$306.2 million as well as increase City personal earnings by \$21.4 million and regional earnings by \$87.6 million.

Figure 4.2
Annual Indirect GDP and Earnings from Transfer Station

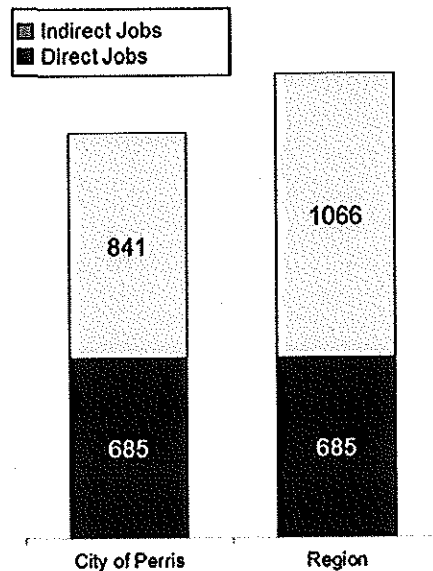
	GDP	Earnings
City of Perris	\$37,400,000	\$10,700,000
Region	\$153,100,000	\$43,800,000

Source: United States Bureau of Economic Analysis, RIMS II Multipliers, 2008; Andrew Chang & Company Analysis

4.2 Economic Impacts of Stratford Ranch Industrial

Estimated annual revenue for the transfer station is approximately \$19.2 million annually. Additionally, approximately 685 permanent on-site jobs will be created. These 685 jobs will support 841 indirect jobs in the City of Perris and 1066 indirect jobs in the Riverside, San Bernardino and Ontario region (Figure 4.3).

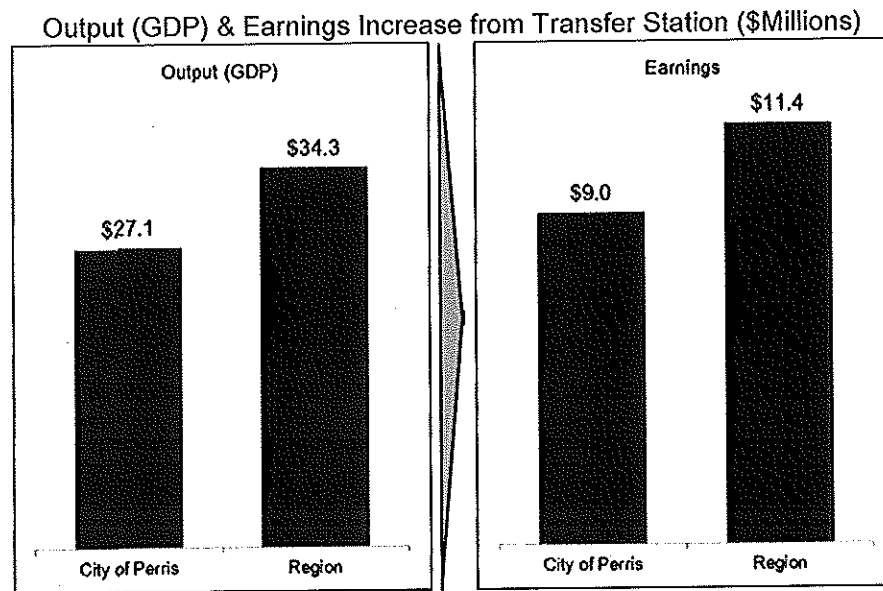
Figure 4.3
Jobs Created by Transfer Station



Source: United States Bureau of Economic Analysis, RIMS II Multipliers, 2008; Andrew Chang & Company Analysis

As with the one-time construction spending, the new revenue generated by development will ripple through both the local and regional economy and create additional output and earnings. However, unlike the temporary construction impact, the impact from the development will be reoccurring as long as the warehouses are in operation. As seen in Figure 4.4, the development will create an additional \$27.1 million in local output and an additional \$34.3 million in regional output. Furthermore, the development will increase local earnings by \$9 million and regional earnings by \$11.4 million.

Figure 4.4



Source: United States Bureau of Economic Analysis, RIMS II Multipliers, 2008; Andrew Chang & Company Analysis

**Proposed Stratford Ranch Industrial Development in the City of Perris:
Fiscal & Economic Impacts
(Conclusion)**

- Development and construction of the site will create both temporary on-site jobs as well as indirectly support local and regional jobs. Additionally, construction spending will create a one-time stimulus to the local and regional economies.
- Once construction is completed, the facility will annually generate \$216,500 in additional City revenue. This increased revenue from the development will be driven by indirect sales tax, property tax, and business license fees. After ten years the Project will create approximately \$2.2 million in additional City revenue.
- The development will create approximately 685 new on-site jobs.
- The development will also indirectly support 841 local and 1066 regional jobs and add an additional \$27.1 million to the local economy and \$34.3 million to the regional economy. Additionally, local earnings will increase by \$9 million and regional earnings will increase by \$11.4 million.
- The development will ultimately spur the creation of both local and regional jobs, and there will be additional output and earnings to the local and regional economies.

Appendix A: Methodology

Local multiplier adjustment:

We used RIMS II economic multipliers to determine the impacts on employment, wages and economic productivity for the surrounding region, defined as the Riverside, San Bernardino and Ontario Metropolitan Statistical Area (MSA). To apportion the added economic activity, we used regional and local employment data to determine whether the City of Perris is a net 'importer' or 'exporter' for each economic segment. In segments where the ratio of Perris Employment / Regional Employment is greater than one, we assume the City is a net exporter and, thus, can fulfill the additional demands locally. In segments where the ration is less than one, the surrounding communities will need to fulfill the demand. In these segments, we use the ratio to deflate the multipliers appropriately for the local economic activity.

Effective Sales Tax & Indirect Sales Tax:

In order to determine the impact additional economic activity will have on local sales tax revenue, we calculated an effective sales tax. This accounts for the portion of the statutory sales tax that is captured by other government entities and the portion of activity that is spent in surrounding communities or elsewhere and, thus, not applicable to the local sales tax. To determine the effective sales tax, we divide the 2010 sales tax revenue collected by the City of Perris by its 2010 GDP. Indirect sales tax was calculated by taking the estimated City GDP growth and multiplying it by the effective sales tax rate.

Property Tax:

First the present day property value was estimated by the purchase price of \$22 million. Then the property value after build out was estimated by adding up the purchase price of \$20 million, the development cost of \$22 million, and the construction/building value of \$140 million. Second, we calculated the estimated property tax of both the current day value and the after build out value. The after build out value resulted in an increase property tax of \$156,800. We then took this estimate and apportioned it for the City of Perris based on the City's effective property tax rate.

Business License Fee:

To determine the business license fee for the warehouses the business license fee schedule of \$0.25 per \$1000 gross receipts was applied to the estimated facility annual revenue of \$19.2 million.

**Appendix B:
Multipliers**

Multiplier	Industry	Perris	Regional
Jobs	Construction	1.2247	1.9197
	Warehousing & Storage	1.2270	1.5569
Economic Output	Construction	0.4701	1.9242
	Warehousing & Storage	1.4077	1.7862
Earnings	Construction	0.1344	0.5501
	Warehousing & Storage	0.4688	0.5948

EXHIBIT A
ANDREW J. CHANG
Managing Director

PROFILE: Seventeen years of experience working with both high-level executives and operations staff on sensitive issues under tight deadlines in both the private and public sectors. Eight years strategy and operations consulting experience with emphasis on customer analysis and market entry strategies. Twelve years public policy development and implementation experience in California State government. Extensive experience working with a broad array of stakeholders to design, implement and monitor organizational initiatives.

PROFESSIONAL EXPERIENCE:

10/11 – present **Andrew Chang & Co, LLC** Sacramento, CA
Managing Director

- Provide market entry and strategy consulting to Fortune 1000 companies with an emphasis on private sector interaction with government. Private sector specialization in assessing and identifying new market opportunities and developing strategies to enter new markets. Public sector emphasis on public policy, economic and public finance analysis and operations management consulting.

07/09 – 10/11 **Chang & Adams Consulting** Sacramento, CA
Managing Director

- Provide market entry and strategy consulting to Fortune 1000 companies with an emphasis on private sector interaction with government. Private sector specialization in assessing and identifying new market opportunities and developing strategies to enter new markets. Public sector emphasis on public policy, economic and public finance analysis and operations management consulting.

04/07 – 07/09 **Forward Observer, Inc.** Sacramento, CA
Vice President

- Provide business intelligence and strategy consulting to Fortune 1000 companies to support market entry initiatives. Provide business-political risk and due diligence assessment for investment companies. Conduct fiscal, economic and public policy assessments.

08/04 – 04/07 **California Department of General Services** Sacramento, CA
Chief Deputy Director

- Chief Financial and Operations Officer of a state department with \$1 billion annual operating budget, thirteen business units and 4,000 employees. Oversaw the state's procurement and real estate operations. Also responsible for the state's telecommunications, automobile fleet, printing, warehousing, insurance and school construction operations.
- Special assignment to the Governor's Office to serve as chief staff economist for the Governor's Council of Economic Advisors. Facilitated Council meetings, prepared written briefings for the Governor on policy issues for consideration and assisted Council members with original research to present at the Council meetings.
- Special assignment to the California Department of Corrections and Rehabilitation to assess the agencies procurement operations and develop recommendations to improve procedures and operations.

06/00 – 08/04 **A.T. Kearney, Inc.** San Francisco, CA
Senior/Engagement Manager (06/02 – 08/04)

- Lead teams to develop strategies for new lines of business for a Fortune 1000 technology company, a national consumer products consortium and an international consumer products retail company.
- Lead teams to develop strategies to both acquire and sell technology services, R&D and manufacturing business units.
- Analytic and modeling methods subject matter expert. Finance and Accounting business processes subject matter expert.

Associate Management Consultant (06/00 – 06/02)

- Conduct research and develop recommendations for various clients in the high technology and consumer products industries.

- 08/03 – 10/03 **Californians for Schwarzenegger** (Temporary leave from A.T. Kearney, Inc.) Santa Monica, CA
Chief Economist/Deputy Policy Director
 ▪ Principal economic, tax, energy and budget staff advisor for Arnold Schwarzenegger's gubernatorial campaign.
- 12/98 – 02/00 **MGT of America, Inc.** Sacramento, CA
Senior Management Consultant
 ▪ Implemented studies to improve finances and operations for Cleveland Unified School District, Florida State University and the California Resources Agency.
- 10/95 – 12/98 **California State and Consumer Services Agency** Sacramento, CA
Assistant Secretary for Policy and Operations
 ▪ Executive of a government agency with an annual operating budget of \$1.3 billion, twelve departments and over 14,000 employees.
 ▪ Under supervision of the Secretary, guided agency and department policies, budgets and strategic plans.
- 05/95 – 10/95 **Personal Staff of Governor Pete Wilson** Sacramento, CA
Chief Economist/Deputy Issues Director
 ▪ Managed the development of national tax, trade, environment, agriculture and crime policies for Governor Pete Wilson's presidential campaign.
- 09/93 – 05/95 **California Office of the Governor** Sacramento, CA
Deputy Chief Economist
 ▪ Lead research teams to assess the economic and fiscal impact of tax, economic development, health care and immigration policies.
- EDUCATION:** **University of Michigan** Ann Arbor, MI
Master of Business Administration Essentials (1 of 30 A.T. Kearney consultants selected globally to participate in a tailored executive MBA program.)
- Georgetown University** Washington, DC
Master of Public Policy
- University of California** Berkeley, CA
Bachelor of Arts

4.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: Eucalyptus Industrial Park

Applicant:

Prologis

Date:

March 31, 2014

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3 AIR QUALITY						
4.3.6.2A. Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall place construction equipment staging areas at least 200 feet away from sensitive receptors. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.	City of Moreno Valley Engineering and Building and Safety Planning Division	Once prior to Grading and once during grading and construction operations.	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order
4.3.6.2B Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize power sources (e.g., power poles) or clean-fuel (e.g., fuel other than diesel or gasoline) generators where feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.	City of Moreno Valley Engineering and Building and Safety Planning Division	Once prior to Grading	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order
4.3.6.2C Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier III Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed project construction documents,	City of Moreno Valley Engineering and Building and Safety Planning Division	Once prior to Grading	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit

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Item No. E.3

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>which shall be reviewed by the City.</p> <p>Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.</p> <p>Post January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.</p> <p>A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.</p>						
<p>4.3.6.2D All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous</p>	<p>City of Moreno Valley Engineering and Building and Safety</p>	<p>Ongoing throughout construction</p>	<p>During grading</p>	<p>Review of construction documents and on-</p>		<p>Issuance of a Stop Work Order</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
gusts) exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. On-site truck idling shall be prohibited in excess of five minutes.	Planning Division			site inspection		
4.3.6.2E The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2F The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less to reduce PM ₁₀ and PM _{2.5} fugitive dust haul road emissions. Speed limit signs (15 mph maximum) shall be posted at entry points to the project site, and along any unpaved roads providing access to or within the project site and/or any unpaved designated on-site travel routes.	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2G Groundcover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2H The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
allowing construction equipment to be left idling for more than five minutes (per California law).						
4.3.6.2I The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2J. Grading plans, construction specifications and bid documents shall also include the following requirements: <ul style="list-style-type: none"> Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty; Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads; Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect; The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site; The contractor or builder shall post a publicly visible sign with the 	City of Moreno Valley Engineering and Building and Safety Planning Division	Review plans, specifications, and bid documents prior to grading; conduct site inspections during construction operations.	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;</p> <ul style="list-style-type: none"> • High-pressure injectors shall be provided on diesel construction equipment if available; • Engine size of construction equipment shall be limited to the minimum practical size; • Substitute gasoline-powered for diesel powered construction equipment where gasoline powered equipment is available; • Use electric construction equipment where it is practical to use such equipment; • Install catalytic converters on gasoline-powered equipment where this type of equipment is available; • Ride-sharing program for the construction crew shall be supported by contractor(s) via incentives or other inducement; • Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs; • Lunch vendor services shall be allowed on site during construction to minimize the need for off-site vehicle 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
trips; and <ul style="list-style-type: none"> All forklifts used during construction and in subsequent operation of the project shall be electric or natural gas powered. 						
4.3.6.2K. Throughout project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM ₁₀ (fugitive dust) generation or other construction-related air quality issues within 24 hours.	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2L. All project entrances shall be posted with signs which state: <ul style="list-style-type: none"> Truck drivers shall turn off engines when not in use; Diesel delivery trucks servicing the project shall not idle for more than three (3) minutes; and Telephone numbers of the building facilities manager and CARB, to report violations. These measures shall be enforced by the on-site facilities manager (or equivalent).	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2M. During project grading and construction, the various project contractors shall adhere to the control measures listed in Tables 1.D and 1.E (attached to the MMRP).	City of Moreno Valley Engineering and Building and Safety	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3.6.3A Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and the top of the trailer).	City of Moreno Valley Engineering and Building and Safety	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.3B. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction access roads shall be paved at least 100 feet onto the site from the main road.	City of Moreno Valley Engineering and Building and Safety	Throughout construction	Prior to issuance of Grading Permits	On-site inspection		Issuance of a Stop Work Order
4.3.6.3C. Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all streets within the construction site shall be swept once per day if visible soil materials are carried to adjacent streets.	City of Moreno Valley Engineering and Building and Safety Planning Division	One time Review and Approval of Grading Plans Throughout construction	Prior to issuance of Grading Permits During Construction	Review and Approval of Grading Plans On-site inspection		Withhold Grading Permit Issuance of a Stop Work Order
4.3.6.4A. The project applicant shall use "Low-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the project applicant shall use materials that do not require painting or are pre-painted.	City of Moreno Valley Engineering and Building and Safety Planning Division	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>4.3.6.5B. Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features may include (but are not limited to) the following:</p> <ul style="list-style-type: none"> ○ Construction of buildings that exceed statewide energy requirements beyond Construction of buildings that exceed statewide energy requirements beyond 10 percent of that identified in Title 24, Part 6 Energy Efficiency Standards: ○ Use of low-emissions water heaters; ○ Use of central water-heating systems; ○ Use of energy-efficient appliances; ○ Use of increased insulation; ○ Use of automated controls for air conditioners; ○ Use of energy-efficient parking lot lighting; and ○ Use of lighting controls and energy-efficient lighting. ● Utilize low-VOC interior and exterior coatings during project repainting. ● Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the number of vehicle trips. ● Installation of skylights and energy-efficient lighting that exceeds California 	<p>City of Moreno Valley Engineering and Building and Safety and Planning Division</p>	<p>Prior to building and during construction operations.</p>	<p>Prior to Issuance of Building Permit</p>	<p>Review of construction documents and on-site inspection</p>		<p>Withhold Grading Permit or Issuance of a Stop Work Order</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.</p> <ul style="list-style-type: none"> • Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required. • Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats. • Reduction of energy demand associated with potable water conveyance through the following methods: <ul style="list-style-type: none"> ○ Incorporating drought-tolerant plants into the landscaping palette; and ○ Use of water-efficient irrigation techniques. • Energy-efficient low-pressure sodium parking lot lights or equivalent as determined by the City shall be used; • Buildings shall be oriented north-south where feasible; • Implement an on-site circulation plan in parking lots to reduce vehicle queuing; • Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 250 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>employees or multi-tenant worksites;</p> <ul style="list-style-type: none"> • Include bicycle parking facilities such as bicycle lockers and racks; • Include showers for bicycling employees use; and • Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths. 						
<p>4.3.6.6A Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. The following design features shall be used to fulfill this requirement:</p> <ul style="list-style-type: none"> • Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City. • Increase in insulation such that heat transfer and thermal bridging is minimized. • Limit air leakage through the structure or within the heating and 	<p>City of Moreno Valley Building and Safety Planning Division</p>	<p>Prior to Construction (once)</p>	<p>Prior to Issuance of Building Permits</p>	<p>Review of building plans and on-site inspection</p>		<p>Withhold Building Permits</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>cooling distribution system to minimize energy consumption.</p> <ul style="list-style-type: none"> • Incorporate dual-paned or other energy efficient windows. • Incorporate energy efficient space heating and cooling equipment. • Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented. • To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site. • Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings. • All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design. • To reduce energy demand associated with potable water conveyance, the project shall implement the following: 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<ul style="list-style-type: none"> ○ Landscaping palette emphasizing drought-tolerant plants; ○ Use of water-efficient irrigation techniques; and, ○ U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads. • The project shall provide secure, weather-protected, on-site bicycle storage/parking. • The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided. • The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information. • The project shall provide preferential parking for carpools and vanpools. Locations and configurations of 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.</p> <ul style="list-style-type: none"> • The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plan. • Lease/purchase documents shall identify that tenants are encouraged to promote the following: <ul style="list-style-type: none"> ○ Implementation of compressed workweek schedules. ○ SmartWay partnership; ○ Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers. ○ Achievement of at least 15 percent per year (as a percentage of previous 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.</p> <ul style="list-style-type: none"> ○ Use of fleet vehicles conforming to 2010 air quality standards or better. ○ Installation of catalytic converters on gasoline-powered equipment. ○ Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets. ○ Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles. ○ Provision of preferential parking for EV and CNG vehicles. ○ Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance. ○ Use of electric (instead of diesel or gasoline-powered) yard trucks. ○ Use of SmartWay 1.25 rated trucks. ○ Each facility operator shall provide regular sweeping of 						

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<p>onsite parking and drive areas.</p> <ul style="list-style-type: none"> ○ Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets the quantities and emissions standards listed in the Draft EIR. This log shall be available for inspection by City staff at any time. ○ Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas. ○ Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses. ○ Each facility operator upon occupancy that do not already operate 2007 and newer trucks shall in good faith apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them. 						

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4.4 BIOLOGICAL RESOURCES						
<p>4.4.6.1A. If tree removal or clearing and grubbing activities must take place during the general nesting season (February 1 through August 31), a nesting bird survey shall be conducted within seven (7) days prior to any vegetation disturbance activities. If passerine birds are found to be nesting or there is evidence of nesting behavior inside the impact area, an exclusion buffer, to be determined by the appropriate agency (e.g. the City, County, and/or CDFG), shall be set in place around the nest where no vegetation disturbance will be permitted. For raptor species, such as hawks and owls, this buffer may be as large as 500 feet. A qualified biologist shall closely monitor nests until it is determined that they are no longer active, at which time construction activity in the vicinity of nests may continue.</p>	City of Moreno Valley Planning Division	Prior to grading and periodic site inspections during grading	Prior to Issuance of Grading Permit	<p>Review of Evidence that a qualified biologist has been hired and the pre-construction survey has been completed.</p> <p>Review of a report of the survey findings.</p> <p>Periodic site inspections during construction activities during the nesting season to ensure compliance.</p>		Withhold Grading Permit
<p>4.4.6.1B. Prior to site grading, a pre-construction survey shall be required for the burrowing owl to confirm the presence/absence of this species from the site. The survey shall be conducted by a qualified biologist within 30 days prior to ground disturbance, and in accordance with MSHCP survey requirements, to avoid direct take of burrowing owls. If burrowing owls are determined to occupy the project site or immediate vicinity, the City of Moreno Valley Planning Department shall be notified and avoidance measures as identified in Mitigation Measure 4.4.6.1C, shall be implemented. Implementation of avoidance measures</p>	City of Moreno Valley Planning Division	Once prior to grading	Prior to Issuance of Grading Permit	<p>Review of Evidence that a qualified biologist has been hired and the pre-construction survey has been completed.</p> <p>Review of a report of the survey findings.</p>		Withhold Grading Permit

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<p>shall be executed pursuant to the MSHCP, the California Fish and Game Code, and the MBTA, and according to the Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993) and reviewed the City of Moreno Valley, the Riverside Conservation Authority, and/or by the CDFG.</p>						
<p>4.4.6.1C. As recommended in the BUOW Survey and Mitigation Guidelines prepared by the California BUOW Consortium, no disturbance to an occupied burrow shall occur within approximately 160 feet of an occupied burrow during the non-breeding season (September 1 through January 31), or within approximately 250 feet of an occupied burrow during the breeding season (February 1 through August 31). For unavoidable impacts, passive relocation of burrowing owls shall be implemented. Passive relocation shall be conducted by a qualified biologist in accordance with procedures set forth by the MSHCP and California Burrowing Owl Consortium. Passive relocation of occupied burrows supporting a breeding pair of burrowing owls shall be conducted outside of the breeding season pursuant to the California Fish and Game Code and the MBTA.</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to grading</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Provide evidence to the City that the passive relocation plan has been approved by CDFG and USFWS.</p>		<p>Withhold Grading Permit</p>
<p>4.4.6.2A. As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project</p>	<p>City of Moreno Valley Planning Division</p>	<p>As outlined in the approved DBESP</p>	<p>Prior to Issuance of Certificate of Occupancy</p>	<p>Demonstrate completion of DBESP implementation measures</p>		<p>Withhold Grading Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
construction. Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. DFG and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.						
4.4.6.2B. Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.	City of Moreno Valley Planning Division	Once, prior to issuance of Certificate of Occupancy	Prior to Issuance of Certificate of Occupancy	Applicant to demonstrate compliance with DBESP		Withhold Certificate of Occupancy
4.4.6.3A. The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFG. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.	City of Moreno Valley Planning Division	Once, prior to issuance of Certificate of Occupancy	Prior to Issuance of Certificate of Occupancy	Project applicant to submit to the City a copy of the USACE Section 404 Permit and the Section 1602 Streambed Alteration Agreement from the CDFG		Withhold Certificate of Occupancy

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CULTURAL RESOURCES						
<p>4.5.6.1A Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to grading</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Provide evidence to the City that a qualified archaeological monitor has been retained to oversee all ground altering activities</p>		<p>Withhold Grading Permit</p>
<p>4.5.6.1B Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to grading and throughout ground disturbing activities.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Provide evidence to the City that a qualified archaeological monitor has been retained to oversee all ground altering activities and that the Soboba, Morongo, and Pechanga Tribes have been notified as to when ground altering activities will occur on site.</p> <p>Tthe</p>		<p>Withhold Grading Permit and/or Issuance of a Stop Work Order</p>

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tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.				archaeological monitor shall invite one or more Native American monitors to participate in the monitoring program at the expense of the applicant.		
<p>4.5.6.1C If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s),</p>	City of Moreno Valley Planning Division	Throughout ground disturbing activities.	On-site Inspection during construction	<p>If historic resources are found the archaeologist shall provide a recommendation to the City as to how to handle and evaluate the resources.</p> <p>If archaeological resources are found the archaeologist shall notify the applicant, City and local Native American representatives.</p> <p>A written disposition of the mitigation shall be provided to the City by the archaeologist.</p>		Issuance of a Stop Work Order

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and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.						
<p>4.5.6.1D Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:</p> <p>"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."</p>	City of Moreno Valley Planning Division	Once prior to issuing permit	Prior to Issuance of Grading Permit.	Verify that plans contain specified language		Withhold Grading Permit.
<p>4.5.6.1E If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner</p>	City of Moreno Valley Planning Division	Ongoing during ground disturbing activities.	On-site Inspection during construction if human remains are discovered.	The contractor and/or archaeologist shall contact the applicant and City if human remains are discovered.		Issuance of a Stop Work Order

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<p>determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.</p>						
<p>4.5.6.2A. Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision of a trained paleontological monitor during on-site soil disturbance activities. The monitoring for paleontological resources shall be conducted during the rough-grading phase of the project. In the event that paleontological resources are unearthed or discovered during excavation, Mitigation Measure 4.5.6.2C shall apply. Conversely, if no paleontological resources are unearthed or discovered on site during excavation, no additional action is required.</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to grading and on-going during ground disturbing activities.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Provide evidence to the City that a qualified paleontologist has been retained, and that the paleontologist(s) shall prepare a PRIMP for City approval.</p> <p>A qualified paleontologist(s) shall be retained by the applicant to monitor during rough grading.</p> <p>A report of findings shall be submitted to the City after the finalization of construction.</p>		<p>Withhold Grading Permit/ Issuance of a Stop Work Order</p>

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<p>4.5.6.2B. The paleontological monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples of soil shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to grading and on-going during ground disturbing activities.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>A qualified paleontologist(s) shall be retained by the applicant to monitor during rough grading.</p> <p>A report of findings shall be submitted to the City after the finalization of construction.</p>		<p>Withhold Grading Permit/ Issuance of a Stop Work Order</p>
<p>4.5.6.2C. If paleontological resources are unearthed or discovered during excavation of the project site, the monitoring for paleontological resources shall be conducted on a full-time basis for the duration of the rough-grading of the project site. The following recovery processes shall apply:</p> <ul style="list-style-type: none"> • Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques. • All fossils collected during the project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens. • A report documenting the results of the monitoring and salvage activities 	<p>City of Moreno Valley Planning Division</p>	<p>Ongoing during ground disturbing activities.</p>	<p>When paleontological resources are unearthed or discovered</p>	<p>A qualified paleontologist(s) shall be retained by the applicant to monitor full time during the duration of ground disturbing activities.</p> <p>A report of findings shall be submitted to the City after the finalization of construction.</p>		<p>Issuance of a Stop Work Order</p>

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<p>and the significance of the fossils shall be prepared.</p> <ul style="list-style-type: none"> All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage. 						
<p>4.5.6.2D Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:</p> <p>“If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.”</p>	<p>City of Moreno Valley Planning Division</p>	<p>Once before issuing grading permit.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Verify plans contain specified language.</p>		<p>Withhold Grading Permit</p>

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HAZARDS AND HAZARDOUS MATERIALS						
4.6.6.1A Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.	City of Moreno Valley Planning Division	Prior to grading	Prior to Issuance of Grading Permit and receipt of supplemental Phase II soil testing	Applicant shall provide written results of subsequent soil testing for pesticides		Withhold Grading Permit
HYDROLOGY AND WATER QUALITY						
4.7.6.1A. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of storm water associated with construction activities.	City of Moreno Valley Planning Division Building and Safety Engineering	Prior to grading	Prior to Issuance of Grading Permit and review of grading plan documents	Applicant shall provide written evidence that an NOI has been filed with the Regional Water Quality Control Board.		Withhold Grading Permit
4.7.6.1B. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall submit to the State Water Quality Control Board a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction	City of Moreno Valley Planning Division Building and Safety Engineering	Prior to grading and onsite inspection during construction	Prior to Issuance of Grading Permit	Review of grading and construction documents and on-site inspection. Applicant shall provide written evidence that a SWPPP has been filed with the Regional Water		Withhold Grading Permit and/or Issuance of Stop Work Order

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<p>period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include, but shall not be limited to, the following:</p> <ul style="list-style-type: none"> Sediment discharges from the site may be controlled by the following: gravel bags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP. No materials of any kind shall be placed in drainage ways. Materials that could contribute non-visible pollutants to storm water must be contained, elevated, and placed in temporary storage containment areas. All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences. <p>The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.</p> <ul style="list-style-type: none"> Additional BMPs and erosion control measures will be documented in the 				Quality Control Board.		

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<p>SWPPP and utilized if necessary.</p> <ul style="list-style-type: none"> The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time. <p>In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.</p>						
<p>4.7.6.1C. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project:</p> <ul style="list-style-type: none"> The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Moreno Valley and the representatives of the Regional Water Quality Control Board. 	<p>City of Moreno Valley Planning Division</p> <p>Engineering</p>	<p>Once prior to grading</p>	<p>Prior to issuance of Grading Permit</p>	<p>City review and approval of grading plans.</p>		<p>Withhold Grading Permit</p>
<p>4.7.6.2A. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall receive approval from the City of Moreno Valley for a Final Water Quality Management Plan (F-WQMP). The F-</p>	<p>City of Moreno Valley Planning Division</p> <p>Engineering</p>	<p>Once prior to grading</p>	<p>Prior to issuance of Grading Permit</p>	<p>City review and approval of Final Water Quality Management Plan</p>		<p>Withhold Grading Permit</p>

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<p>WQMP shall specifically identify pollution prevention, site design, source control, and treatment control BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. BMPs to be implemented in the F-WQMP may include (but shall not be limited to) the following:</p> <ul style="list-style-type: none"> • Required landscaped areas shall not use decorative concrete or impervious surfaces. • Landscape plans shall incorporate native and drought-tolerant plants, trees, and shrubs. Landscaping shall be maintained weekly and maintenance contractor will properly dispose of all landscape wastes. • Irrigation systems shall be inspected monthly by the landscape contractor to check for over-watering, leaks, or excessive runoff to paved areas. Timers will be used to prevent over-watering. • Signage will be inspected and maintained twice a year for legibility. • Outdoor Loading/Unloading truck docks shall be kept in a clean and orderly condition with weekly inspections, continuous monitoring, and immediate clean up of spills. • Parking area maintenance shall be swept or vacuumed at least quarterly, if there is any trash or debris in between the routine sweeping, it shall be swept or 						

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<p>vacuumed immediately.</p> <ul style="list-style-type: none"> Trash enclosures will be inspected and maintained weekly or as needed by maintenance contractor. On-site extended detention/sedimentation basins and sand filters will treat all of the site's runoff via vegetated swales and will be maintained and inspected at least twice a year and prior to October 1. Additional BMPs will be documented in the WQMP and utilized if necessary. <p>In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.</p>						
<p>4.7.6.3A. Prior to grading plan approval, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations. A Preliminary Hydrology Study will be required prior to approval of the associated project tentative tract map.</p>	<p>City of Moreno Valley Planning Division</p> <p>Engineering</p>	<p>Once prior to tentative tract map approval</p> <p>Once prior to grading</p>	<p>Prior to tentative tract map approval</p> <p>Prior to issuance of Grading Permit</p>	<p>City review and approval of Preliminary Hydrology Study</p> <p>City review and approval of Final Hydrology Study</p>		<p>Withhold hearing to approve the tentative tract map.</p> <p>Withhold Grading Permit</p>

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NOISE						
4.9.6.1A. During all project site excavation and grading on site, the project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing during construction	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order
4.9.6.1B. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing throughout construction /on-site inspection	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order
4.9.6.1C. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest to the project site during all project construction.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing throughout construction /on-site inspection	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order
4.9.6.1D. During project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing throughout construction /on-site inspection	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order

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TRANSPORTATION						
<p>4.11.6.4A. Prior to issuance of a Certificate of Occupancy the project applicant shall construct the following traffic improvements:</p> <ul style="list-style-type: none"> • Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy. • Redlands Boulevard/Fir Avenue/Eucalyptus Avenue. If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and add a northbound left-turn lane and a southbound left-turn lane. <p>If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.</p>	<p>City of Moreno Valley Building and Safety</p> <p>Engineering</p> <p>Planning Division</p>	<p>Prior to Certificate of Occupancy on the building.</p>	<p>Prior to the Issuance of a Certificate of Occupancy</p>	<p>Evidence of the construction of the improvements. If construction has already occurred by others evidence of payment of DIF fees.</p>		<p>Withhold Certificate of Occupancy</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>4.11.6.4B. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:</p> <ul style="list-style-type: none"> <p>Moreno Beach Drive/SR-60 Eastbound Ramps. The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/Fir Avenue/Eucalyptus Avenue. Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound left-turn lane and a southbound left-turn lane. These improvements are listed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> 	<p>City of Moreno Valley Building and Safety</p> <p>Engineering</p> <p>Planning Division</p>	<p>Once before construction</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Evidence of Payment of City DIF fees and WRCOG TUMF fees.</p>		<p>Withhold Building Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>4.11.6.4C. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:</p> <ul style="list-style-type: none"> • Moreno Beach Drive/SR-60 Eastbound Ramps. The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • Moreno Beach Drive/Cottonwood Avenue. Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • Moreno Beach Drive/Alessandro Boulevard. Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound through lane. The 	<p>City of Moreno Valley Building and Safety</p> <p>Engineering</p> <p>Planning Division</p>	<p>Once before construction</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Evidence of Payment of City DIF fees and WRCOG TUMF fees.</p>		<p>Withhold Building Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Redlands Boulevard/SR-60 Interchange reconstruction would implement the northbound through lane. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> <p>Redlands Boulevard/SR-60 Eastbound Ramps. The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/Fir Avenue/Eucalyptus Avenue. Install a traffic signal. Add a westbound right-turn lane and provide overlap phasing for the westbound right turns. Add a westbound left-turn lane and an eastbound left-turn lane. These improvements are programmed in the City's DIF program. Add a northbound left-turn lane, a southbound through lane, and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/Eucalyptus Avenue. Add a southbound right-turn lane. This improvement is programmed in the TUMF.</p> 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Therefore, payment of the TUMF fees would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> • Redlands Boulevard/Alessandro Boulevard. Add a southbound left-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMF fees would mitigate the significant impact at this location. 						
<p>4.11.6.4D. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program. At some locations, the DIF and TUMF fees would not fully mitigate the project's impact. For these locations, additional improvements shall be implemented by the project applicant prior to the issuance of a certificate of occupancy for the project:</p> <ul style="list-style-type: none"> • Nason Street/Eucalyptus Avenue. Add a northbound right turn lane. This improvement is programmed in the City's DIF; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.76%) toward restriping the westbound approach to provide dual left-turn lanes. • Nason Street/Alessandro Boulevard. Add an eastbound through lane and a westbound 	<p>City of Moreno Valley Building and Safety Engineering Planning Division</p>	<p>Once before construction and onsite inspection for improvements.</p>	<p>Prior to the Issuance of Building Permits Where improvements must be built by the developer – Prior to a Certificate of Occupancy on the first building.</p>	<p>Evidence of Payment to the City of fair share contribution in addition to payment of DIF, TUMF and build improvements where indicated in the mitigation measure.</p>		<p>Withhold Building Permit and/or Withhold Certificate of Occupancy.</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.4%) toward modification of the traffic signal to provide overlap phasing for the eastbound right-turn lane.</p> <ul style="list-style-type: none"> <p>Moreno Beach Drive/SR-60 Westbound Ramps. The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <p>Moreno Beach Drive/SR-60 Eastbound Ramps. The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <p>Moreno Beach Drive/Eucalyptus Avenue. Convert the existing eastbound through lane to a left-turn lane and the eastbound right-turn lane to a shared through/right-turn</p> 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 8.63%) toward modification of the traffic signal to provide right-turn overlap phasing for the westbound right-turn lane.</p> <ul style="list-style-type: none"> • Moreno Beach Drive/Cottonwood Avenue. Add a southbound through lane, This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • Moreno Beach Drive/Alessandro Boulevard. Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. • Redlands Boulevard/SR-60 Eastbound Ramps. The Redlands 						

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<p>Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> <p>Redlands Boulevard/Fir Avenue-Eucalyptus Avenue. Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, and a westbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, southbound left-turn lane, northbound through lane, and northbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/Eucalyptus Avenue. Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane and a southbound left-turn lane. These improvements are</p> 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> Redlands Boulevard/Alessandro Boulevard. Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. 						
<p>4.11.6.4E. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley as noted below:</p> <ul style="list-style-type: none"> Nason Street/Eucalyptus Avenue. Add a northbound right-turn lane and an eastbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. 	<p>City of Moreno Valley Building and Safety</p> <p>Engineering</p> <p>Planning Division</p>	<p>Once before construction</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Evidence of Payment of City DIF fees and WRCOG TUMF fees or fair share contribution</p>		<p>Withhold Building Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<p>Implementation of the improvements identified for this intersection in Mitigation Measure 4.11.6.4D would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.6%) toward modification of the traffic signal to provide right-turn overlap phasing for the eastbound and northbound right turns.</p> <ul style="list-style-type: none"> <p>Nason Street/Alessandro Boulevard. Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in Mitigation Measure 4.11.6.4D would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.35%) toward the addition of an eastbound left-turn lane and modification of the traffic signal to provide overlap phasing for the westbound right-turn lane.</p> <p>Moreno Beach Drive/SR-60 Westbound Ramps. The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase.</p> 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> <p>Moreno Beach Drive/SR-60 Eastbound Ramps. The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.</p> <p>Moreno Beach Drive/Eucalyptus Avenue. Restripe eastbound approach to dual left-turn lanes and add a northbound through lane, a westbound through lane, and a southbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in Mitigation Measure 4.11.6.4D would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 5.17%) toward modification of the traffic signal to provide right-turn overlap phasing for the southbound right-turn lane.</p> <p>Moreno Beach Drive/Cottonwood Avenue. Add a southbound through</p> 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>lane, a northbound through lane, an eastbound left-turn lane, an eastbound through lane, a westbound through lane, and a westbound left-turn lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> <p>Moreno Beach Drive/Alessandro Boulevard. Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.</p> <p>Auto Mall Drive/Eucalyptus Avenue. Install a traffic signal. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Therefore, payment of the DIF fee would mitigate the significant impact at this location.</p> 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<ul style="list-style-type: none"> Redlands Boulevard/SR-60 Eastbound Ramps. The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. Redlands Boulevard/Fir Avenue-Eucalyptus Avenue. Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, a westbound right-turn lane with overlap phasing, and a southbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, a southbound left-turn lane, a northbound through lane, a northbound left-turn lane, and a northbound right-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the TUMF fee would also partially mitigate the significant impact at this location. In addition, the project shall pay a fair share (calculated to be 10.44%) of the cost of adding a southbound left-turn lane. Redlands Boulevard/Eucalyptus Avenue. Install a traffic signal and add a westbound left-turn lane. 						

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<p>These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane, a northbound through lane, a southbound left-turn lane, and southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> <ul style="list-style-type: none"> <p>Redlands Boulevard/Cottonwood Avenue. Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound through lane and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p> <p>Redlands Boulevard/Alessandro Boulevard. Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, and add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a</p> 						

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<p>westbound right-turn lane, a southbound through lane, a westbound through lane, and an eastbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.</p>						
<p>4.11.6.4F. If the Encilia Avenue and Quincy Street Connection plan is implemented as part of the proposed project, then prior to issuance of building permits, the project applicant shall implement the following improvements, in addition to those identified in Mitigation Measure 4.11.6.4.E, either through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:</p> <ul style="list-style-type: none"> • Moreno Beach Drive/Eucalyptus Avenue. Restripe the southbound shared through/right-turn lane to a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the impacts of the project at this intersection. • Redlands Boulevard/Fir Avenue-Eucalyptus Avenue. Pay the fair share (calculated to be 10.84%) to add a southbound right-turn lane. • Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue. Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program. In addition, add a 	<p>City of Moreno Valley Building and Safety</p> <p>Engineering</p> <p>Planning Division</p>	<p>Once before construction</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Evidence of Payment of City DIF fees and WRCOG TUMF fees or fair share contribution.</p>		<p>Withhold Building Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>northbound left-turn lane, northbound through lane, southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF program. Therefore, payment of the DIF and TUMF fees would fully mitigate the impact of the project at this intersection.</p> <ul style="list-style-type: none"> Moreno Beach Drive/Encilia Avenue. Install a traffic signal and add a northbound through lane, southbound left-turn lane, and a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the impacts of the project at this intersection. 						
GREENHOUSE GASES AND GLOBAL CLIMATE CHANGE						
<p>4.13.6.1A. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that building features have been incorporated in building plans as required by Title 24 of the California Code of Regulations. These features include but are not limited to the following:</p> <ul style="list-style-type: none"> Exterior windows shall utilize window treatments for efficient energy conservation. Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets, dual-flush toilets minimizing water consumption by 20 percent from the Building Standards 	<p>City of Moreno Valley Building and Safety Planning Division</p>	<p>Once prior to construction</p>	<p>Prior to issuance of building permits</p>	<p>Review of construction documents and on-site inspection</p>		<p>Withhold Building Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Code baseline water consumption shall be used.</p> <ul style="list-style-type: none"> Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating) shall be commissioned by the Commissioning Authority. Per CALGreen Code, restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. 						
<p>4.13.6.1B. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project:</p> <ul style="list-style-type: none"> Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project. Use of “Green Building Materials,” such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project. Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel 	<p>City of Moreno Valley Building and Safety Planning Division</p>	<p>Once prior to construction</p> <p>Once during on-site inspection</p>	<p>Prior to issuance of building permits</p>	<p>Review of construction documents/building plans and on-site inspection</p>		<p>Withhold Building Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>consumption, and therefore, GHG emissions.</p> <ul style="list-style-type: none"> • Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants. • Design the project building to exceed the California Building Code's (CBC) Title 24 energy standard, including, but not limited to, any combination of the following: <ul style="list-style-type: none"> ○ Increase insulation such that heat transfer and thermal bridging is minimized. ○ Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. ○ Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment. • Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping. • Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in 						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>buildings.</p> <ul style="list-style-type: none"> Install reflective roof material (SRI >45) and cool pavements. Install energy-efficient heating and cooling systems, appliances and equipment, and control systems. Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas. 						
<p>4.13.6.1C. Prior to the issuance of occupancy permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been be incorporated into the operation of the project:</p> <ul style="list-style-type: none"> The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HCF) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO₂]) for refrigeration and fire suppression equipment. Provide vegetative or man-made exterior wall shading devices for east-, south-, and west facing windows. Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate: <ul style="list-style-type: none"> Install drought-tolerant plants for landscaping. 	<p>City of Moreno Valley Building and Safety Planning Division</p>	<p>Once Prior to construction</p> <p>Once during on-site inspection</p>	<p>Prior to issuance of occupancy permit</p>	<p>Review of construction documents and on-site inspection</p>		<p>Withhold Occupancy Permit</p>

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non- Compliance
<ul style="list-style-type: none"> ○ Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water. ○ Install water-efficient irrigation systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance. ● Provide employee education about reducing waste and available recycling services. 						

RESOLUTION NO. 2014-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PA07-0082) FROM R15, R5, AND RA-2 LAND USE DESIGNATIONS TO BUSINESS PARK FOR APPROXIMATELY 71 ACRES FOR DEVELOPMENT OF A 2,244,419 SQUARE FOOT INDUSTRIAL PARK LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 4880330-011, -012, -013, -017, -018, -019, -020 AND -021, AS SHOWN ON THE GENERAL PLAN AMENDMENT MAP INCLUDED AS EXHIBIT A

WHEREAS, the applicant, Prologis, filed Application No. PA07-0082, requesting a General Plan Amendment for approximately 71 acres from R15, R5, and RA-2 land use designations to Business Park for certain property, as described in the title of this resolution and the attached Exhibit A. A General Plan Amendment is also required for proposed changes to the City's Circulation Element and the Master Plan of Trails; and

WHEREAS, the Planning Commission of the City of Moreno Valley held public hearings on March 13, 2014 and April 24, 2014 to consider the subject application and all of the environmental documentation prepared for the project and recommended City Council approval on April 24th; and

WHEREAS, on June 24, 2014, the City Council of the City of Moreno Valley held a public hearing to consider the subject application and all of the environmental documentation prepared for the project; and

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

WHEREAS, the City Council considered the Final Environmental Impact Report prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). The above application shall not be approved unless the Final Environmental Impact Report (P07-186) is certified and approved; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on June 24, 2014, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the goals, objectives, policies and programs of the General Plan.

FACT: The project proposes a General Plan Amendment for approximately 71 acres from R15, R5, and RA-2 land use designations to Business Park for development of 2,244,419 square foot industrial park. Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. The expansion of the Business Park land use designation as proposed by the General Plan amendment would provide employment opportunities for residents of Moreno Valley with the establishment of industrial activities that have good access to the regional transportation system, and is consistent with the goals, objectives, policies and program of the Community Development Element of the General Plan.

The changes to the City's Circulation Element and Master Plan of Trails have also been reviewed for conformance with the goals, objectives, policies and programs of the Circulation Element and the Parks, Recreation and Open Space Element of the General Plan.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the General Plan Amendment in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed General Plan Amendment will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

APPROVED AND ADOPTED this 24th day of June, 2014.

Mayor of the City of Moreno Valley

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. 2014-57 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24th day of June, 2014 by the following vote:

AYES:

NOES:

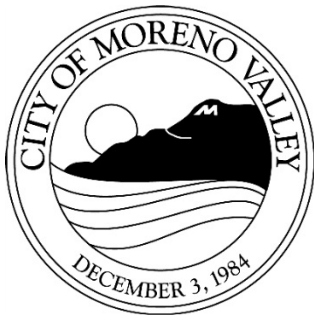
ABSENT:

ABSTAIN:

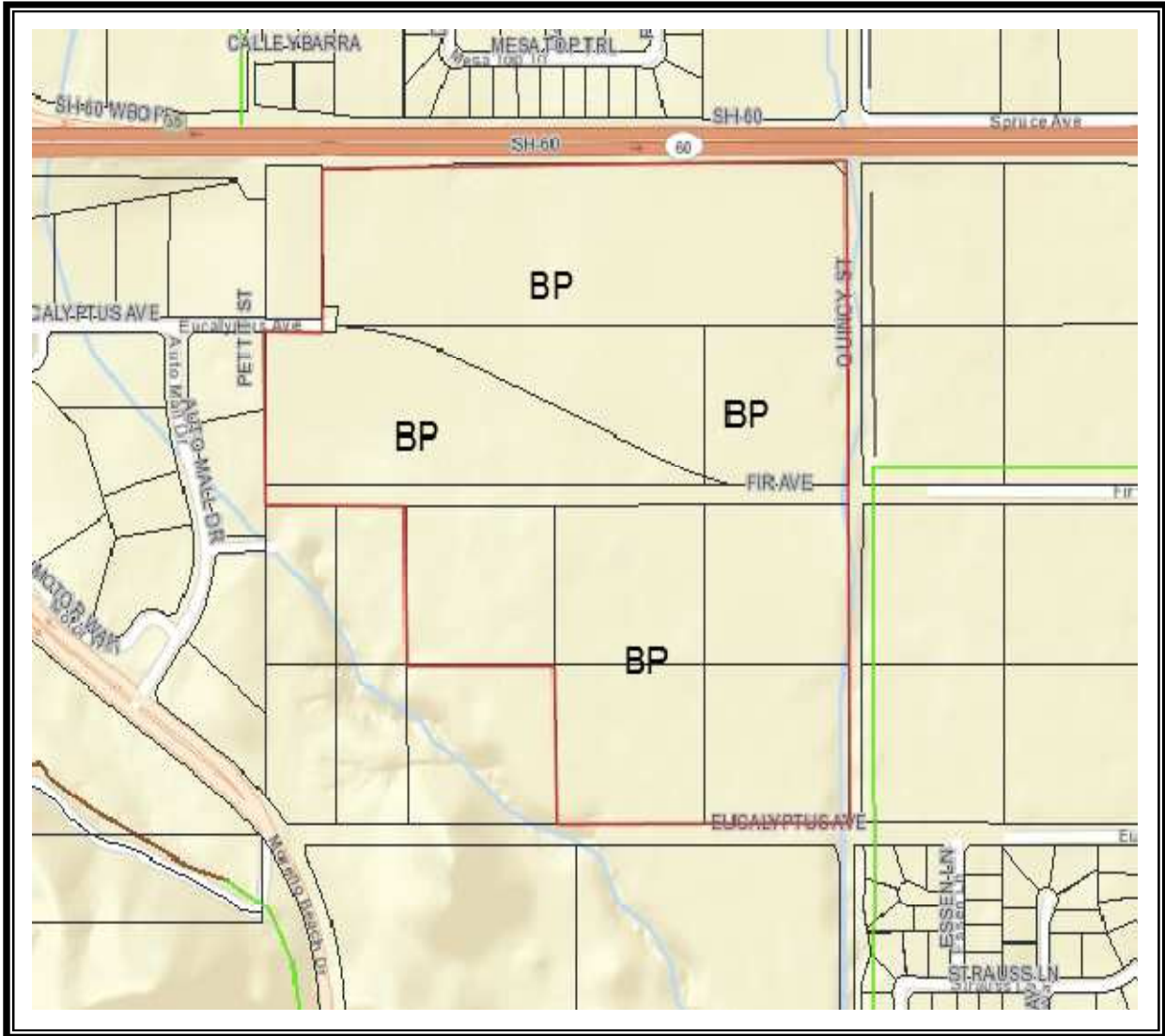
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



GENERAL PLAN AMENDMENT
 Application No. PA07-0082
 APN's 488-330-011, 012, -013, -017, -018, -019, -020, and -021
 Resolution No. 2014-57



ADOPTED _____
 EFFECTIVE _____



4
 Resolution No. 2014-57
 Date Adopted: June 24, 2014

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ORDINANCE NO. 880

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A ZONE CHANGE (PA07-0081) FROM BUSINESS PARK, BUSINESS PARK MIXED-USE, R15, R5, AND RA-2 TO LIGHT INDUSTRIAL FOR APPROXIMATELY 122 ACRES FOR DEVELOPMENT OF A 2,244,419 SQUARE FOOT INDUSTRIAL PARK LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-011, 012, -013, -017, -018, -019, -020, AND -021, AS SHOWN ON THE ZONE CHANGE MAP INCLUDED AS EXHIBIT A

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Prologis, has filed application PA07-0081, requesting an amendment requesting an Amendment to Pages 61 and 74 of the Official Zoning Atlas, and proposes a Zone Change from existing Business Park, Business Park Mixed-use, R15, R5, and RA-2 land use designations to Light Industrial for certain property as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on June 24, 2014, for deliberations and decision.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on June 24, 2014, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -

1

Ordinance No. 880

Date Adopted: July 8, 2014

018, -019, -020, and -021 from Business Park, Business Park Mixed-use, R15, R5, and RA-2 land use designations to Light Industrial for development of 2,244,419 square foot industrial park on approximately 122 acres. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the General Plan Amendment and Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The Zone Change application has satisfied the City’s Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park, Business Park Mixed-use, R15, R5, and RA-2 land use designations to Light Industrial for the 122 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 8th day of July, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE 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 Ordinance No. 880 had its first reading on June 24, 2014 and had its second reading on July 8, 2014, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of July, 2014, by the following vote:

AYES:

NOES:

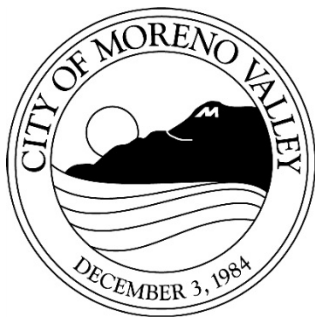
ABSENT:

ABSTAIN:

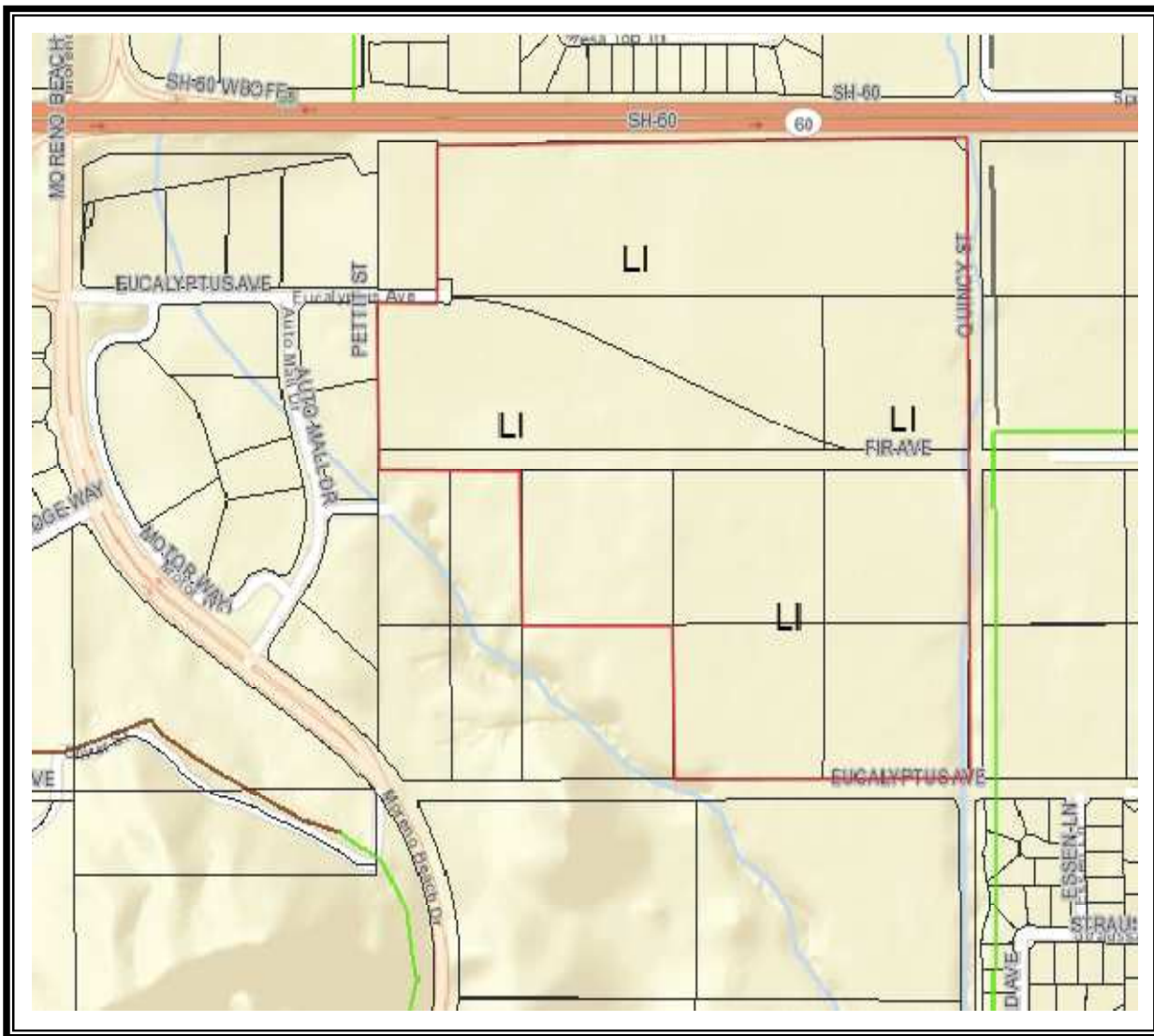
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



ZONE CHANGE
 Application No. PA07-0081
 APN's 488-330-011, 012, -013, -017, -018, -019, -020, and -021
 Ordinance No. 880



ADOPTED _____

EFFECTIVE _____



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 Ordinance No. 880
 Date Adopted: July 8, 2014

Item No. E.3

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RESOLUTION NO. 2014-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING MASTER PLOT PLAN APPLICATION PA07-0083 AND PLOT PLAN APPLICATIONS PA07-0158 THROUGH PA07-0162 FOR DEVELOPMENT OF THE 2,244,419 SQUARE FOOT PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT WITHIN THE 122 ACRES OF ASSESSOR'S PARCEL NUMBERS 488-330-011, 012, -013, -017, -018, -019, -020, AND -021, SUBJECT TO THE CONDITIONS OF APPROVAL INCLUDED AS EXHIBIT A

Section 1:

WHEREAS, Prologis, has filed an application for the approval of Master Plot Plan PA07-0083 for development of an industrial park to include a total of 2,244,419 square feet of warehouse distribution space on 122 acres. This application also includes Building #2 on Parcel 2 of TPM 35679 for development of 862,035 square feet on 39.32. Related applications include Plot Plan PA07-0158 for Building #1 on Parcel 1 of TPM 35679 for development of a 168,342 square foot warehouse distribution building on 8.84 acres; Plot Plan PA07-0159 for Building #3 on Parcel 3 of TPM 35679 for development of a 160,106 square foot warehouse distribution building on 8.5 acres; Plot Plan PA07-0160 for Building #4 on Parcel 4 of TPM 35679 for development of a 339,015 square foot warehouse distribution building on 15.66 acres; Plot Plan PA07-0161 for Building #5 on Parcel 5 of TPM 35679 for development of a 390,102 square foot warehouse distribution building on 19.29 acres; and Plot Plan PA07-0162 for Building #6 on Parcel 6 of TPM 35679 for development of a 325,038 square foot warehouse distribution building on 17.55 acres, as described in the title of this Resolution; and

WHEREAS, on June 24, 2014, the City Council held a public hearing to consider the project; and

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

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Resolution No. 2014-58
Date Adopted: June 24, 2014

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on June 24, 2014, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: Subject to approval of the General Plan Amendment (PA07-0082), the proposed applications would be consistent with the General Plan. The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities. Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and does not conflict with the goals, objectives, policies, and programs established within the Plan.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is currently zoned Business Park, Business Park Mixed-Use, R15, R5 and RA-2. The project proposes a Zone Change to LI to allow for buildings larger than 50,000 square feet. Subject to approval of the related General Plan Amendment (PA07-0082) and Zone Change application (PA07-0081) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed 2,244,419 square foot warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. The project has been designed consistent with the

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Resolution No. 2014-58
Date Adopted: June 24, 2014

City's Municipal Code. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with Business Park and commercial zoned land within the Auto Mall to the west and Light Industrial and RA-2 zoned land to the east. South of the project site on the other side of Eucalyptus Avenue/Future Encilia Avenue is vacant RA-2 zoned land with tract homes in the RA-2 zone across the channel from the project site. The proposed warehouse distribution use is a permitted use in both the BP and LI zones, but the size of the buildings proposed by the project requires a Zone Change to LI for the warehouse facilities over 50,000 square feet. The project as designed and conditioned and subject to approval of the above mentioned Zone Change, is compatible with existing and proposed land uses in the vicinity.

Section 2:

A. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and

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Resolution No. 2014-58
Date Adopted: June 24, 2014

resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0083 and PA07-0158 through PA07-0162, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2014-58

APPROVING Master Plot Plan application PA07-0083 and Plot Plan applications PA07-0158 through PA07-0162, subject to the attached conditions of approval included as Exhibit A.

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Resolution No. 2014-58
Date Adopted: June 24, 2014

APPROVED AND ADOPTED this 24th day of June, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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Resolution No. 2014-58
Date Adopted: June 24, 2014

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. 2014-58 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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Resolution No. 2014-58
Date Adopted: June 24, 2014

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR MASTER PLOT PA07-0083 AND
PLOT PLANS PA07-0158, PA07-0159, PA07-0160, PA07-0161 AND PA07-0162
APN's: 488-330-011, 012, -013, -017, -018, -019, -020, and -021**

**APPROVAL DATE:
EXPIRATION DATE:**

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Fire Prevention Bureau (F)**
- Public Works Department – Land Development (LD)**
- Public Works Department – Transportation Engineering (TE)**
- Financial and Management Services Dept. – Special Districts (SD)**
- Moreno Valley Utilities**
- Parks & Community Services Department (PCS)**
- Police (PD)**
- Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

P1. Approval of Master Plot Plan PA07-0083 and Plot Plans PA07-0158, PA07-0159, PA07-0160, PA07-161 and PA07-0162 are subject to approval of General Plan Amendment application PA07-0082 and Zone Change application PA07-0081.

P2. The following plot plan applications have been approved:

- **Master Plot Plan PA07-0083 for development of an industrial park to include a total of 2,244,419 square feet of warehouse distribution on 122 acres. This application also includes Building #2 on Parcel 2 of**

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

TPM 35679 for development of 862,035 square feet on 39.32 acres with 311 required employee parking spaces and 135 required truck parking spaces;

- Plot Plan PA07-0158 for Building #1 on Parcel 1 of TPM 35679 for development of a 168,342 square foot warehouse distribution building on 8.84 acres with 100 required employee parking spaces and 21 required truck parking spaces;
- Plot Plan PA07-0159 for Building #3 on Parcel 3 of TPM 35679 for development of a 160,106 square foot warehouse distribution building on 8.5 acres with 98 required employee parking spaces and 20 required truck parking spaces;
- Plot Plan PA07-0160 for Building #4 on Parcel 4 of TPM 35679 for development of a 339,015 square foot warehouse distribution building on 15.66 acres with 180 required employee parking spaces and 36 required truck parking spaces;
- Plot Plan PA07-0161 for Building #5 on Parcel 5 of TPM 35679 for development of a 390,102 square foot warehouse distribution building on 19.29 acres with 173 required employee parking spaces and 53 required truck parking spaces; and
- Plot Plan PA07-0162 for Building #6 on Parcel 6 of TPM 35679 for development of a 325,038 square foot warehouse distribution building on 17.55 acres with 176 required employee parking spaces and 53 required truck parking spaces.

- P3. No building permits shall be issued for the warehouse distribution buildings approved for Plot Plan PA07-0158 and Plot Plan PA07-0159 during the initial 18 months of this approval.
- P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
- P5. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.
- P6. A double row of citrus trees shall be planted along the sites State Route 60 frontage. Citrus trees shall also be planted along the Quincy Channel, and in other areas throughout the industrial park.

PLANNING DIVISION
CONDITIONS OF APPROVAL
PA07-0083, PA07-0158, PA07-0159, PA07-0160, PA07-0161 AND PA07-0162
PAGE 9 OF 67

- P7. Development of the industrial park is subject to approval of Tentative Parcel Map No. 35679 and the subsequent recordation of this map.
- P8. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the office area(s). Eight percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles for all new nonresidential development.
- P9. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.
- P10. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).
- P11. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue and State Route 60.
- P12. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.
- P13. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.
- P14. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)
- P15. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.
- P16. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)
- P17. (CO) Prior to issuance of a Certificate of Occupancy, the developer shall install a segment of multi-use trail on the north side of Fir

Avenue/Eucalyptus Avenue from Quincy Channel to Fire Station #58.

General Conditions

- P18. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
- P19. The project shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
- P20. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P21. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.
- P22. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P23. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. **No signs are permitted in the public right of way.** (MC 9.12)

Prior to Issuance of Grading Permits

- P24. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
- P25. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the

PLANNING DIVISION
CONDITIONS OF APPROVAL
PA07-0083, PA07-0158, PA07-0159, PA07-0160, PA07-0161 AND PA07-0162
PAGE 11 OF 67

Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, **no further disturbance shall occur until the County Coroner has made necessary findings as to origin.** If the **County Coroner** determines that the remains are potentially Native American, the California Native American Heritage Commission **shall be contacted within a reasonable timeframe to identify the "most likely descendant."** The **"most likely descendant"** shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

- P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P27. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.
- P28. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.**
- P29. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.**
- P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**
- P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete paving for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.**
- P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.**
- P33. (GP) Prior to the issuance of grading permits, the following burrowing owl**

survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

- P34. (GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)
- P35. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.
- P36. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
- A. A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot facing a public right-of-way.
 - B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement per the Municipal Code.
 - C. A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks.
 - D. A four foot tall three rail fence per Parks and Community Services standards is required adjacent the multi-use trail.
 - E. If fencing is required around basins, then fence shall be wrought iron with pilasters or a four foot three rail fence to match the trail

fencing.

- P37. (GP) Prior to approval of any grading permits, water well(s) on the site shall be closed or maintained in accordance with requirements of the Riverside County Environmental Health Department. (CEQA)**

Prior to Issuance of Building Permits

- P38. (BP) Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30, DG)
- P39. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)
- P40. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

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- P41. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P42. (BP) Prior to issuance of building permits, a phasing plan shall be submitted to the Planning Division for approval, if development is proposed to be phased.
- P43. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approval by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:
- A. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
 - C. Diamond planters shall be provided every 3 parking stalls.
 - D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
 - E. Street trees shall be provided every 40 feet on center in the right of way. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Fir Avenue/Eucalyptus Avenue frontage.
 - F. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
 - G. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.
 - H. Minimum container size for required trees planted along the SR-60 frontage shall be 24 inch box.
 - I. Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60.
 - J. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

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- K. Landscaping on three sides of any trash enclosure.**
 - L. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits.**
- P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.**
- P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)
- P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.
- P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or paving for all driveway ingress/egress locations for the project.**
- P48. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)**

Prior to Issuance of a Certificate of Occupancy

- P49. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).
- P50. (CO) Prior to issuance of Certificate of Occupancy or building final, all required landscape and irrigation shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.
- P51. (CO) Prior to issuance of Certificate of Occupancy or building final, all rooftop equipment shall be appropriately screened from Highway 60 or the Eucalyptus/Fir Avenue rights-of-way.**

P52. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

MITIGATION MEASURES

Air Quality

P53. 4.3.6.2A. Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall place construction equipment staging areas at least 200 feet away from sensitive receptors. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.

P54. 4.3.6.2B Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize power sources (e.g., power poles) or clean-fuel (e.g., fuel other than diesel or gasoline) generators where feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.

P55. 4.3.6.2C Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier III Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City. Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations. Post January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations. A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

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- P56. 4.3.6.2D** All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. On-site truck idling shall be prohibited in excess of five minutes.
- P57. 4.3.6.2E** The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day.
- P58. 4.3.6.2F** The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions. Speed limit signs (15 mph maximum) shall be posted at entry points to the project site, and along any unpaved roads providing access to or within the project site and/or any unpaved designated on-site travel routes.
- P59. 4.3.6.2G** Groundcover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
- P60. 4.3.6.2H** The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).
- P61. 4.3.6.2I** The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).
- P62. 4.3.6.2J.** Grading plans, construction specifications and bid documents shall also include the following requirements:
- Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;
 - Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;
 - Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;
 - The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site;

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- The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;
- High-pressure injectors shall be provided on diesel construction equipment if available;
- Engine size of construction equipment shall be limited to the minimum practical size;
- Substitute gasoline-powered for diesel powered construction equipment where gasoline powered equipment is available;
- Use electric construction equipment where it is practical to use such equipment;
- Install catalytic converters on gasoline-powered equipment where this type of equipment is available;
- Ride-sharing program for the construction crew shall be supported by contractor(s) via incentives or other inducement;
- Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
- Lunch vendor services shall be allowed on site during construction to minimize the need for off-site vehicle trips; and
- All forklifts used during construction and in subsequent operation of the project shall be electric or natural gas powered.

P63. 4.3.6.2K. Throughout project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction related air quality issues within 24 hours.

P64. 4.3.6.2L. All project entrances shall be posted with signs which state:

- Truck drivers shall turn off engines when not in use;
- Diesel delivery trucks servicing the project shall not idle for more than three (3) minutes; and
- Telephone numbers of the building facilities manager and CARB, to report violations. These measures shall be enforced by the on-site facilities manager (or equivalent).

P65. 4.3.6.2M. During project grading and construction, the various project contractors shall adhere to the control measures listed in Tables 1.D and 1.E (attached to the MMRP).

P66. 4.3.6.3A Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard in

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accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and the top of the trailer).

- P67. 4.3.6.3B.** Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction access roads shall be paved at least 100 feet onto the site from the main road.
- P68. 4.3.6.3C.** Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all streets within the construction site shall be swept once per day if visible soil materials are carried to adjacent streets.
- P69. 4.3.6.4A.** The project applicant shall use “Low-Volatile Organic Compounds” paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the project applicant shall use materials that do not require painting or are pre-painted.
- P70. 4.3.6.5B.** Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features may include (but are not limited to) the following:
- Construction of buildings that exceed statewide energy requirements beyond 10 percent of that identified in Title 24, Part 6 Energy Efficiency Standards:
 - Use of low-emissions water heaters;
 - Use of central water-heating systems;
 - Use of energy-efficient appliances;
 - Use of increased insulation;
 - Use of automated controls for air conditioners;
 - Use of energy-efficient parking lot lighting; and
 - Use of lighting controls and energy efficient lighting.
 - Utilize low-VOC interior and exterior coatings during project repainting.
 - Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the number of vehicle trips.
 - Installation of skylights and energy efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.
 - Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required.

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- Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats.
- Reduction of energy demand associated with potable water conveyance through the following methods:
 - Incorporating drought-tolerant plants into the landscaping palette; and
 - Use of water-efficient irrigation techniques.
- Energy-efficient low-pressure sodium parking lot lights or equivalent as determined by the City shall be used;
- Buildings shall be oriented north-south where feasible;
- Implement an on-site circulation plan in parking lots to reduce vehicle queuing;
- Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 250 employees or multi-tenant worksites;
- Include bicycle parking facilities such as bicycle lockers and racks;
- Include showers for bicycling employees use; and
- Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.

- P71. 4.3.6.6A** Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. The following design features shall be used to fulfill this requirement:
- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.
 - Increase in insulation such that heat transfer and thermal bridging is minimized.
 - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
 - Incorporate dual-paned or other energy efficient windows.
 - Incorporate energy efficient space heating and cooling equipment.
 - Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.
 - To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.
 - Paint and surface color palette for the project shall emphasize light and offwhite colors which reflect heat away from the buildings.

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- All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.
- To reduce energy demand associated with potable water conveyance, the project shall implement the following:
 - Landscaping palette emphasizing drought-tolerant plants;
 - Use of water-efficient irrigation techniques; and,
 - U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
- The project shall provide secure, weather-protected, on-site bicycle storage/parking.
- The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.
- The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information.
- The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.
- The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for stations shall be indicated on the project building plan.
- Lease/purchase documents shall identify that tenants are encouraged to promote the following:
 - Implementation of compressed workweek schedules.
 - SmartWay partnership;
 - Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.
 - Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of longhaul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.
 - Use of fleet vehicles conforming to 2010 air quality standards or better.
 - Installation of catalytic converters on gasoline-powered equipment.

- Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.
- Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.
- Provision of preferential parking for EV and CNG vehicles.
- Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.
- Use of electric (instead of diesel or gasoline-powered) yard trucks.
- Use of SmartWay 1.25 rated trucks.
- Each facility operator shall provide regular sweeping of onsite parking and drive areas.
- Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets the quantities and emissions standards listed in the Draft EIR. This log shall be available for inspection by City staff at any time.
- Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.
- Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.
- Each facility operator upon occupancy that do not already operate 2007 and newer trucks shall in good faith apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.

Biological Resources

- P72. 4.4.6.1A.** If tree removal or clearing and grubbing activities must take place during the general nesting season (February 1 through August 31), a nesting bird survey shall be conducted within seven (7) days prior to any vegetation disturbance activities. If passerine birds are found to be nesting or there is evidence of nesting behavior inside the impact area, an exclusion buffer, to be determined by the appropriate agency (e.g. the City, County, and/or CDFG), shall be set in place around the nest where no vegetation disturbance will be permitted. For raptor species, such as hawks and owls, this buffer may be as large as 500 feet. A qualified biologist shall closely monitor nests until it is determined that they are no longer active, at which time construction activity in the vicinity of nests may continue.
- P73. 4.4.6.1B.** Prior to site grading, a preconstruction survey shall be required for the burrowing owl to confirm the presence/absence of this species from the site. The survey shall be conducted by a qualified biologist within 30 days prior to ground disturbance, and in accordance with MSHCP survey requirements, to avoid direct

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take of burrowing owls. If burrowing owls are determined to occupy the project site or immediate vicinity, the City of Moreno Valley Planning Department shall be notified and avoidance measures as identified in **Mitigation Measure 4.4.6.1C**, shall be implemented. Implementation of avoidance measures shall be executed pursuant to the MSHCP, the California Fish and Game Code, and the MBTA, and according the Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993) and reviewed the City of Moreno Valley, the Riverside Conservation Authority, and/or by the CDFG.

- P74. 4.4.6.1C.** As recommended in the BUOW Survey and Mitigation Guidelines prepared by the California BUOW Consortium, no disturbance to an occupied burrow shall occur within approximately 160 feet of an occupied burrow during the non-breeding season (September 1 through January 31), or within approximately 250 feet of an occupied burrow during the breeding season (February 1 through August 31). For unavoidable impacts, passive relocation of burrowing owls shall be implemented. Passive relocation shall be conducted by a qualified biologist in accordance with procedures set forth by the MSHCP and California Burrowing Owl Consortium. Passive relocation of occupied burrows supporting a breeding pair of burrowing owls shall be conducted outside of the breeding season pursuant to the California Fish and Game Code and the MBTA.
- P75. 4.4.6.2A.** As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or landpurchase and conservation. DFG and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.
- P76. 4.4.6.2B.** Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.
- P77. 4.4.6.3A.** The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFG. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.

Cultural Resources

- P78. 4.5.6.1A** Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pregrading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.
- P79. 4.5.6.1B** Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.
- P80. 4.5.6.1C** If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate

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Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.

- P81. 4.5.6.1D** Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan: "If any suspected archaeological resources are discovered during ground disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."
- P82. 4.5.6.1E** If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.
- P83. 4.5.6.2A.** Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision of a trained paleontological monitor during on-site soil disturbance activities. The monitoring for paleontological resources shall be conducted during the rough-grading phase of the project. In the event that paleontological resources are unearthed or discovered during excavation, **Mitigation Measure 4.5.6.2C** shall apply. Conversely, if no paleontological resources are unearthed or discovered on site during excavation, no additional action is required.
- P84. 4.5.6.2B.** The paleontological monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples of soil shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.

- P85. 4.5.6.2C.** If paleontological resources are unearthed or discovered during excavation of the project site, the monitoring for paleontological resources shall be conducted on a full-time basis for the duration of the rough-grading of the project site. The following recovery processes shall apply:
- Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.
 - All fossils collected during the project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.
 - A report documenting the results of the monitoring and salvage activities and the significance of the fossils shall be prepared.
 - All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.
- P86. 4.5.6.2D** Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan: "If any suspected paleontological resources are discovered during ground disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction."

Hydrology and Water Quality

- P87. 4.7.6.1A.** Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of storm water associated with construction activities.
- P88. 4.7.6.1B.** Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall submit to the State Water Quality Control Board a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and

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nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include, but shall not be limited to, the following:

- Sediment discharges from the site may be controlled by the following: gravel bags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP.
 - No materials of any kind shall be placed in drainage ways.
 - Materials that could contribute nonvisible pollutants to storm water must be contained, elevated, and placed in temporary storage containment areas.
 - All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences. The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.
 - Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary.
 - The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.
- In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

P89. 4.7.6.1C. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project:

- The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Moreno Valley and the representatives of the Regional Water Quality Control Board.

P90. 4.7.6.2A. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall receive approval from the City of Moreno Valley for a Final Water Quality Management Plan (F-WQMP). The FWQMP shall specifically identify pollution prevention, site design, source control, and treatment control BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. BMPs to be implemented in the F-WQMP may include (but shall not be limited to) the following:

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- Required landscaped areas shall not use decorative concrete or impervious surfaces.
- Landscape plans shall incorporate native and drought-tolerant plants, trees, and shrubs. Landscaping shall be maintained weekly and maintenance contractor will properly dispose of all landscape wastes.
- Irrigation systems shall be inspected monthly by the landscape contractor to check for over-watering, leaks, or excessive runoff to paved areas. Timers will be used to prevent overwatering.
- Signage will be inspected and maintained twice a year for legibility.
- Outdoor Loading/Unloading truck docks shall be kept in a clean and orderly condition with weekly inspections, continuous monitoring, and immediate cleanup of spills.
- Parking area maintenance shall be swept or vacuumed at least quarterly, if there is any trash or debris in between the routine sweeping, it shall be swept or vacuumed immediately.
- Trash enclosures will be inspected and maintained weekly or as needed by maintenance contractor.
- On-site extended detention/sedimentation basins and sand filters will treat all of the site's runoff via vegetated swales and will be maintained and inspected at least twice a year and prior to October 1.
- Additional BMPs will be documented in the WQMP and utilized if necessary. In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

P91. 4.7.6.3A. Prior to grading plan approval, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations. A Preliminary Hydrology Study will be required prior to approval of the associated project tentative tract map.

Noise

P92. 4.9.6.1A. During all project site excavation and grading on site, the project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

P93. 4.9.6.1B. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site.

P94. 4.9.6.1C. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and

noise-sensitive receptors nearest to the project site during all project construction.

- P95. 4.9.6.1D.** During project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction related activities to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer.

Transportation

- P96. 4.11.6.4A.** Prior to issuance of a Certificate of Occupancy the project applicant shall construct the following traffic improvements:
- **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.
 - **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and add a northbound left-turn lane and a southbound leftturn lane. If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.
- P97. 4.11.6.4B.** Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:
- **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.
 - **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.
 - **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound left-turn lane and a southbound left-turn lane. These improvements are listed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.

- P98. **4.11.6.4C.** Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:
- **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.
 - **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.
 - **Moreno Beach Drive/Alessandro Boulevard.** Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.
 - **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound through lane. The Redlands Boulevard/SR-60 Interchange reconstruction would implement the northbound through lane. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.
 - **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.
 - **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** Install a traffic signal. Add a westbound right-turn lane and provide overlap phasing for the westbound right turns. Add a westbound left-turn lane and an eastbound left-turn lane. These improvements are programmed in the City's DIF program. Add a northbound left-turn lane, a southbound through lane, and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.
 - **Redlands Boulevard/Eucalyptus Avenue.** Add a southbound right-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMF fees would mitigate the significant impact at this location.
 - **Redlands Boulevard/Alessandro Boulevard.** Add a southbound leftturn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMF fees would mitigate the significant impact at this location.
- P99. **4.11.6.4D.** Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program. At some locations, the DIF and TUMF fees would not

fully mitigate the project's impact. For these locations, additional improvements shall be implemented by the project applicant prior to the issuance of a certificate of occupancy for the project:

- **Nason Street/Eucalyptus Avenue.** Add a northbound right turn lane. This improvement is programmed in the City's DIF; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.76%) toward restriping the westbound approach to provide dual left-turn lanes.
- **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.4%) toward modification of the traffic signal to provide overlap phasing for the eastbound right-turn lane.
- **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.
- **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.
- **Moreno Beach Drive/Eucalyptus Avenue.** Convert the existing eastbound through lane to a left-turn lane and the eastbound right-turn lane to a shared through/right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 8.63%) toward modification of the traffic signal to provide right-turn overlap phasing for the westbound right-turn lane.
- **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.
- **Moreno Beach Drive/Alessandro Boulevard.** Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.
- **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact.
- **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project

impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.

- **Redlands Boulevard/Fir Avenue- Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, and a westbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, southbound left-turn lane, northbound through lane, and northbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.

- **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.

- **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.

P100. 4.11.6.4E. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley as noted below:

- **Nason Street/Eucalyptus Avenue.** Add a northbound right-turn lane and an eastbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.6%) toward modification of the traffic signal to provide right-turn overlap phasing for the eastbound and northbound right turns.

- **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF

program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.35%) toward the addition of an eastbound left-turn lane and modification of the traffic signal to provide overlap phasing for the westbound right-turn lane.

- **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.

- **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.

- **Moreno Beach Drive/Eucalyptus Avenue.** Restripe eastbound approach to dual left-turn lanes and add a northbound through lane, a westbound through lane, and a southbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 5.17%) toward modification of the traffic signal to provide right-turn overlap phasing for the southbound right-turn lane.

- **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane, a northbound through lane, an eastbound left-turn lane, an eastbound through lane, a westbound through lane, and a westbound left-turn lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.

- **Moreno Beach Drive/Alessandro Boulevard.** Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.

- **Auto Mall Drive/Eucalyptus Avenue.** Install a traffic signal. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location.

- **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Therefore, payment of the DIF fee would mitigate the significant impact at this location.

- **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location.
- **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, a westbound right-turn lane with overlap phasing, and a southbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, a southbound left-turn lane, a northbound through lane, a northbound left-turn lane, and a northbound right-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the TUMF fee would also partially mitigate the significant impact at this location. In addition, the project shall pay a fair share (calculated to be 10.44%) of the cost of adding a southbound left-turn lane.
- **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound leftturn lane, a northbound through lane, a southbound left-turn lane, and southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.
- **Redlands Boulevard/Cottonwood Avenue.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound through lane and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.
- **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, and add a southbound leftturn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, a southbound through lane, a westbound through lane, and an eastbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.

P101. 4.11.6.4F. If the Encilia Avenue and Quincy Street Connection plan is implemented as part of the proposed project, then prior to issuance of building permits, the project applicant shall implement the following improvements, in addition to those identified in **Mitigation Measure 4.11.6.4.E**, either through fees

paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:

- **Moreno Beach Drive/Eucalyptus Avenue.** Restripe the southbound shared through/right-turn lane to a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the impacts of the project at this intersection.

- **Redlands Boulevard/Fir Avenue- Eucalyptus Avenue.** Pay the fair share (calculated to be 10.84%) to add a southbound right-turn lane.
- **Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program. In addition, add a northbound left-turn lane, northbound through lane, southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF program. Therefore, payment of the DIF and TUMF fees would fully mitigate the impact of the project at this intersection.

- **Moreno Beach Drive/Encilia Avenue.** Install a traffic signal and add a northbound through lane, southbound left-turn lane, and a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the impacts of the project at this intersection.

Greenhouse Gases and Global Climate Change

P102. 4.13.6.1A. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that building features have been incorporated in building plans as required by Title 24 of the California Code of Regulations. These features include but are not limited to the following:

- Exterior windows shall utilize window treatments for efficient energy conservation.
- Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets, dual-flush toilets minimizing water consumption by 20 percent from the Building Standards Code baseline water consumption shall be used.
- Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating) shall be commissioned by the Commissioning Authority.
- Per CALGreen Code, restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff.

P103. 4.13.6.1B. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project:

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- Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.
- Use of “Green Building Materials,” such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.
- Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions.
- Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants.
- Design the project building to exceed the California Building Code’s (CBC) Title 24 energy standard, including, but not limited to, any combination of the following:
 - Increase insulation such that heat transfer and thermal bridging is minimized.
 - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
 - Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.
- Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings.
- Install reflective roof material (SRI >45) and cool pavements.
- Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas.

P104. 4.13.6.1C. Prior to the issuance of occupancy permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been be incorporated into the operation of the project:

- The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HCF) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO₂]) for refrigeration and fire suppression equipment.
- Provide vegetative or man-made exterior wall shading devices for east-, south-, and west facing windows.
- Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:
 - Install drought-tolerant plants for landscaping.
 - Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water.

-Install water-efficient irrigation systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.

- Provide employee education about reducing waste and available recycling services.

Hazards and Hazardous Materials

P105. 4.6.6.1A Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.

Building and Safety Division

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building Division as a separate submittal. Building permit applications (plan review) made on or after January 1, 2014, will be subject to the 2013 Edition of the California Building Standards Code.
- B2. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.
- B3. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
- B4. (BP) Prior to the issuance of a building permit, show on the plans that all exterior doors comply with the requirements of CBC 1133B.1.1.1 for accessible path of

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travel from every exit door, especially in consideration of doors that may be designated as exits due to interior obstructions to path of travel due to racks, equipment and other interior obstruction to the exit path of travel.

- B5. (BP) Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature, swale or other deviation in the flat level surface at the accessible parking spaces exists within and for a minimum four foot extension beyond the outer dimensions of the parking space, loading zone and path of travel.
- B6. (BP) Plans shall be prepared, stamped and signed by a licensed Architect or Registered Civil Engineer for submission for plan check review.
- B7. (BP) Plumbing plans shall be prepared, including isometrics, for required plumbing fixtures based on California Plumbing Code, Chapter 4 and Table 4-1.

SCHOOL DISTRICT

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

- 1. Hydrant spacing shall be addressed in plan check.**
- 2. The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy,

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use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D).
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2") and super enhanced fire hydrants (6" x 4" x 4" x 2 1/2") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)
- F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)
- F5. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F6. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F7. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F8. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed

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load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

- F9. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty-four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)
- F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)
- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
 - a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available.

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- Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)
- F15. Prior to issuance of Certificate of Occupancy or Building Final, “Blue Reflective Markers” shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)
- F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)
- F19. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

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- F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)
- F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)
- F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)
- F25. Prior to construction, "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)
- F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be

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accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

- F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14)
- F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
- a) Storage and use areas;
 - b) Maximum amount of each material stored or used in each area;
 - c) Range of container sizes;
 - d) Locations of emergency isolation and mitigation valves and devices;
 - e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
 - f) On and off positions of valves for valves which are of the self-indicating type;
 - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
 - h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)
- F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work

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shall remain accessible and exposed for inspection purposes until approved.
(CFC Section 106)

- F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)
- F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)
- F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)
- F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)
- F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F37. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F38. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any

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government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5).
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)
- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

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- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by landfills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

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approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD10. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD11. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

- (a) The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
- (b) Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
- (c) A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

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- (d) All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- (e) The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil’s stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger’s Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

- (a) Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City’s street and storm drain systems, and conserves natural areas;
- (b) Incorporates Source Control BMPs and provides a detailed description of their implementation;
- (c) Incorporates Treatment Control BMPs and provides information regarding design considerations;
- (d) Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- (e) Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

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- LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD24. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD26. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.
- LD27. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD28. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD29. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD30. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

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- LD31. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD32. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD33. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- (a) Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - (b) Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - (c) The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - (d) All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. 706A, or as approved by the City Engineer. (MC 9.14.020)
 - (e) All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
- LD35. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD36. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs

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may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

- LD37. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and bear all costs of utility relocations.
- LD38. (IPA) Prior to approval of the improvement plans, all dry and wet utility crossings shall be potholed to determine actual elevations. Any conflicting utilities shall be identified and addressed on the plans. The pothole survey data shall be submitted with the street improvement plans for reference purposes.
- LD39. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD40. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD41. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)
- LD42. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

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LD43. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD44. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD45. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD46. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

Prior to Certificate of Occupancy

LD47. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD48. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD49. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

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- ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD50. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD51. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD52. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
- (a) Street improvements including, but not limited to: pavement, base, curb, gutter, cross gutter, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, landscaping and irrigation, pavement tapers/transitions and traffic control devices as appropriate.
 - (b) Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - (c) City-owned utilities.
 - (d) Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - (e) Under grounding of existing and proposed utility lines less than 115,000 volts.
 - (f) Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

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- LD53. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD54. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
- LD55. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- (a) Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
 - (b) Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

- LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

SPECIAL CONDITIONS

- LD57. **The following project engineering design plans (24"x36" sheet size) shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process. As-Built Plans of these plans are also required:**
- (a) **Rough Grading Plan**
 - (b) **Precise Grading Plan**

- (c) **Street Improvement Plan**
- (d) **Storm Drain Plan**
- (e) **Signing and Striping Plan**
- (f) **Traffic Control Plan**
- (g) **Final Drainage Study**
- (h) **Final Water Quality Management Plan**

LD58. Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour durations for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD59. Prior to rough and precise grading plan approval, the plans shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements. All on-site and off-site easements shall be shown on the grading plan.

LD60. Prior to rough and precise grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope. If the vertical height of the slope exceeds 10 feet, this set-back area shall be 3 feet minimum.

LD61. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD62. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36.

(www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD63. Prior to parcel map approval, either reciprocal access easement(s) shall be shown on the map or a separate recorded copy of a reciprocal access agreement between parcels shall be submitted to the City for review and approval.

LD64. Prior to parcel map approval, the map shall show the following:

- (a) A 100-foot right-of-way dedication for the construction of Eucalyptus Avenue.
- (b) A 60-foot right-of-way dedication for the construction of Street "A".
- (c) A 44-foot right-of-way dedication for the future construction of Encilia Street along the south boundary of Parcel 6 and Lot C Quincy Channel.
- (d) A 4-foot right-of-way dedication for the future construction of Encilia Street along the south boundary of Parcel 5.
- (e) An 80-foot street right-of-way vacation for the old alignment of Fir Avenue traversing Buildings 4 and 5 as well as parking lot areas of Buildings 3 and 6.
- (f) A 40-foot street right-of-way vacation for the old alignment of Fir Avenue traversing and along the south boundary of Parcel 3.
- (g) A 30-foot street right-of-way vacation for the west half of Quincy Street.
- (h) A 16-foot right-of-way dedication along the north property line, excepting area already acquired by the City, for the future use by Caltrans.
- (i) A drainage and access easement dedication to the City at the north boundary line at Quincy Channel for culvert maintenance and also at the north and south ends of proposed culverts at its crossing with Eucalyptus Avenue.
- (j) A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C.

- (k) A 2-foot and varying width public access easement for the portions of sidewalk which are outside of the public right-of-way, along Eucalyptus Avenue necessary to accommodate curb separated sidewalk.
- (l) A 6-foot wide trail easement on the north side of Eucalyptus Avenue at its proposed bridge culvert crossing over Quincy Channel.
- (m) A varying wide trail easement 8.5-foot wide to 13.5-foot wide trail easement on the north side of Eucalyptus Avenue.
- (n) An 18.5-foot wide multi-purpose trail easement along the west side of Quincy Channel.
- (o) An easement along the west project boundary between SR-60 and Eucalyptus Avenue for proposed water line improvements required to relocate an existing 12-inch EMWD water line from along the north project boundary to within Eucalyptus Avenue.
- (p) A reciprocal access easement between Parcels 4 and 5 and between Parcels 5 and 6.
- (q) Corner cutback right-of-way dedications per City Standard 208.
- (r) Retention of open space lots designated as Lot C and Lot D on the tentative map to be retained and maintained by the developer.

LD65. Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- (a) Eucalyptus Avenue, Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to full-width, within the project's frontage and 32-feet wide (12-foot lanes and 4-foot shoulders) on center from the east map boundary at Quincy Channel easterly to Redlands Boulevard, including any transitions required at the intersection with Redlands Boulevard. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, bridge culvert crossing, culvert structures, rip rap, offsite improvement transition/joins to existing, streetlights, pedestrian ramps, undergrounding of any

power poles with overhead utility lines less than 115,000 volts, signing, striping, and dry and wet utilities.

- (b) Street "A", Local Street, City Standard 108A Modified (60-foot RW / 40-foot CC) shall be constructed full-width within the project's boundaries using a Traffic Index (TI) of 10. Improvements shall consist of, but not be limited to, pavement, base, eight-inch curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian ramps, and dry and wet utilities.
- (c) Quincy Channel improvements shall consist of, but not be limited to bridge culvert crossing including headwall, rip rap, access ramp from street to bottom of channel, multi-purpose trail and access road, buried concrete channel side slope, buried concrete channel vertical wall, storm drain outlet structures (headwall and cut-off walls, sewer line crossing beneath the channel.
- (d) Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.
- (e) Relocation of an existing water line along the north property boundary adjacent to State Route 60 to within Eucalyptus Avenue.
- (f) Removal or relocation, as determined by SCE, of existing overhead power lines along the north property boundary adjacent to State Route 60.

LD66. Prior to building permit issuance, the precise grading plan for that building shall be approved by the City and Parcel Map 35679 shall record.

LD67. Prior to building permit issuance, this project shall cause the vacation of all existing easements, especially those easements underneath proposed building footprints. This shall include, but not be limited to, the 12-foot wide EMWD access easement, 20-foot wide EMWD water line easement, and easements for utilities and incidental purposes granted to Southern Sierras Power Company. All utilities shall be relocated, as necessary, prior to vacation of easements. All new easements shall be granted prior to utility relocations and vacation of existing easements. All utilities shall be relocated into the proposed public right-of-way or to a location as agreed upon by the developer, the easement holder and the City Engineer, as necessary, prior to vacation of easements. All new easements shall be granted prior to utility relocations and vacation of existing easements

and/or street vacations. All utility locations shall be done at no expense to the City.

LD68. Prior to occupancy permit issuance, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.

LD69. In accordance with the County of Riverside – Low Impact Development BMP Design Handbook (BMP Handbook) Appendix A – Infiltration Testing requirements, perform the required number of in-situ infiltration testing within the footprints of the proposed LID BMPs and provide the results in the first submittal of the Final-WQMP. Conceptually, the Engineer’s proposed infiltration feasibility is acceptable for this Preliminary WQMP. Based on the field measured results of the additional infiltration tests, the Applicant acknowledges that infiltration infeasibility may be presented which would require substantially more area than currently shown on the plans to retain the proposed design capture volumes (DCV) as required. Maximum required dedicated LID BMP area shall be in compliance with the County’s WQMP Guidance document’s effective area requirements indicated in Table 2-5, page 41.

LD70. All proposed LID BMP’s shall be designed in accordance with the BMP Handbook. This includes, but is not limited to, forebay design and volumes, basin landscaping, retaining wall designs, soil media depths, etc. Tributary areas to all LID BMPs shall be in conformance with the BMP Handbook and/or at the discretion of the City’s Land Development Division.

LD71. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP) for PA07-0084 – Prologis Inc. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; “Water Quality Management Plan, A Guidance Document for the Santa Ana Region of Riverside County,” with an approval date of October 22, 2012 (WQMP Guidance). The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design principles; Source control BMPs; LID BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD72. Overall, the proposed LID BMP concept is accepted as the conceptual LID BMP implementation for the proposed site. The Applicant has proposed to incorporate the use of infiltration basins. Final design details of these basins must be provided in the first submittal of the F-WQMP. The sizes of all LID BMPs are to be determined using the current procedures set forth

the Riverside County Flood Control and Water Conservation District's Design Handbook for Low Impact Development Best Management Practices. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD73. The Applicant shall substantiate all applicable Hydrologic Condition of Concern (HCOC) issues in the first submittal of the F-WQMP.

LD74. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

- (a) That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
- (b) That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
- (c) That the applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
- (d) That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development conditions.

TE2. Future "A" Street is classified as a Modified Local Street (60'RW/40'CC) per City Standard Plan No. 108A. The T.I. shall be per Land Development's conditions. The southerly terminus of the roadway shall include an end of roadway treatment satisfactory to the City Engineer. The street shall be signed for no parking/no stopping. Any modifications or improvements

undertaken by this project shall be consistent with the City's standards for this facility.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE3. The driveways less than or equal to 40 feet in width shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.
- TE4. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.
- TE5. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.
- TE6. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.
- TE7. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.
- TE8. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:**
- **Redlands Boulevard/SR-60 Westbound Ramp**
 - **Redlands Boulevard/Future Eucalyptus Avenue**
- TE9. **Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:**
- Northbound: One left turn lane, one through lane**
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE10. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

**Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane**

TE11. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable “Fair Share” impact fees per the findings of the Environmental Impact Report.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE12. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE13. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

- A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).**
- B. Signing and striping at the gate, including no parking signs.**
- C. A separate pedestrian entry, if pedestrian access is necessary.**
- D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.**

All of these features must be kept in working order.

TE14. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE8, TE9, and TE10 per the approved plans.

TE15. (CO) Prior to issuance of the final certificate of occupancy, the project applicant shall submit a traffic calming study for Eucalyptus Avenue located between Moreno Beach Drive and the western property boundary (Specific Plan 209) for City review and approval. Any recommendations made in the study shall be implemented by the project applicant to the satisfaction of the City Traffic Engineer prior to issuance of the final certificate of occupancy.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE16. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0083**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD2. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD3. The ongoing maintenance of any landscaping required to be installed behind the curb on **Fir Avenue, Quincy Street, and Eucalyptus Avenue** shall be the responsibility of the property owner.
- SD4. Street light Authorization forms, for all street lights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, **prior to** street light installation. The Street light Authorization form

can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

Prior to Building Permit Issuance

- SD5. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)
- SD6. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD7. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)
- SD8. (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) street lights required for this development. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the

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Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council.

The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of street lights to be accepted into the CSD Zone B and/or Zone C programs. Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee.

- SD9. (BP) Prior to release of building permit, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Covenant of Assessments** for each assessable parcel therein, whereby the Developer covenants the existence of the Moreno Valley Community Services District), its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Covenant of Assessments shall be submitted to the Special Districts Division. For a copy of the Covenant of Assessments form, please contact Special Districts, phone 951.413.3480.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utilities' Conditions of Approval for project(s) PA07-0081, PA07-0082, PA04-0083, PA07-0084, PA07-0158, PA07-0159, PA07-0160, PA07-0161, and PA07-0162; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utilities' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utilities (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utilities staff regarding their conditions. Listed after each individual condition is a contact name of who can be reached for specific questions.

PRIOR TO RECORDATION OF FINAL MAP

- MVU1. For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by

the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utilities to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU2. **City of Moreno Valley Municipal Utility Service – Electrical Distribution:** Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City’s designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and “bring-up” facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utilities) – collectively referred to as “utility system” (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all “utility services” to each lot and unit within the Tentative Map. For purposes of this condition, “utility services” shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. “Utility services” shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval.

The City, or the City’s designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer’s sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical

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distribution infrastructure within the project to the Moreno Valley Utilities owned and controlled electric distribution system.

- MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).
- MVU4. For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0084, TTM 35679**; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

SPECIFIC CONDITIONS OF APPROVAL

PCS1.A multi-use trail shall be located along the west side of Quincy Channel and east side of Quincy Street (or its alignment). Additionally, the trail is to be located over the Quincy Channel, on the south side of Fir Avenue, connecting to the Quincy trail. The trail shall be 14' in width, with a 2' stamped colored concrete section between curb and trail. The trail shall be dedicated as an easement to the City from a lettered lot owned by Riverside County Flood Control and Water Conservation District.

PCS2.Parks and Community Services Department – Standard Trail Conditions:

- a. Trail construction shall adhere to: The City’s Standard Plans, ‘The Greenbook Standard Specifications for Public Works Construction’, ‘California Code of Regulations Title 24’ (where applicable), and the Park and Community Services Specification Guide.
- b. The General Contractor shall be a State of California Class ‘A’ General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class ‘C’ licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.
- d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R’s). A copy of the CC&R’s with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.
- e. Trails shall not be shared with any above ground utilities, blocking total width access.
- f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.
- g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.
- h. Grading certification and compaction tests are required, prior to any improvements being installed.
- i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.
- j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.
- k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

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- i. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.
- m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.
- n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.
- o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.
- p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.
- q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.
- r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.
- s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.
- t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations.
- u. Drive approaches shall adhere to City Std. Plan #118C.
- v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.
- w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

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- x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.
 - y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72” on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.
 - z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer’s successors in interest, at no cost to the City or Community Services District.
 - aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.
 - bb. (BP) Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.
 - cc. (CO) Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).
- PCS3.** (R) If Special Districts, a Division of the Public Works Department, requires this project to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems, the Developer must notify Special Districts of intent to record the final map 70 days prior to recordation of the final map and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

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- PCS3b.** (BP) If Special Districts, a Division of the Public Works Department, requires this project to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems, the Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)
- PCS4.** The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone A charge for operations and capital improvements.
- PCS5.** (R) Prior to recordation of the final map, the developer, or the developer's successors or assignees, shall supply a copy of the recorded Declaration of Covenant and Acknowledgement of Assessments to the Parks and Community Services Department.
- PCS6.** (BP) Prior to release of building permit, the developer, or the developer's successors or assignees shall supply a copy of the recorded Declaration of Covenant and Acknowledgement of Assessments to the Parks and Community Services Department.
- PCS7.** (BP) This project is subject to current Development Impact Fees at time of building permit issuance.
- PCS8.** Any modified or newly created agreements shall be reviewed and approved by the Board of the Moreno Valley Community Services District.

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above

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conditions no longer exist. (MC 9.08.080)

- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

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RESOLUTION NO. 2014-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35679 (PA07-0084) FOR DEVELOPMENT OF THE 2,244,419 SQUARE FOOT PROLOGIS EUCALYPTUS INDUSTRIAL PARK PROJECT WITHIN THE 122 ACRES OF ASSESSOR'S PARCEL NUMBERS 488-330-011, 012, -013, -017, -018, -019, -020, AND -021, SUBJECT TO THE CONDITIONS OF APPROVAL INCLUDED AS EXHIBIT A

Section 1:

WHEREAS, the applicant, Prologis, has filed an application for the approval of PA07-0084 or Tentative Parcel Map No. 35679 to re-configure the existing eight parcels located within the project site into six parcels; and

WHEREAS, on June 24, 2014, the City Council of the City of Moreno Valley held a public hearing to consider the subject applications and the environmental documentation prepared for the project; and

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on June 24, 2014, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

FACT: The proposed tentative parcel map is consistent with the existing General Plan designations (BP, BPX, R15, R5 and RA-2) of the project site as well as the proposed change to Light Industrial. The proposed parcel map will re-configure the existing eight parcels located within the project site into six parcels. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's existing General Plan land use designations (BP, BPX, R15, R5 and RA-2) as well as the proposed change to Light Industrial.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat with seasonal washes along the sites eastern and southern boundaries. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office Commercial, R2 and RA-2 zoned land north of the freeway. Land uses to the east include a mix of Light Industrial and Community Commercial zoned land and RA-2 zoned land with a developed warehouse facility further to the east. Land uses to the south include vacant RA-2 zone with developed tract homes across the channel from the project site. Overall, the project site is well suited for the proposed subdivision.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

FACT: The project site is mostly flat with seasonal washes along the sites eastern and southern boundaries. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities.

Section 2:

FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0083, PA07-0158 to PA07-0162 and PA07-0084, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2014-59

APPROVING Tentative Parcel Map No. 35679 (PA07-0084), subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this 24th day of June, 2014.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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Resolution No. 2014-59
Date Adopted: June 24, 2014

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. 2014-59 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

6
Resolution No. 2014-59
Date Adopted: June 24, 2014

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
APN's: 488-330-011, 012, -013, -017, -018, -019, -020, and -021**

**APPROVAL DATE:
EXPIRATION DATE:**

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Fire Prevention Bureau (F)**
- Public Works Department – Land Development (LD)**
- Public Works Department – Transportation Engineering (TE)**
- Financial and Management Services Dept. – Special Districts (SD)**
- Moreno Valley Utilities**
- Parks & Community Services Department (PCS)**
- Police (PD)**
- Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

- P1. Tentative Parcel Map No. 35679 is approved for the purposes of re-configuring the 116.99 acres of Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021 and creating a six parcels.**
- P2. Development within Tentative Parcel Map No. 35679 shall be subject to the requirements of the City's Municipal Code.**
- P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

- | | | |
|------------------------------|-----------------------|---|
| R - Map Recordation | GP - Grading Permits | CO - Certificate of Occupancy or building final |
| WP - Water Improvement Plans | BP - Building Permits | P - Any permit |

Governing Document (see abbreviation at the end of the affected condition):

- | | | |
|-------------------|---------------------------|--|
| GP - General Plan | MC - Municipal Code | CEQA - California Environmental Quality Act |
| Ord - Ordinance | DG - Design Guidelines | Ldscp - Landscape Development Guidelines and Specs |
| Res - Resolution | UFC - Uniform Fire Code | UBC - Uniform Building Code |
| | SBM - Subdivision Map Act | |

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
PAGE 8 OF 40**

- P4. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)
- P5. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
- P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

- P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
- P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
PAGE 9 OF 40**

implemented. (GP Objective 23.3, DG, CEQA)

- P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)
- P12. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete paving for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.**
- P13. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.**
- P14. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.**

Prior to Recordation of Final Map

- P15. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building Division as a separate submittal. Building permit applications (plan review) made on or after January 1, 2014, will be subject to the 2013 Edition of the California Building Standards Code.
- B2. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.
- B3. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
- B4. (BP) Prior to the issuance of a building permit, show on the plans that all exterior doors comply with the requirements of CBC 1133B.1.1.1 for accessible path of travel from every exit door, especially in consideration of doors that may be designated as exits due to interior obstructions to path of travel due to racks, equipment and other interior obstruction to the exit path of travel.
- B5. (BP) Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature, swale or other deviation in the flat level surface at the accessible parking spaces exists within and for a minimum four foot extension beyond the outer dimensions of the parking space, loading zone and path of travel.
- B6. (BP) Plans shall be prepared, stamped and signed by a licensed Architect or Registered Civil Engineer for submission for plan check review.

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B7. (BP) Plumbing plans shall be prepared, including isometrics, for required plumbing fixtures based on California Plumbing Code, Chapter 4 and Table 4-1.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

- 1. Hydrant spacing shall be addressed in plan check.**
- 2. The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D).

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- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2") and super enhanced fire hydrants (6" x 4" x 4" x 2 1/2") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)
- F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)
- F5. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F6. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F7. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F8. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F9. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty-four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)
- F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

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- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
- a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

- F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on

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a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)
- F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)
- F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)
- F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)
- F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

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- F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)
- F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)
- F25. Prior to construction, "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)
- F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.
- F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14)
- F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall

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include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

- a) Storage and use areas;
- b) Maximum amount of each material stored or used in each area;
- c) Range of container sizes;
- d) Locations of emergency isolation and mitigation valves and devices;
- e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
- f) On and off positions of valves for valves which are of the self-indicating type;
- g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
- h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)
- F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)
- F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)
- F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

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- F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)
- F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)
- F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F37. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F38. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The

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boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5).

- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)
- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

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- (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by landfills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD10. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)
- LD11. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically

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placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

- (a) The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
- (b) Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
- (c) A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- (d) All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- (e) The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

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LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

- (a) Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
- (b) Incorporates Source Control BMPs and provides a detailed description of their implementation;
- (c) Incorporates Treatment Control BMPs and provides information regarding design considerations;
- (d) Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- (e) Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

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- LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD22. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD24. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

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Prior to Map Approval or Recordation

- LD26. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.
- LD27. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD28. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD29. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD30. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD31. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD32. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD33. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

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- (a) Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
- (b) Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
- (c) The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
- (d) All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. 706A, or as approved by the City Engineer. (MC 9.14.020)
- (e) All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

LD35. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD36. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD37. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and bear all costs of utility relocations.

LD38. (IPA) Prior to approval of the improvement plans, all dry and wet utility crossings shall be potholed to determine actual elevations. Any conflicting utilities shall be identified and addressed on the plans. The pothole survey data shall be submitted with the street improvement plans for reference purposes.

LD39. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

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- LD40. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD41. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)
- LD42. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD43. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.
- LD44. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD45. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.
Prior to Building Permit
- LD46. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of “Blue-top” markers installed by a registered land surveyor or licensed engineer.

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Prior to Certificate of Occupancy

LD47. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD48. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD49. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)

LD50. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD51. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

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are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD52. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

- (a) Street improvements including, but not limited to: pavement, base, curb, gutter, cross gutter, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, landscaping and irrigation, pavement tapers/transitions and traffic control devices as appropriate.
- (b) Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
- (c) City-owned utilities.
- (d) Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- (e) Under grounding of existing and proposed utility lines less than 115,000 volts.
- (f) Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD53. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD54. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

LD55. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

- (a) Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)

**CONDITIONS OF APPROVAL FOR PA07-0084
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- (b) Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

SPECIAL CONDITIONS

LD57. The following project engineering design plans (24"x36" sheet size) shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process. As-Built Plans of these plans are also required:

- (a) **Rough Grading Plan**
- (b) **Precise Grading Plan**
- (c) **Street Improvement Plan**
- (d) **Storm Drain Plan**
- (e) **Signing and Striping Plan**
- (f) **Traffic Control Plan**
- (g) **Final Drainage Study**
- (h) **Final Water Quality Management Plan**

- LD58.** Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour durations for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.
- LD59.** Prior to rough and precise grading plan approval, the plans shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements. All on-site and off-site easements shall be shown on the grading plan.
- LD60.** Prior to rough and precise grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope. If the vertical height of the slope exceeds 10 feet, this set-back area shall be 3 feet minimum.
- LD61.** Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.
- LD62.** Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD63.** Prior to parcel map approval, either reciprocal access easement(s) shall be shown on the map or a separate recorded copy of a reciprocal access agreement between parcels shall be submitted to the City for review and approval.
- LD64.** Prior to parcel map approval, the map shall show the following:
- (a)** A 100-foot right-of-way dedication for the construction of Eucalyptus Avenue.

- (b) A 60-foot right-of-way dedication for the construction of Street “A”.**
- (c) A 44-foot right-of-way dedication for the future construction of Encilia Street along the south boundary of Parcel 6 and Lot C Quincy Channel.**
- (d) A 4-foot right-of-way dedication for the future construction of Encilia Street along the south boundary of Parcel 5.**
- (e) An 80-foot street right-of-way vacation for the old alignment of Fir Avenue traversing Buildings 4 and 5 as well as parking lot areas of Buildings 3 and 6.**
- (f) A 40-foot street right-of-way vacation for the old alignment of Fir Avenue traversing and along the south boundary of Parcel 3.**
- (g) A 30-foot street right-of-way vacation for the west half of Quincy Street.**
- (h) A 16-foot right-of-way dedication along the north property line, excepting area already acquired by the City, for the future use by Caltrans.**
- (i) A drainage and access easement dedication to the City at the north boundary line at Quincy Channel for culvert maintenance and also at the north and south ends of proposed culverts at its crossing with Eucalyptus Avenue.**
- (j) A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C.**
- (k) A 2-foot and varying width public access easement for the portions of sidewalk which are outside of the public right-of-way, along Eucalyptus Avenue necessary to accommodate curb separated sidewalk.**
- (l) A 6-foot wide trail easement on the north side of Eucalyptus Avenue at its proposed bridge culvert crossing over Quincy Channel.**
- (m) A varying wide trail easement 8.5-foot wide to 13.5-foot wide trail easement on the north side of Eucalyptus Avenue.**
- (n) An 18.5-foot wide multi-purpose trail easement along the west side of Quincy Channel.**

- (o) An easement along the west project boundary between SR-60 and Eucalyptus Avenue for proposed water line improvements required to relocate an existing 12-inch EMWD water line from along the north project boundary to within Eucalyptus Avenue.
- (p) A reciprocal access easement between Parcels 4 and 5 and between Parcels 5 and 6.
- (q) Corner cutback right-of-way dedications per City Standard 208.
- (r) Retention of open space lots designated as Lot C and Lot D on the tentative map to be retained and maintained by the developer.

LD65. Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- (a) Eucalyptus Avenue, Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to full-width, within the project's frontage and 32-feet wide (12-foot lanes and 4-foot shoulders) on center from the east map boundary at Quincy Channel easterly to Redlands Boulevard, including any transitions required at the intersection with Redlands Boulevard. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, bridge culvert crossing, culvert structures, rip rap, offsite improvement transition/joins to existing, streetlights, pedestrian ramps, undergrounding of any power poles with overhead utility lines less than 115,000 volts, signing, striping, and dry and wet utilities.
- (b) Street "A", Local Street, City Standard 108A Modified (60-foot RW / 40-foot CC) shall be constructed full-width within the project's boundaries using a Traffic Index (TI) of 10. Improvements shall consist of, but not be limited to, pavement, base, eight-inch curb, gutter, sidewalk, driveway approaches, drainage structures, streetlights, pedestrian ramps, and dry and wet utilities.
- (c) Quincy Channel improvements shall consist of, but not be limited to bridge culvert crossing including headwall, rip rap, access ramp from street to bottom of channel, multi-purpose trail and access road, buried concrete channel side slope, buried concrete channel

vertical wall, storm drain outlet structures (headwall and cut-off walls, sewer line crossing beneath the channel.

- (d) Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.
- (e) Relocation of an existing water line along the north property boundary adjacent to State Route 60 to within Eucalyptus Avenue.
- (f) Removal or relocation, as determined by SCE, of existing overhead power lines along the north property boundary adjacent to State Route 60.

LD66. Prior to building permit issuance, the precise grading plan for that building shall be approved by the City and Parcel Map 35679 shall record.

LD67. Prior to building permit issuance, this project shall cause the vacation of all existing easements, especially those easements underneath proposed building footprints. This shall include, but not be limited to, the 12-foot wide EMWD access easement, 20-foot wide EMWD water line easement, and easements for utilities and incidental purposes granted to Southern Sierras Power Company. All utilities shall be relocated, as necessary, prior to vacation of easements. All new easements shall be granted prior to utility relocations and vacation of existing easements. All utilities shall be relocated into the proposed public right-of-way or to a location as agreed upon by the developer, the easement holder and the City Engineer, as necessary, prior to vacation of easements. All new easements shall be granted prior to utility relocations and vacation of existing easements and/or street vacations. All utility locations shall be done at no expense to the City.

LD68. Prior to occupancy permit issuance, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.

LD69. In accordance with the County of Riverside – Low Impact Development BMP Design Handbook (BMP Handbook) Appendix A – Infiltration Testing requirements, perform the required number of in-situ infiltration testing within the footprints of the proposed LID BMPs and provide the results in the first submittal of the Final-WQMP. Conceptually, the Engineer’s proposed infiltration feasibility is acceptable for this Preliminary WQMP. Based on the field measured results of the additional infiltration tests, the

Applicant acknowledges that infiltration infeasibility may be presented which would require substantially more area than currently shown on the plans to retain the proposed design capture volumes (DCV) as required. Maximum required dedicated LID BMP area shall be in compliance with the County's WQMP Guidance document's effective area requirements indicated in Table 2-5, page 41.

LD70. All proposed LID BMP's shall be designed in accordance with the BMP Handbook. This includes, but is not limited to, forebay design and volumes, basin landscaping, retaining wall designs, soil media depths, etc. Tributary areas to all LID BMPs shall be in conformance with the BMP Handbook and/or at the discretion of the City's Land Development Division.

LD71. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP) for PA07-0084 – Prologis Inc. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Water Quality Management Plan, A Guidance Document for the Santa Ana Region of Riverside County," with an approval date of October 22, 2012 (WQMP Guidance). The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design principles; Source control BMPs; LID BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD72. Overall, the proposed LID BMP concept is accepted as the conceptual LID BMP implementation for the proposed site. The Applicant has proposed to incorporate the use of infiltration basins. Final design details of these basins must be provided in the first submittal of the F-WQMP. The sizes of all LID BMPs are to be determined using the current procedures set forth the Riverside County Flood Control and Water Conservation District's Design Handbook for Low Impact Development Best Management Practices. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD73. The Applicant shall substantiate all applicable Hydrologic Condition of Concern (HCOC) issues in the first submittal of the F-WQMP.

LD74. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

- (a) That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;

- (b) That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
- (c) That the applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
- (d) That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

- TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development conditions.
- TE2. Future "A" Street is classified as a Modified Local Street (60'RW/40'CC) per City Standard Plan No. 108A. The T.I. shall be per Land Development's conditions. The southerly terminus of the roadway shall include an end of roadway treatment satisfactory to the City Engineer. The street shall be signed for no parking/no stopping. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE3. The driveways less than or equal to 40 feet in width shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.
- TE4. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

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TE5. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE6. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE7. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE8. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE9. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

**Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A**

NOTE: All curb return radii shall be 50 feet.

TE10. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

**Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane**

TE11. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

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TE12. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE13. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

- A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
- B. Signing and striping at the gate, including no parking signs.
- C. A separate pedestrian entry, if pedestrian access is necessary.
- D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE14. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE8, TE9, and TE10 per the approved plans.

TE15. (CO) Prior to issuance of the final certificate of occupancy, the project applicant shall submit a traffic calming study for Eucalyptus Avenue located between Moreno Beach Drive and the western property boundary (Specific Plan 209) for City review and approval. Any recommendations made in the study shall be implemented by the project applicant to the satisfaction of the City Traffic Engineer prior to issuance of the final certificate of occupancy.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE16. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0084**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD2. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD3. The ongoing maintenance of any landscaping required to be installed behind the curb on **Fir Avenue, Quincy Street, and Eucalyptus Avenue** shall be the responsibility of the property owner.
- SD4. Street light Authorization forms, for all street lights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, **prior to** street light installation. The Street light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

Prior to Recordation of Final Map

- SD5. (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and

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Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map. (California Government Code)

- SD6. *Commercial* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance. (California Government Code)
- SD7. (R) Prior to recordation of the final map, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Covenant of Assessments** for each assessable parcel therein, whereby the Developer covenants the existence of the City of Moreno Valley established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Covenant of Assessments shall be submitted to the Special Districts Division. For a copy of the Covenant of Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

- SD8. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

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SD9. (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) street lights required for this development. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council.

The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of street lights to be accepted into the CSD Zone B and/or Zone C programs. Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utilities' Conditions of Approval for project(s) PA07-0081, PA07-0082, PA04-0083, PA07-0084, PA07-0158, PA07-0159, PA07-0160, PA07-0161, and PA07-0162; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utilities' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utilities (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utilities staff regarding their conditions. Listed after each individual condition is a contact name of who can be reached for specific questions.

PRIOR TO RECORDATION OF FINAL MAP

MVU1. For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utilities to include all such common areas. All easements shall include the rights of ingress and

egress for the purpose of operation, maintenance, facility repair, and meter reading.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU2. **City of Moreno Valley Municipal Utility Service – Electrical Distribution:** Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City’s designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and “bring-up” facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utilities) – collectively referred to as “utility system” (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all “utility services” to each lot and unit within the Tentative Map. For purposes of this condition, “utility services” shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. “Utility services” shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval.

The City, or the City’s designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer’s sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utilities owned and controlled electric distribution system.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project.

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
PAGE 41 OF 40**

The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

- MVU4. For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0084, TTM 35679**; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

SPECIFIC CONDITIONS OF APPROVAL

PCS1.A multi-use trail shall be located along the west side of Quincy Channel and east side of Quincy Street (or its alignment). Additionally, the trail is to be located over the Quincy Channel, on the south side of Fir Avenue, connecting to the Quincy trail. The trail shall be 14' in width, with a 2' stamped colored concrete section between curb and trail. The trail shall be dedicated as an easement to the City from a lettered lot owned by Riverside County Flood Control and Water Conservation District.

PCS2. Parks and Community Services Department – Standard Trail Conditions:

- a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
PAGE 42 OF 40**

- b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.
- d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.
- e. Trails shall not be shared with any above ground utilities, blocking total width access.
- f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.
- g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.
- h. Grading certification and compaction tests are required, prior to any improvements being installed.
- i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.
- j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.
- k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.
- l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
PAGE 43 OF 40**

- m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.
- n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.
- o. All street crossings shall be signed with approved ‘STOP’ signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.
- p. CSD Zone ‘A’ plan check fees shall be paid prior to the second plan check.
- q. CSD Zone ‘A’ inspection fees shall be paid prior to signing of Mylars.
- r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.
- s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.
- t. A minimum 38’ radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations.
- u. Drive approaches shall adhere to City Std. Plan #118C.
- v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.
- w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.
- x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.
- y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72” on the trailside shall be installed along lots that adjoin the trail. Block walls

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
PAGE 44 OF 40**

shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

- z.** Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.
- aa.** All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.
- bb.** (BP) Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.
- cc.** (CO) Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

PCS3. (R) If Special Districts, a Division of the Public Works Department, requires this project to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems, the Developer must notify Special Districts of intent to record the final map 70 days prior to recordation of the final map and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

PCS3b. (BP) If Special Districts, a Division of the Public Works Department, requires this project to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems, the Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance and the financial option selected to fund the continued maintenance. (California

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
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Government Code, GP Chapter 2.7)

- PCS4.** The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone A charge for operations and capital improvements.
- PCS5.** (R) Prior to recordation of the final map, the developer, or the developer's successors or assignees, shall supply a copy of the recorded Declaration of Covenant and Acknowledgement of Assessments to the Parks and Community Services Department.
- PCS6.** (BP) Prior to release of building permit, the developer, or the developer's successors or assignees shall supply a copy of the recorded Declaration of Covenant and Acknowledgement of Assessments to the Parks and Community Services Department.
- PCS7.** (BP) This project is subject to current Development Impact Fees at time of building permit issuance.
- PCS8.** Any modified or newly created agreements shall be reviewed and approved by the Board of the Moreno Valley Community Services District.

POLICE DEPARTMENT

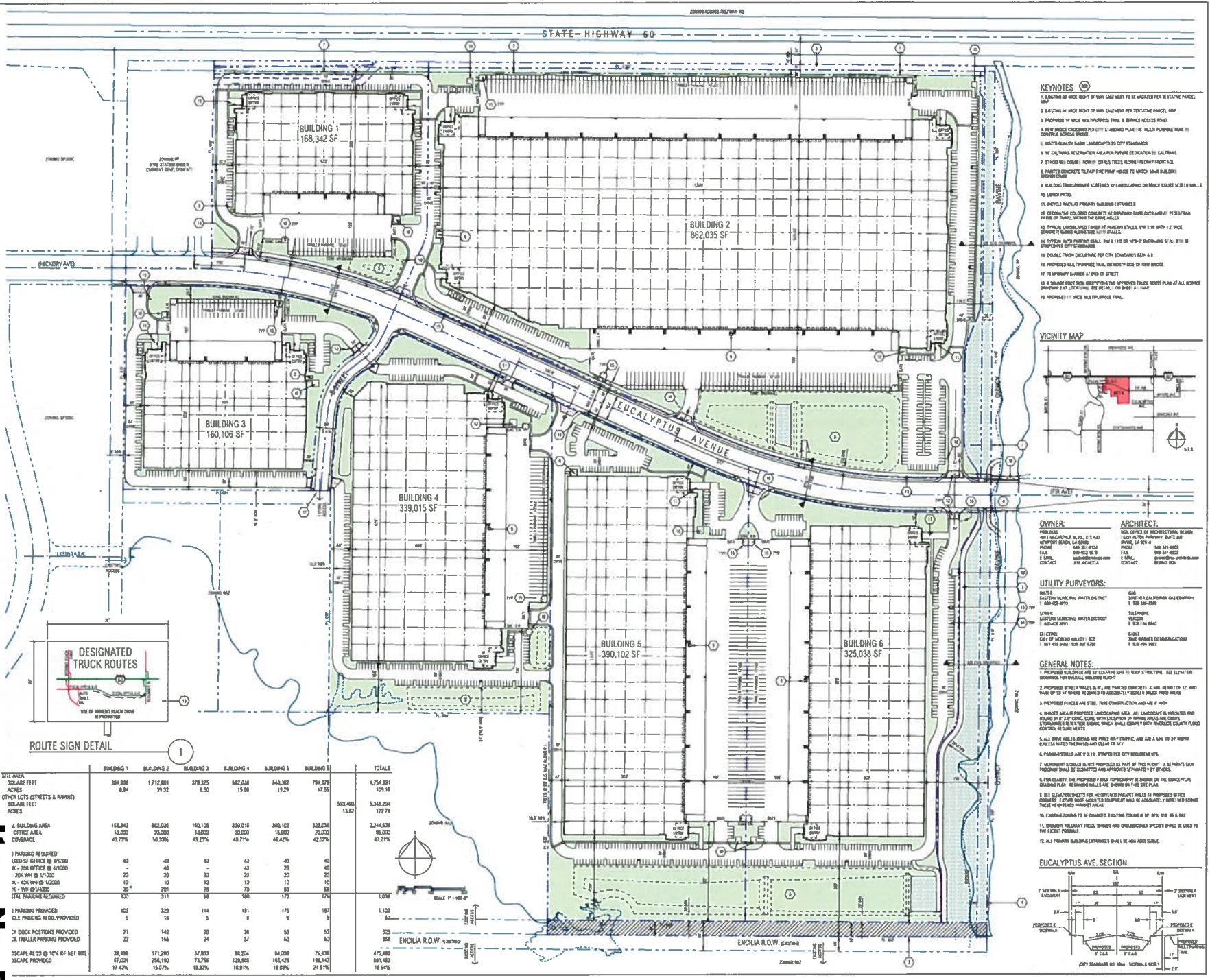
Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

- PD1.** Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)
- PD2.** (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

**CONDITIONS OF APPROVAL FOR PA07-0084
TENTATIVE PARCEL MAP NO. 35679
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- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)



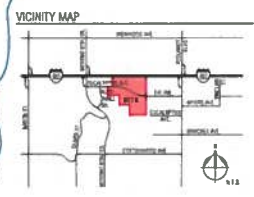
REGA
Office of Architectural Design
13317 29th Street, Suite 150
Torrance, CA 90504
Tel: 310-511-8229
Fax: 310-511-8222

PROLOGIS PARK MORENO VALLEY EUCALYPTUS
EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA
MORENO VALLEY
WINE & COUNTRY TOURS
CASE NUMBER: PA07-0083

PROLOGIS
1777 CENTER COURT DRIVE, SUITE 100
CERRITOS, CA 94733
PHONE: 925-948-8276
CONTACT: JIM ACHETTA
J.ACHETTA@PROLOGIS.COM

ATTACHMENT 4
SHEET A1-1M-P

- KEYNOTES**
1. EASEMENTS OF RECORD SHOWN ON THIS PLAN MUST BE MAINTAINED PER EXISTING PARCEL MAP.
 2. EASEMENTS OF RECORD SHOWN ON THIS PLAN MUST BE MAINTAINED PER EXISTING PARCEL MAP.
 3. PROPOSED NEW WALLS AND FOUNDATION SHALL BE CONCRETE ON GRADE.
 4. NEW BRIDGE STRUCTURES PER CITY STANDARD PLAN 16 SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 5. EXISTING UTILITY LINES ARE SHOWN AS THEY EXIST.
 6. ALL UTILITIES SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 7. STAKEOUT SHALL BE DONE BY SURVEY TO MATCH EXISTING FRONTAGE.
 8. PAINTED CONCRETE TYPICALLY 4" THICK TO MATCH EXISTING BUILDINGS.
 9. BUILDING FOUNDATIONS SHALL BE CONCRETE ON EXISTING GRADE OR EXISTING FOUNDATION.
 10. LANDSCAPE SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 11. EXISTING ROCK AT EXISTING BUILDING FOUNDATIONS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 12. EXISTING COLORED CONCRETE AT EXISTING CURBS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 13. EXISTING LANDSCAPE SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 14. EXISTING ASPHALT SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 15. EXISTING TRUCK DRIVEWAY PER CITY STANDARD PLAN 16.
 16. PROPOSED TRUCK DRIVEWAY SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 17. TRUCK DRIVEWAY SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 18. EXISTING DRIVEWAY SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 19. EXISTING DRIVEWAY SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 20. EXISTING DRIVEWAY SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.



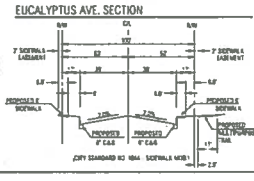
OWNER:
REGA
13317 29th Street, Suite 150
Torrance, CA 90504
Tel: 310-511-8229
Fax: 310-511-8222
J. ACHETTA

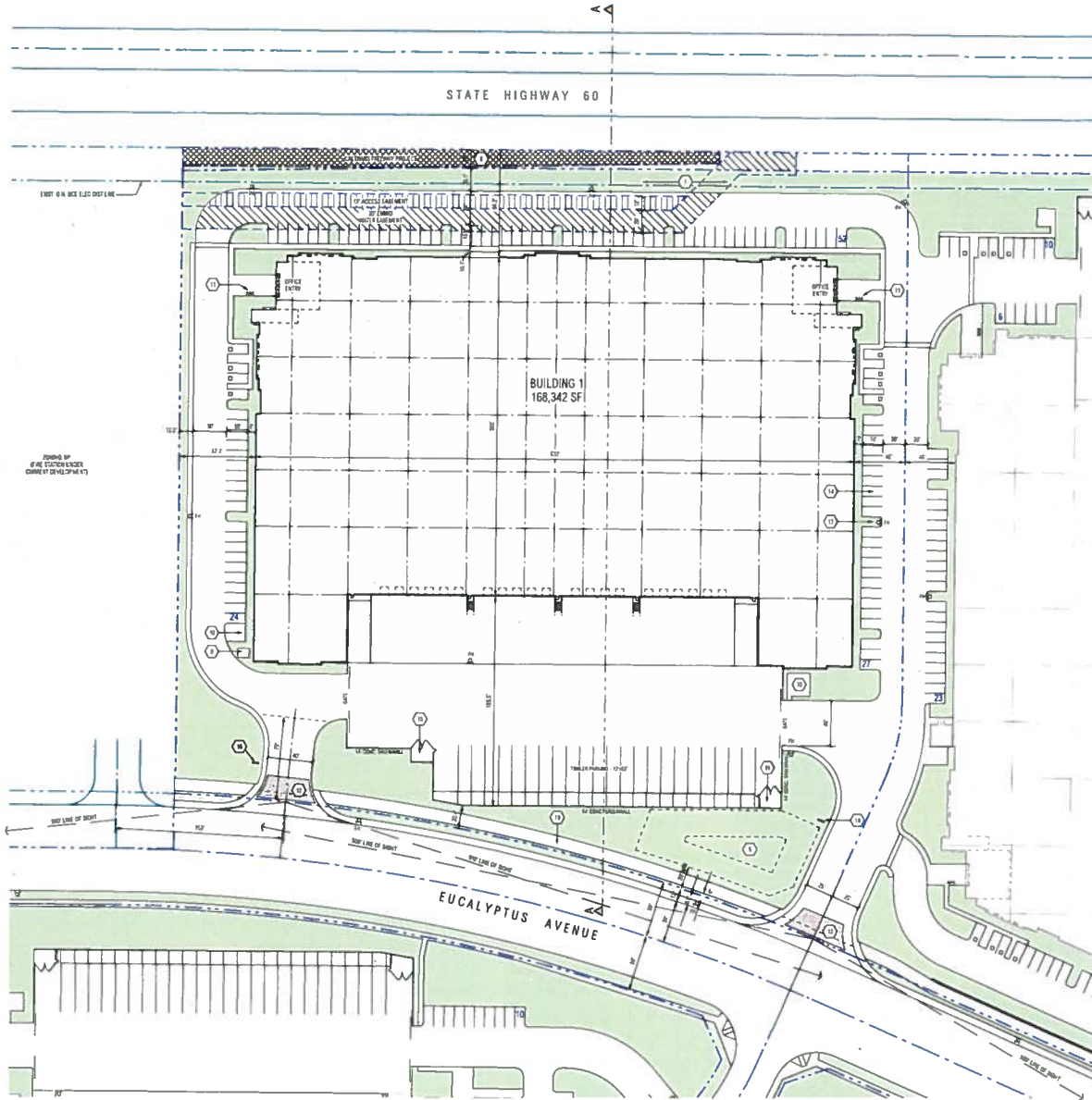
ARCHITECT:
REGA
13317 29th Street, Suite 150
Torrance, CA 90504
Tel: 310-511-8229
Fax: 310-511-8222
J. ACHETTA

UTILITY PURVEYORS:

WATER: EASTON MUNICIPAL WATER DISTRICT
GAS: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRIC: CITY OF MORENO VALLEY
CABLE: SBC COMMUNICATIONS

- GENERAL NOTES:**
1. PROPOSED BUILDING AREA OF EXISTING SHOWN IN RED STRUCTURE. SEE DETAIL FOR EXISTING FOUNDATION AND FOUNDATION.
 2. PROPOSED BRICK WALLS SHALL BE PAINTED CONCRETE. A MIN. HEIGHT OF 12" AND MAY BE UP TO 12" TO MATCH EXISTING BRICK WALLS.
 3. PROPOSED BRICK WALLS SHALL BE PAINTED CONCRETE. A MIN. HEIGHT OF 12" AND MAY BE UP TO 12" TO MATCH EXISTING BRICK WALLS.
 4. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 5. ALL EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 6. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 7. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 8. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
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 18. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 19. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.
 20. EXISTING BRICK WALLS SHALL BE MAINTAINED PER CITY STANDARD PLAN 16.





KEYNOTES

1. S.A.
2. S.A.
3. S.A.
4. S.A.
5. WRITE QUALITY BARR LAID OUT TO CITY STANDARDS.
6. WE EUCALYPTUS RESELECTION AREA FOR PERMITS DEDICATION TO CALTRANS.
7. 7' STAGGERED DOUBLE ROW OF STREET TREES ALONG PERMITS FRONTAGE.
8. S.A.
9. BARRIERS TRANSFORMER SCREENED BY LANDSCAPING OR TRUCK STOP AT OTHER WALLS.
10. LANDSCAPE PLANTING.
11. BICYCLE RACKS AT PRIMARY BUILDING ENTRANCES.
12. DECORATIVE COLORED CONCRETE AT DRIVEWAY CURB CUTS AND AT PEDESTRIAN PORTS OF ENTRY WITHIN THE DRIVE AREAS.
13. TYPICAL LANDSCAPING 4' MAX AT PARKING STALLS, 6' W X 1' W WITH 1/2" BENCH CONCRETE CURBS ALONG SIDE AUTO STALLS.
14. TYPICAL AUTO PARKING STALL, 8' W X 14' OR 8' W X 12' (OVERHANG STALLS TO BE SHOWN PER CITY STANDARDS).
15. DRIVEY THROUGH ENCLOSURE PER CITY STANDARDS SETA 5.0.
16. S.A.
17. S.A.
18. 4.50 WARE FRONT SIGN IDENTIFYING THE APPROVED TRUCK ROUTE PLAN AT ALL DRIVEY THROUGH LANE LOCATIONS. SEE SEE S.S., T.O.D. SHEET T-1.11-10A.
19. PROPOSED 1/2" HOLES FOR SPRINKLER TRENCH.

PROJECT DATA

	BUILDING 1
SITE AREA	
SQUARE FEET	344,988
ACRES	6.84
OTHER LOTS (STREETS & PARKING)	
SQUARE FEET	
ACRES	
TOTAL BUILDING AREA	168,342
OFFICE AREA	10,000
NET COVERAGE	43.7%
AUTO PARKING REQUIRED	
10,000 SF OFFICE @ 4:1000	40
100,000 SF OFFICE @ 4:1000	-
0 200' W X 8' 1/2"	20
200' - 400' W X 8' 1/2"	10
400' - 800' W X 8' 1/2"	30
TOTAL PARKING REQUIRED	70
AUTO PARKING PROVIDED	103
BICYCLE PARKING REQ./PROVIDED	5
TRUCK DOCK POSITIONS PROVIDED	21
TRUCK TRAILER PARKING PROVIDED	22
LANDSCAPE REQ. @ 10% OF NET SITE	38,499
LANDSCAPE PROVIDED	67,001
	17.4%

VICINITY MAP:



OWNER: PROLOGIS, 1881 WINDMILL BLVD., STE 400, MORENO VALLEY, CA 92553, PH: 951-851-5000, FAX: 951-851-5001, E-MAIL: info@prologis.com, CONTACT: JIM JACCHETTA

ARCHITECT: BSA OFFICE OF ARCHITECTURAL DESIGN, 13321 N. 10TH AVE, SUITE 200, MORENO VALLEY, CA 92553, PH: 951-841-8000, FAX: 951-841-8000, E-MAIL: info@bsad.com, CONTACT: DENISE REY

UTILITY JURISDICTIONS:

WATER: METRO WATER DISTRICT, T: 951-413-3485

SEWER: METRO WATER DISTRICT, T: 951-413-3485

ELECTRIC: CITY OF MORENO VALLEY - SCE, T: 951-413-3485 / 800-367-8779

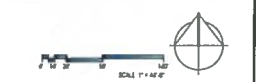
GAS: SOUTHERN CALIFORNIA GAS COMPANY, T: 951-338-7000

TELEPHONE: SBC, T: 708-748-8948

CABLE: TIME WARNER COMMUNICATIONS, T: 951-466-3881

GENERAL NOTES:

1. PROPOSED 4.50 WARE FRONT SIGN IDENTIFYING THE APPROVED TRUCK ROUTE PLAN AT ALL DRIVEY THROUGH LANE LOCATIONS. SEE SEE S.S., T.O.D. SHEET T-1.11-10A.
2. PROPOSED SCREEN WALLS SHALL BE 6" HIGH FINISH CONCRETE & MIN. HEIGHT OF 12' AND MAXIMUM UP TO 14' HEIGHT INCURRED TO ADEQUATELY SCREEN TRUCK TRAILER AREAS.
3. PROPOSED FENCES ARE STEEL TUBE CONSTRUCTION AND ARE 6' HIGH.
4. FINISHED AREA IN PROPOSED LANDSCAPING AREAS. ALL LANDSCAPE IS INDICATED AND SCHEDULED BY A SEPARATE SHEET WITH EXCEPTION OF FINISH AREA AND DRIVEY DEDICATIONS & 8' BARRIERS WHICH SHALL COMPLY WITH CALIFORNIA COUNTY FLOOD CONTROL REQUIREMENTS.
5. ALL DRIVE WAY AREAS SHALL BE FOR 20' WIDE FINISH, AND ARE A MAX. OF 36' HEIGHT AND SHALL BE 18" HIGH.
6. PROPOSED 1/2" HOLES FOR SPRINKLER PER CITY REQUIREMENTS.
7. NONUNIFORM SIGNAGE IS NOT PERMITTED AS PART OF THIS PERMIT. A SEPARATE SIGN PROGRAM SHALL BE SUBMITTED AND APPROVED SEPARATELY BY OTHERS.
8. FOR CLARITY, THE PROPOSED DRIVEY THROUGH IS SHOWN ON THE CONCEPT PLAN. EXISTENCE SHALL BE SHOWN ON THIS SITE PLAN.
9. SEE ELEVATION SHEETS FOR ARCHITECTURAL FINISH AREAS AT PROPOSED OFFICE CORNERS. FUTURE ROOF ACCESS EQUIPMENT SHALL BE ADEQUATELY SCREENED BY OTHERS PER CITY REQUIREMENTS.
10. 1.5' SETBACK ZONING TO BE CHANGED. 1.5' SETBACK ZONING IS 6' SP, 8' H, 40 & 8' H.
11. DEDICATED TRUCK TRAILER DRIVEY AREAS AND OVERLAP AREAS SHALL BE USED TO THE GREATEST POSSIBLE.



1377 25th Parkway, Suite 153
Moreno, CA 92558
1-951-817-8846
F: 951-817-9622

CONTRACTOR

PROFESSIONAL SEALS

PROLOGIS PARK MORENO VALLEY EUCALYPTUS

BUILDING 1

EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA

CASE NUMBER:
PAD7-0083

1777 CENTER COURT DR NORTH, STE 100
CERES, CA 95308
PHONE: 530-245-4226
CONTACT: JIM JACCHETTA
JJACCHETTA@PROLOGIS.COM

CD	REV	DATE	DESCRIPTION

BCA PROJECT NO.	1806846
OWNER PROJECT NO.	0888888
CAO PRJ NAME	1806846-1-1-P
DATE	05/20/2018
CD BY	JM
CD BY	JM
COPYRIGHT	BCA, OFFICE OF ARCHITECTURAL DESIGN

SHEET TITLE

SITE PLAN

BUILDING 1

WT: A1-1-1-P

STATE HIGHWAY 60

BUILDING 2
862,035 SF

EUCALYPTUS AVENUE

KEYNOTES

- 1 EXISTING SIDE WALK RIGHT OF WAY ADJACENT TO BE MAINTAINED
- 2 S.A.
- 3 S.A.
- 4 NEW BRIDGE CROSSING PER CITY STANDARD PLAN 718
- 5 BRIDGE GRADUALLY BUILT LANDSCAPED TO CITY STANDARDS
- 6 NEW CULVERTS WITH MANHOLES SHALL BE PROVIDED FOR PROTECTION TO CALTRANS
- 7 STRUCTURED DOUBLE ROW OF UTILITY TRENCHES WITH TRENCH FRONTS
- 8 PAVED CONCRETE FILL UP OF THE PUMP HOLES TO MATCH EXISTING BUILDING ARCHITECTURE
- 9 BUILDING TRANSPIRENCY SCREENED BY LANDSCAPING ON TRUCK COURT SCREEN WALLS
- 10 LANDSCAPE
- 11 BICYCLE ROCK AT PRIMARY BUS STOP ENTRANCE
- 12 DECORATIVE COLORED CONCRETE AT DRIVEWAY CURB CUTS
- 13 TRENCH LANDSCAPING BARRIERS & HANDRAILS SHALL BE 1/2" WITH 1/2" WIDE CONCRETE CURBS ALONG SIDE AUTO STALLS
- 14 TYPICAL AUTO PARKING STALLS 1/2" X 1/2" OR 1/2" X 2" DIMENSIONS SHALL BE STIPED PER CITY STANDARDS
- 15 DOUBLE TRENCH LANDSCAPING PER CITY STANDARD CEN 4.8
- 16 S.A.
- 17 S.A.
- 18 S SQUARE PAVEMENT SHALL BE PROVIDED AT ALL STREET DRIVEWAYS AT LOCALITIES SEE SHEET 1.03 SHEET A1-14-P
- 19 PROPOSED 1/2" WIDE TRAFFIC PAVEMENT

PROJECT DATA

BUILDING 2	
SITE AREA	1,712,801
SQUARE FEET	39.32
OTHER LOTS (STREETS & RAVIN(S))	
SQUARE FEET	
ACRES	
TOTAL BUILDING AREA	862,035
OFFICE AREA	22,300
NET COVERAGE	53.37%
AUTO PARKING REQUIRED	
15,000 SF OFFICE @ 4-1000	40
13K - 20K SF OFFICE @ 4-1000	40
6 - 20K SF @ 1-1000	30
25K - 40K SF @ 1-2000	10
40K - 50K SF @ 1-2000	251
TOTAL PARKING REQUIRED	411
AUTO PARKING PROVIDED	225
BICYCLE PARKING PROVIDED	18
TRUCK DOCK POSITIONS PROVIDED	142
TRUCK TRAILER PARKING PROVIDED	165
LANDSCAPE REQ'D @ 10% OF NET SITE	171,281
LANDSCAPE PROVIDED	256,130
	15.07%

VICINITY MAP



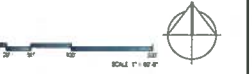
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UTILITY PURVEYORS:

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	CONTACT

- GENERAL NOTES:**
- 1 PROPOSED BUILDING HAS 12' CLEAR HEIGHT TO ROOF 5' THEREBY SEE ELEVATION CHANGES FOR INDICAL BUILDING HEIGHT
 - 2 PROPOSED WOOD WALLS IN ARE PARTIALLY CONCEALED BY SIGN HEIGHT OF 12' AND MAY UP TO 15' W/ SHOWN REQUIRED TO ADEQUATELY SCREEN TRUCK TRAILER AREAS
 - 3 PROPOSED SIGNAGE ARE 12'-12" TALL CONSTRUCTION AND ARE 12' HIGH
 - 4 SHOWN ARE AS PROPOSED LANDSCAPING AREAS ALL LANDSCAPING IS SUBJECT TO APPROVAL BY LOCAL AGENCIES WITH ACCEPTANCE OF BROWN AREAS ARE SUBJECT TO EXISTING AND PROPOSED LANDSCAPING WHICH SHALL COMPLY WITH RELEVANT COUNTY FILLED COUNTER REQUIREMENTS
 - 5 ALL TREE AND ASB'S SHALL BE 1 1/2" DIA. AND ARE A MIN. OF 20' HEIGHT AND 12" CLEAR TO TOP
 - 6 PARKING STALLS ARE 1/2" STIPED PER CITY REQUIREMENTS
 - 7 SIGNAGE TO BE PROVIDED AS PART OF THIS PERMIT A SEPARATE SIGN PROGRAM SHALL BE SUBMITTED AND APPROVED TO CITY OF NEWPORT BEACH
 - 8 FOR CLARITY THE PROPOSED SIGN PROGRAM IS SHOWN ON THE CONCEPT PLAN AND SIGNAGE SHALL BE SHOWN ON THE SITE PLAN
 - 9 SEE ELEVATION SHEETS FOR RELEVANT HEIGHTS AND PROPOSED OFFICE CHANGES. BEFORE SIGNAGE IS SUBMITTED TO CITY SHALL BE ADEQUATELY SCREENED TO SHOW THESE RELEVANT HEIGHTS
 - 10 EXISTING ZONING TO BE MAINTAINED (EXCEPT ZONING IS BY SP, P-1, S, & S-2)
 - 11 EXISTING UTILITIES ARE TO BE MAINTAINED AND DISCONTINUED UTILITIES SHALL BE CLOSED TO THE EXTENT POSSIBLE.



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PROLOGIS
MORENO VALLEY
EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA

BUILDING 2

PROFESSIONAL SEAL

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PHONE 542-345-9238
CONTACT: RGA ARCHITECT
RGA@RTAAPPLOGIS.COM

MOJAVE VALLEY
COURT OF ARCHITECTURE & DESIGN

REGISTERED ARCHITECT
STATE OF CALIFORNIA REG. NO. 32889

DATE: 10/20/2015

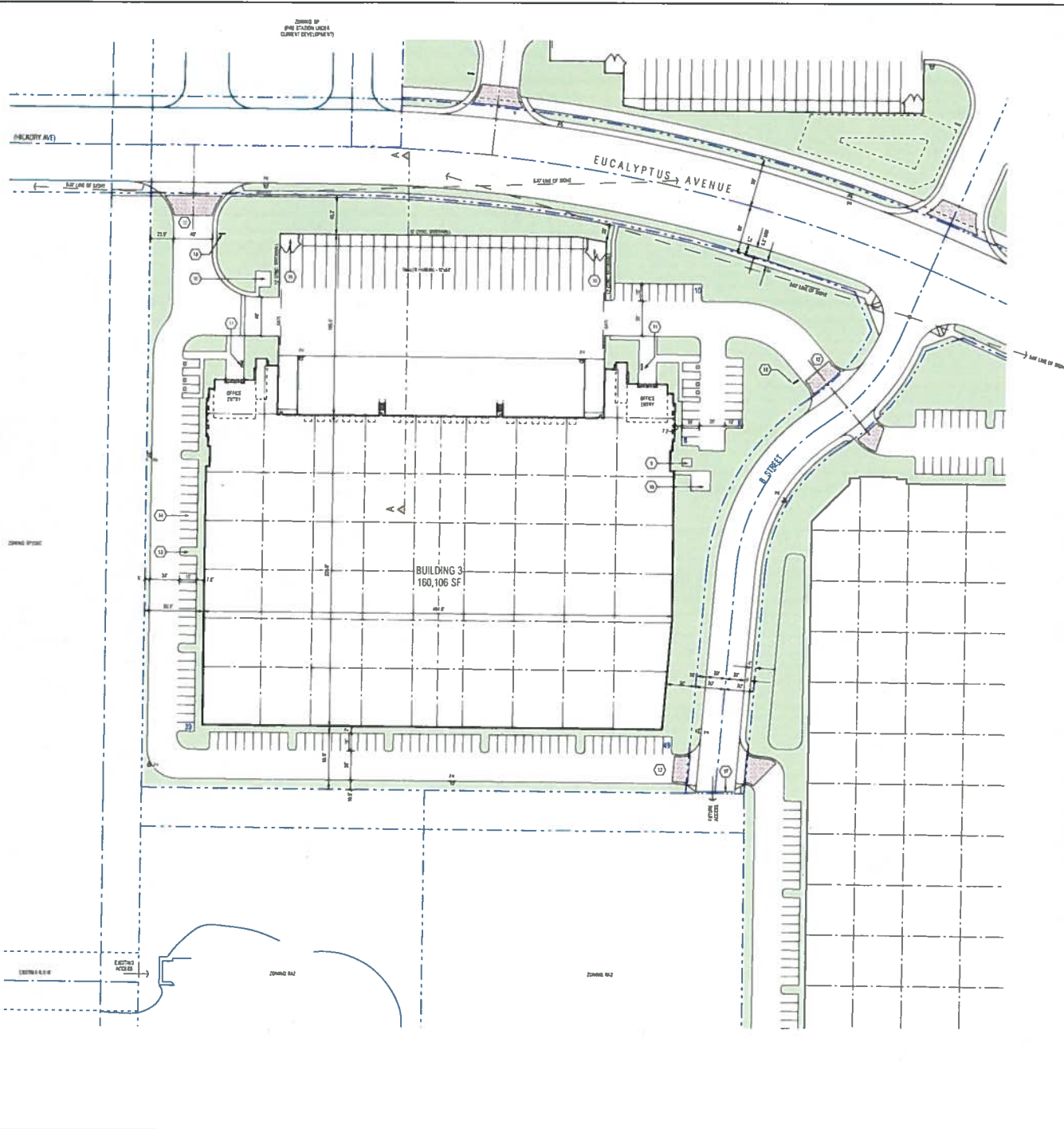
DRAWN BY: GJ

CHECKED BY: DS

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SHEET TITLE: BUILDING 2

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- KEYNOTES**
1. BA
 2. BA
 3. BA
 4. BA
 5. BA
 6. BA
 7. BA
 8. BUILDING TRANSFORMER SCREENED BY LANDSCAPE OR FOLIAGE CURB BETWEEN WALLS ON LANDY PALES.
 9. BICYCLE RACKS AT PROLOGIS BUILDING ENTRANCES.
 10. EXISTING AND PROPOSED CONCRETE AS SHOWN WITH CURB DATES AND AT FIELD STRIPS PRIOR TO TRAVEL WITHIN THE DRIVE RIGLES.
 11. TYPICAL LANDSCAPED PARKS AT PARKING STALLS WITH 4' WIDE 12" WIDE CONCRETE CURB ALONG SIDE WALK STALLS.
 12. TYPICAL AUTO PARKING STALLS WITH 2' WIDE DRIVEN OVERHANGING STALLS TO BE STRIPPED PER CITY STANDARDS.
 13. SQUARE FOOT EXCLUDING PER CITY STANDARDS AND.
 14. BA
 15. TEMPORARY MARKERS AT E.O.D. OF STREET.
 16. SQUARE FOOT SIGN INDICATING THE APPROVED TRUCK SERVICE PLUM AT ALL SERVICE DRIVEWAYS EXCEPTING PER CAL. T. 001 (B) AT 15' AP.

PROJECT DATA

ITEM	QUANTITY	REMARKS
TOTAL AREA	376,225	SQUARE FEET
ACRES	8.50	
TOTAL BUILDING AREA	160,106	SQUARE FEET
OFFICE AREA	160,200	
NET COVERAGE	43.27%	
AUTO PARKING REQUIRED		
15,000 SF OFFICE @ 47/1000	43	
150,000 SF OFFICE @ 47/1000	23	
200,000 SF OFFICE @ 17/1000	13	
ZONE - 400 SQ FT @ 1/2000	25	
ACR - 800 @ 1/2000	25	
TOTAL PARKING REQUIRED	108	
AUTO PARKING PROVIDED		
BICYCLE PARKING REQUIRED/PROVIDED	5	
TRUCK DOCK POSITIONS PROVIDED	25	
TRUCK TRAILER PARKING PROVIDED	24	
LANDSCAPE REQ'D @ 12% OF NET SITE		
LANSCAPE PROVIDED	37,033	SQUARE FEET
LANSCAPE PROVIDED	73,258	SQUARE FEET



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PROJECT: A1/A10/027

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- GENERAL NOTES:**
1. PROLOGIS SUBSIDES ARE 3" EXCEED HEIGHT TO ROOF STRUCTURE. SEE ELEVATION DRAWING FOR DETAILS AND DIMENSIONS.
 2. PROPOSED SIGNAGE WALLS SHALL HAVE FINISHED FINISHES AND A MIN. HEIGHT OF 12' AND WAY UP TO 8' WHERE REQUIRED TO ACCOMMODATE SIGNAGE PER CITY STANDARDS.
 3. PROPOSED WALLS ARE SET TO THE CONSTRUCTION AND ARE 6" HIGH.
 4. SHaded AREA IS PROPOSED LANDSCAPE AREA. ALL LANDSCAPE IS INDICATED AND SHOWN BY 1/4" OF CONC. CURB, WITH EXCEPTION OF SIGNAGE AREA AND DRIVEY. SIGNAGE SHALL BE SET TO SIGNAGE WHICH SHALL COMPLY WITH REVERGE COUNTY/PROLOGIS CONTRACT REQUIREMENTS.
 5. ALL DRIVE ABLES SHOWN ARE FOR 2-WAY TRAFFIC AND ARE A MIN. OF 30' WIDTH AND CLEAR TO THE TOP.
 6. PARKING STALLS ARE 4' WIDE STRIPPED PER CITY REQUIREMENTS.
 7. SIGNAGE WALLS IN NOT PROPOSED AS PART OF THIS PROJECT. SIGNATURE WALL PROGRAM SHALL BE SUBMITTED AND APPROVED BY FINANCIAL EY OFFICE.
 8. FOR CLARITY THE PROPOSED HIGH CONTOUR IS SHOWN ON THE CONCEPTUAL GRADING PLAN. REVERSE WALLS ARE SHOWN ON THIS PLAN.
 9. SEE ELEVATION SHEETS FOR REVERSE WALLS AND PROLOGIS OFFICE DRAWING TO VERIFY REVERSE WALLS. EQUIPMENT SHALL BE SUBMITTED TO REVERSE WALLS. REVERSE WALLS SHALL COMPLY WITH REVERSE WALLS CONTRACT REQUIREMENTS.
 10. EXISTING ZONING TO BE CHANGED TO RESIDENTIAL SINGLE-FAMILY (RS) OR RS-2.
 11. DRAINAGE TRAILERS SHALL BE SUBMITTED AND APPROVED PER CITY STANDARDS. SEE CITY STANDARDS FOR TRAILERS. SIGNAGE AND DRINKING WATER SHALL BE USED IN THE LATEST VERSION.

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CONTRACT

PROLOGIS PARK
 MORENO VALLEY
 EUCALYPTUS
 BUILDING 3

EUCALYPTUS AVENUE
 MORENO VALLEY, CALIFORNIA

MORNING VALLEY

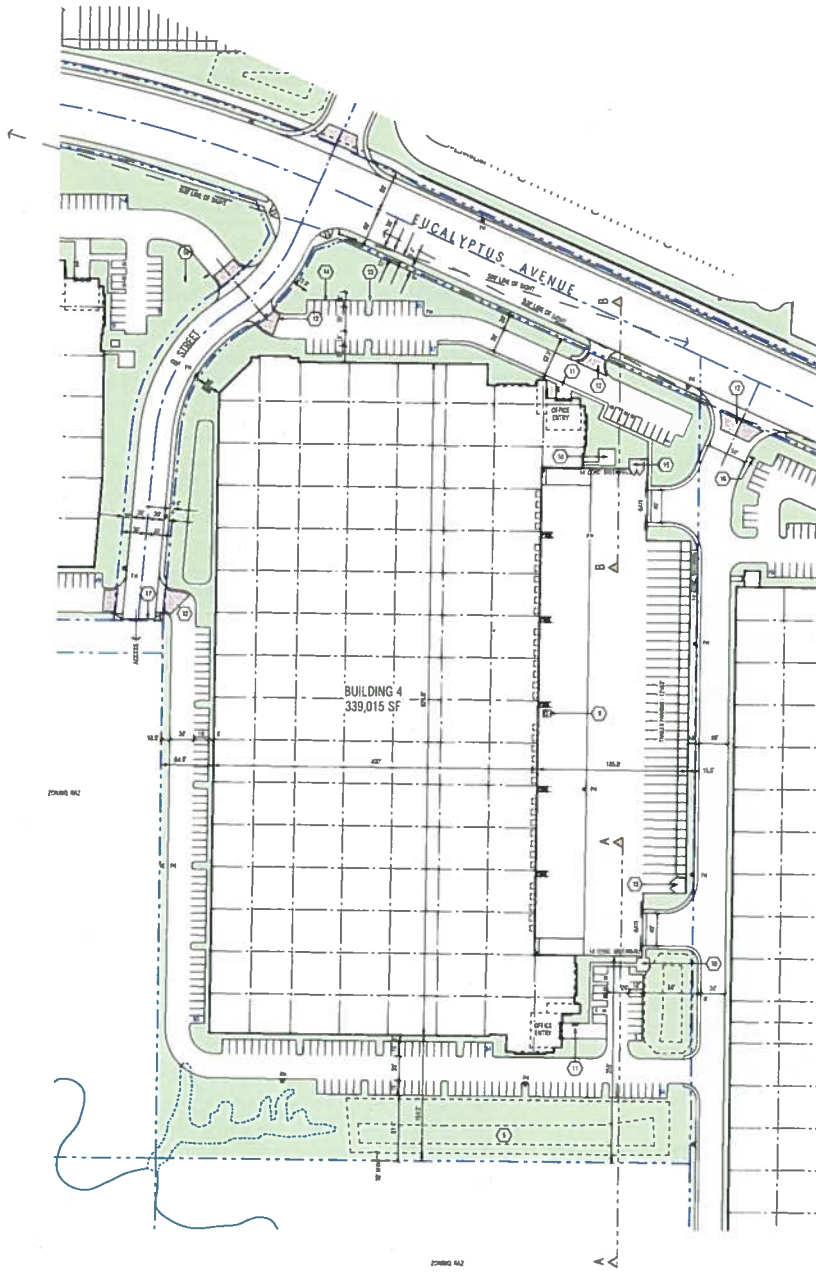
CASE NUMBER:
 PAD7-0083

PROLOGIS

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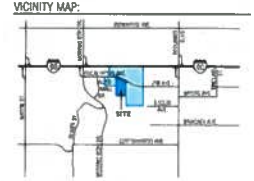
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 SHEET NO: A1-1-3-P



- KEYNOTES**
- 1. BA
 - 2. BA
 - 3. BA
 - 4. BA
 - 5. WATER QUALITY BASIN LANDSCAPED PER CITY STANDARDS.
 - 6. BA
 - 7. BA
 - 8. BA
 - 9. BUILDING TRANSFORMER SCREENED BY LANDSCAPE ON TRUCK CURB BETWEEN WALLS AND LUNCH PAVES.
 - 10. BICYCLE RACK AT PERMANENT BUILDING FOOTPRINTS.
 - 11. DEDICATED COLORED CONCRETE AT BICYCLE CURB (LIVE) AND AT PERMANENT PARKING OF TRUCKS WITHIN THE DRIVE ACCESS.
 - 12. TYPICAL HORIZONTAL FINISHES AT PARKING STALLS: 1/4\"/>

PROJECT DATA

	BUILDING 4
SITE AREA	
SQ. FT.	662,038
ACRES	15.156
OTHER LOTS (STREETS & PARKS)	
SQ. FT.	
ACRES	
TOTAL BUILDING AREA	339,015
OFFICE AREA	202,000
NET COVERAGE	49.71%
AUTO PARKING REQUIRED	
10,000 SF OF OFFICE @ 47/1000	40
100' x 200' OFFICE @ 47/1000	42
0' x 200' WH @ 1/7' 000	28
200' x 400' WH @ 1/2500	19
400' x 500' (BLDG)	73
TOTAL PARKING REQUIRED	130
AUTO PARKING PROVIDED	19
BICYCLE PARKING PROVIDED	9
TRUCK RACK POSITIONS PROVIDED	36
TRUCK TRAILER PARKING PROVIDED	37
LANDSCAPE REQ @ 10% OF NET SITE	68,204
LANDSCAPE PROVIDED	129,565
	18.97%



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UTILITY PURVEYORS:

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 T: 951-413-3440

SEWER: WALTER NEALSON WATER DISTRICT
 T: 951-413-3440

ELECTRIC: CITY OF MORENO VALLEY
 T: 951-413-3440

Gas: SOUTHERN CALIFORNIA GAS COMPANY
 T: 951-334-7888

TELEPHONE: VERIZON
 T: 951-746-6640

Cable: TIME WARNER COMMUNICATIONS
 T: 951-488-5883

- GENERAL NOTES:**
- PROPOSED CURBS ARE TO BE 18\"/>



CONTRACT

PROFESSIONAL SEALS

**PROLOGIS PARK
 MORENO VALLEY
 EUCALYPTUS**

BUILDING 4

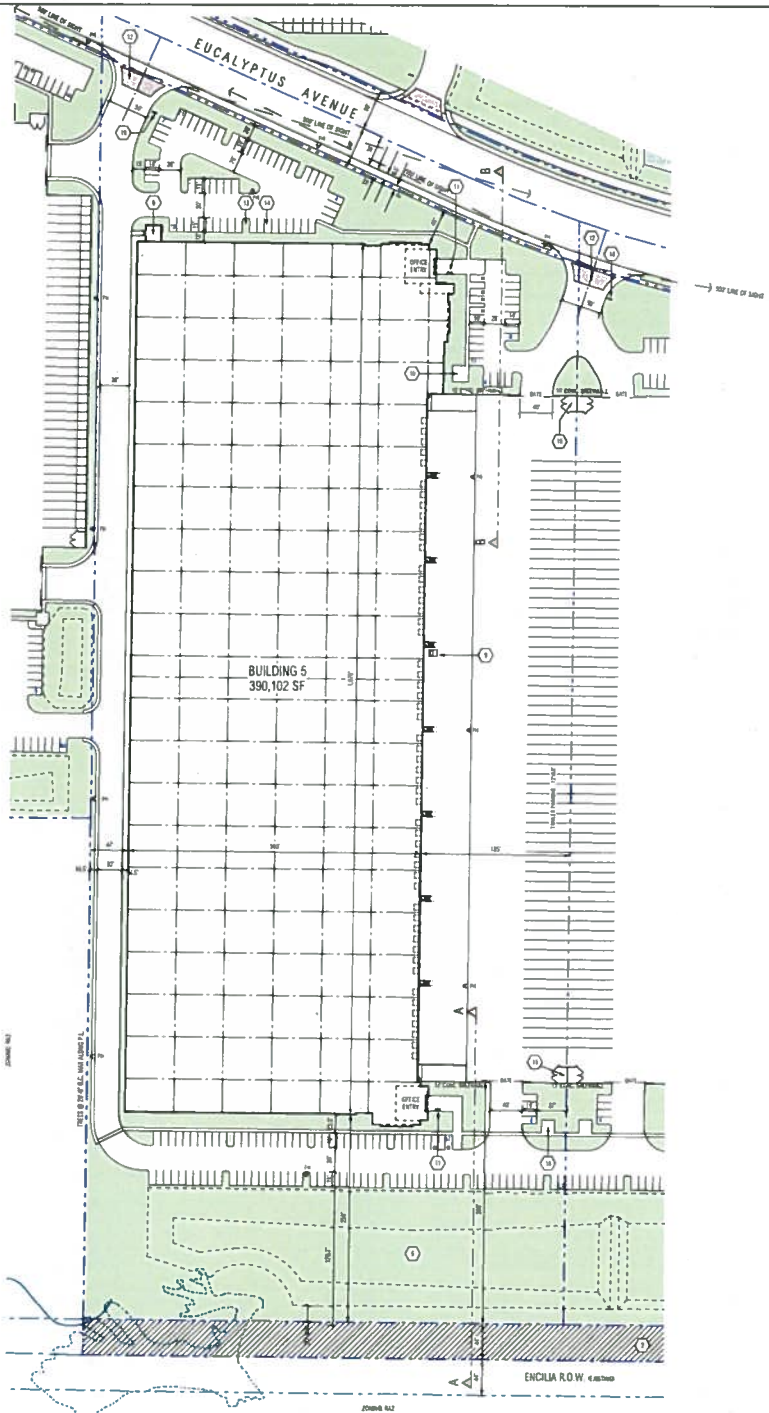
EUCALYPTUS AVENUE
 MORENO VALLEY, CALIFORNIA



CASE NUMBER:
 PA07-0083



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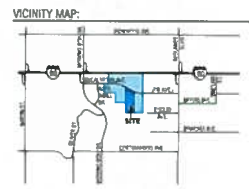


KEYNOTES

1. S.A.
2. 2' SETBACKS AT BACK REAR OF THIS CASE HEAVY TO REMAIN FOR FUTURE ENCLERA STREET.
3. S.A.
4. S.A.
5. WHITER QUALITY BRICK LAMINATED TO CITY STANDARDS.
6. S.A.
7. S.A.
8. FINISHED CONCRETE TO TOP OF FINISH FLOORS TO MATCH EXISTING BUILDING ARCHITECTURE.
9. BUILDING TRANSDOME SCREENED BY LAMINATING ON POLY CARBON SCREEN PANELS.
10. LANDSCAPE
11. BICYCLE RACK AT PRIMARY BUILDING ENTRANCE
12. RETAINING WALLS CONCRETE AT ALL DRIVEWAY CURB CUTS AND AT PAVEMENT FINISH OF TRENCHES BETWEEN DRIVE WALLS.
13. TYPICAL LANDSCAPE FINISH AT PARKING STALLS 6' W x 4' W WITH 1" HOLE CONCRETE CURBS ALONG SIDE AUTO STALLS.
14. TYPICAL AUTO PARKING STALLS 12'0" W X 24'0" W WITH 2' DRIVEWAYS STALLS TO BE STRIPPED FOR CITY STANDARDS.
15. DOUBLE TYPICAL EXTERIOR PER CITY STANDARDS WITH A 4'
16. S.A.
17. S.A.
18. 8' RETAINING WALL SHALL BE SET FROM THE APPROVED TRUCK FRONT PLAN AT ALL DRIVEWAY ENTRIES. LOCATIONS WILL BE SHOWN ON SHEET S.A.1-1-1.15.10.1.

PROJECT DATA

	BUILDING 5
SITE AREA	
SQUARE FEET	840,362
ACRES	19.29
OTHER LOTS (STREETS & PARKING)	
SQUARE FEET	
ACRES	
TOTAL BUILDING AREA	
OFFICE AREA	390,102
NET COVERAGE	48.42%
AUTO PARKING PROVIDED	
16,000 SF OFFICES @ 47,000	43
10K - 20K OFFICES @ 47,000	20
0 - 20K WH @ 17,000	20
20K - 40K WH @ 17,000	13
40K + WH @ 17,000	63
TOTAL PARKING REQUIRED	175
AUTO PARKING PROVIDED	
	175
BICYCLE PARKING PROVIDED	
	9
TRUCK DOCK POSITIONS PROVIDED	
	63
TRUCK TRAILER PARKING PROVIDED	
	63
LANDSCAPE ZONE @ 15% OF NET SITE	
LANDSCAPE PROVIDED	84,036
	18.42%



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ARCHITECT:
 BO JACCHETTA ARCHITECTURAL DESIGN
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 E-MAIL: bo@prologis.com
 CONTACT: BO JACCHETTA

UTILITY PURVEYORS:

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WASTE: ZWISSE'S CALIFORNIA GAS COMPANY T. 951-224-7566

MISC: CALIFORNIA MUNICIPAL WATER DISTRICT T. 951-413-3402

TELEPHONE: METROPCS T. 951-740-8840

ELECTRIC: CITY OF MORENO VALLEY, JUC T. 951-413-3402 / 951-321-4759

CABLE: SAGE TV SERVICE/COMMUNICATIONS T. 951-485-5803

GENERAL NOTES:

1. PROPOSED BUILDINGS ARE TO BE SET BACK FROM THE TOP OF STRUCTURE. SEE ELEC/MECHANICAL FOR SPECIAL REQUIREMENTS.
2. PROPOSED SCREEN WALLS, GLASS, AND FINISHED CONCRETE: A MIN. HEIGHT OF 4' AND WAVE UP TO 4' WHERE REQUIRED TO ACCOMMODATE TRUCK TRAILER AREAS.
3. PROPOSED FINISHES ARE TO BE: TYPE 1 CONCRETE AND ARE TO MATCH EXISTING.
4. FINISHES ARE TO BE PROVIDED LAMINATED. ALL LANDSCAPE TO BE FINISHED AND BOUND BY 2" OF FINISH GRADE, WITH EXCEPTION OF FINISH GRADE AND DIST. STORMWATER RUNWAYS. FINISHES SHOULD BE FINISHED WITH MINIMUM 1" OVERSIGHT REQUIREMENTS.
5. ALL DRIVE AWAYS SHOULD BE 10' WIDE FINISH, AND ARE A MIN. OF 16" HEIGHT AND CLEAN TO BOX.
6. PARKING STALLS ARE TO BE 12' STRIPPED FOR CITY REQUIREMENTS.
7. MONUMENT SIGNAGE IS NOT PROVIDED AS PART OF THIS PERMIT. A SIGNAGE TECH PROGRAM SHALL BE SUBMITTED AND APPROVED BY PERMITTING AGENCIES.
8. FOR CLARITY, THE PROPOSED AREA CONFORMANCE IS SHOWN ON THE CONCEPTUAL DRAINAGE PLAN. NETWORK SHALL BE SHOWN ON THIS SET PLAN.
9. ALL DETENTION BASINS TO BE RELOCATED FROM EXISTING TO PROPOSED OFFICE COURSE AS PER THE PROPOSED CONCEPTUAL DRAINAGE PLAN. ALL DETENTION BASINS TO BE RELOCATED TO THE PROPOSED OFFICE COURSE AS PER THE PROPOSED CONCEPTUAL DRAINAGE PLAN.
10. EXISTING ZONING TO BE CHANGED. (EXISTING ZONING IS OF 89X, 81X, 80 & 84Z).
11. THROUGH TRAILER PARKING, SHOPS AND DRIVELANES SPECIES SHALL BE USED TO THE EXTENT POSSIBLE.




CONTRACT

PROFESSIONAL SEALS

PROLOGIS PARK MORENO VALLEY EUCALYPTUS BUILDING 5

EUCALYPTUS AVENUE MORENO VALLEY, CALIFORNIA

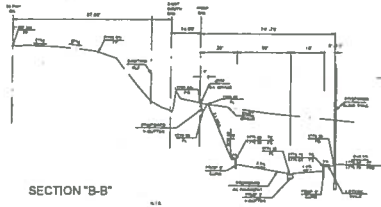


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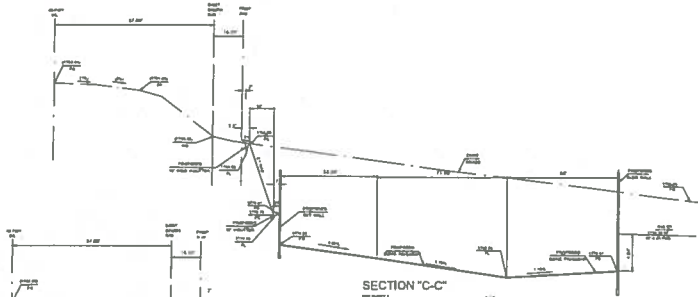


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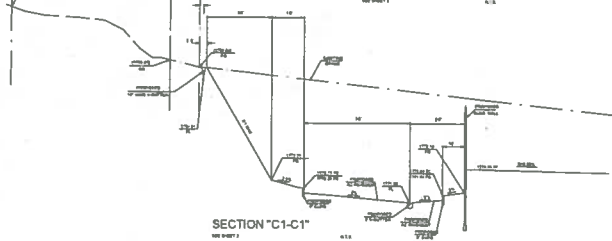
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SITE PLAN BUILDING 5



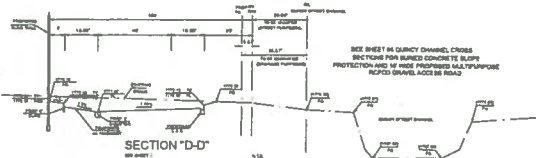
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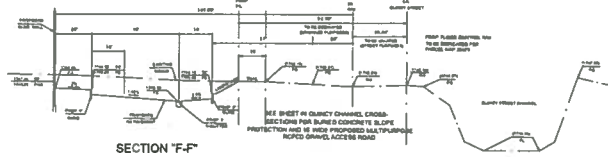
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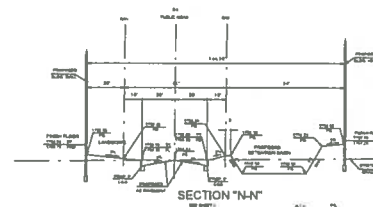
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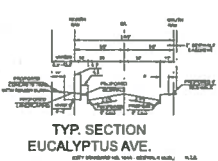
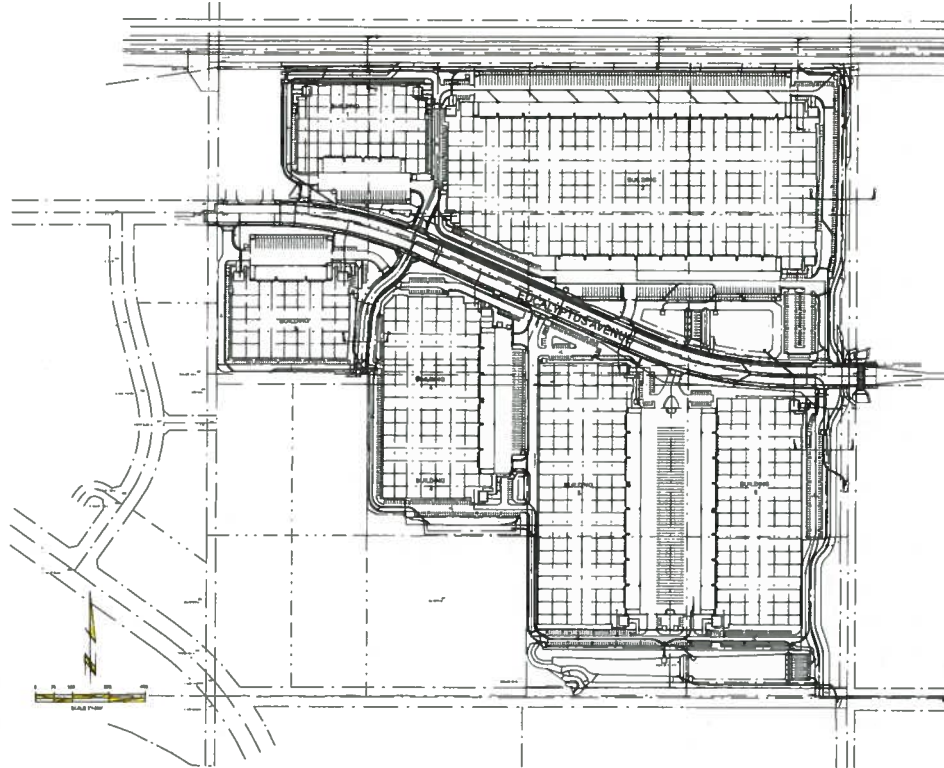
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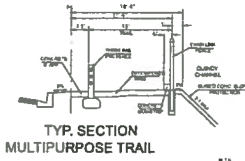
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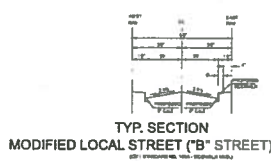
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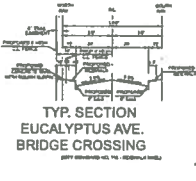
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EUCALYPTUS AVE.



TYP. SECTION
MULTIPURPOSE TRAIL



TYP. SECTION
MODIFIED LOCAL STREET ("B" STREET)



TYP. SECTION
EUCALYPTUS AVE.
BRIDGE CROSSING

RG A
Office of Architectural Design
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Brea, CA 92610
Tel: 949-451-1000
Fax: 949-451-1001

CONTRACT

PROFESSIONAL SEALS

**PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS**



CASE NUMBER:
PA07-0083

PROLOGIS
1777 CENTER COURSE ON NORTH, SITE 108
CLARETOS, CA 90763
PHONE: 949-345-9226
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PC	
DD	
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CHECKED BY	BR
COPYRIGHT	RG A OFFICE OF ARCHITECTURAL DESIGN
SHEET TITLE	SITE PLAN SECTIONS



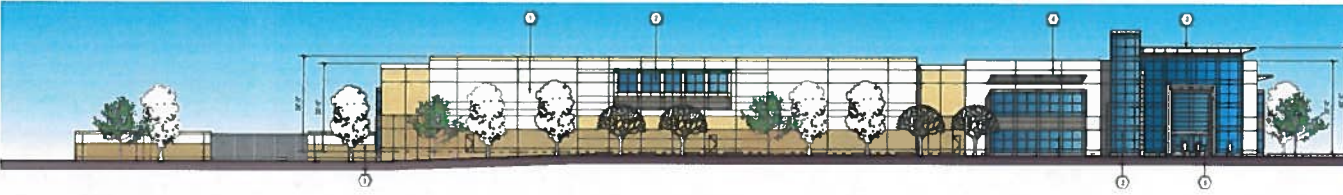
WEST ELEVATION

SCALE 1"=30'-0"



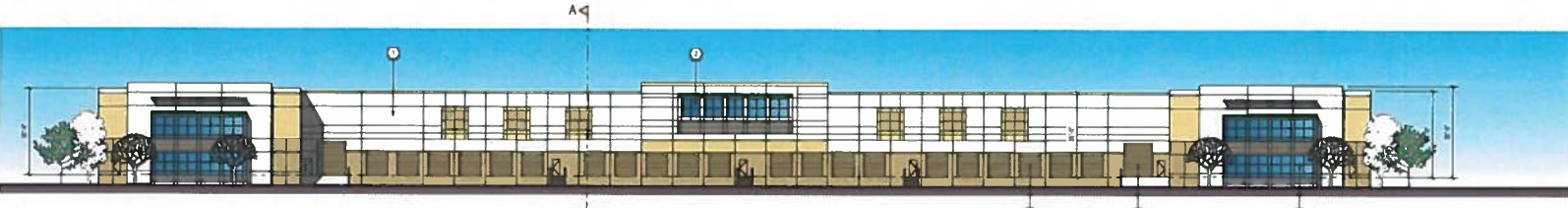
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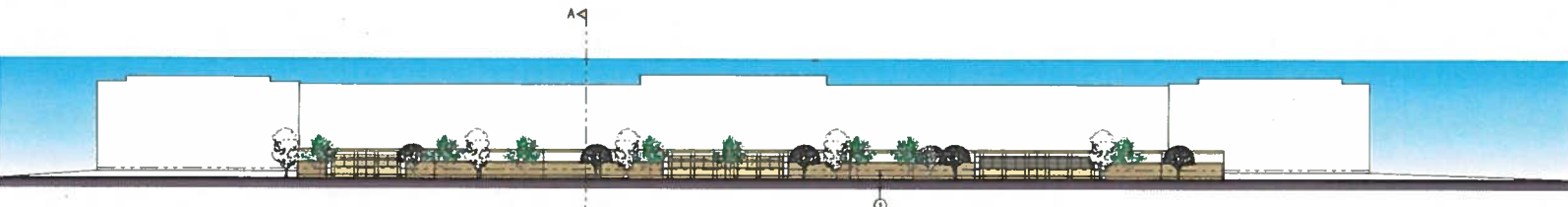
EAST ELEVATION

SCALE 1"=30'-0"



SOUTH ELEVATION

SCALE 1"=30'-0"



SCREENWALL ELEVATION

SCALE 1"=30'-0"

- KEYNOTES: (C)**
- PAINTED CONCRETE FILL UP PANELS BY ACCESS REVEALS AS SHOWN
 - REFLECTIVE BLUE GLASS IN CLEAR HIDDEN HORIZONTAL MULLION SYSTEM
 - ALUMINUM FINISHED ENTRANCE DOORS BY THE FLS MFC
 - METAL DRINGERS SPICES OVER UPPER LEVEL WINDOWS
 - RECELERS 1X70S WITH PLYWOOD GLASS ENTRANCE DOORS
 - PAINTED F.P.O.P. 3/8" BRONZE HORIZ. LEFT METAL TRILCA DOOR ASSEMBLY WITH DOOR SCHEDULE
 - PAINTED UP 8" 8" BRONZE HORIZ. METAL UP TAIL TRILCA DOOR ASSEMBLY. SEE DOOR SCHEDULE
 - ACCESS CLADDING MATERIAL AT OFFICE ENTRY ELEMENTS
 - CONCRETE TO-TOP ENTRY WALLS PAINT AND REVEALS AS SHOWN TO MATCH BUILDING

FINISH SCHEDULE

- F.F.B. COLOR: FLD-1 PAINT SWATCH - SHERWIN WILLIAMS SW 2000
- ACCENT COLOR: FLD-2 STONE LICH - SHERWIN WILLIAMS SW 7007
- BASE ACCENT COLOR: FLD-3 STONE TULIPS - SHERWIN WILLIAMS SW 7020
- PROLOGIS ACCENT COLOR: FLD-4 TALL TREE GREY - AND STONE 1615A
- HIGHER QUALITY: SEE ACCESS 3 - METAL TRILCA 8" BRONZE UP TAIL TRILCA. SEE ACCESS 1 FOR LOCATIONS OF RECALLED ITEMS.

RGA

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 15313 29th Parkway, Suite 105
 Irvine, CA 92618
 714-441-8826
 714-441-8827

COMPLAINT

PROFESSIONAL SEAL

PROLOGIS PARK
 MORENO VALLEY
 EUCALYPTUS

BUILDING 1

EUCALYPTUS AVENUE
 MORENO VALLEY, CALIFORNIA



CASE NUMBER:
 PA07-0083

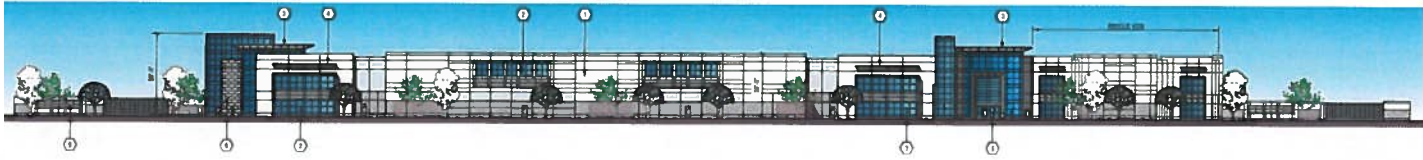


PROLOGIS
 17777 CENTER COURT DR NORTH, STE 100
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 CONTACT: JILL JACCHETTA
 JJACCHETTA@PROLOGIS.COM

NO.	DATE	DESCRIPTION

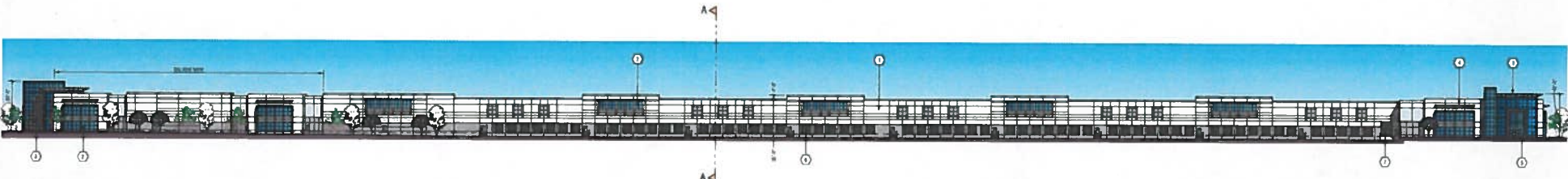
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Item No. E.3



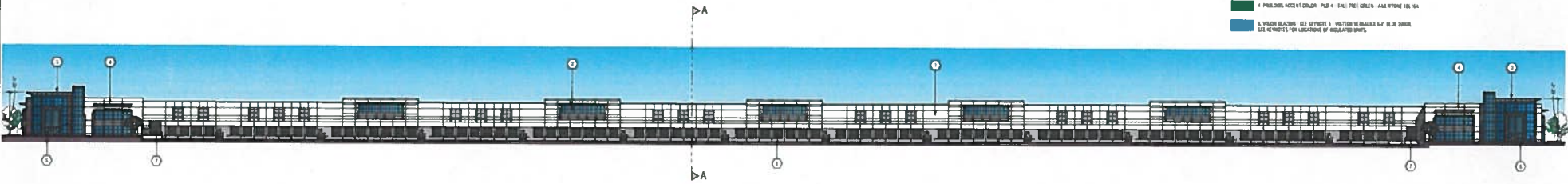
- KEYNOTES:**
1. PAINTED CONCRETE TILT UP PANELS BY ACCESS REVEALS AS SHOWN
 2. REFLECTIVE BLUE GLASS IN CLEAR FINISHED ALUMINUM WALLS SYSTEM
 3. ALUMINUM FINISHED ENTRANCE DOORS 12'6" H. SEE SCHEDULE
 4. METAL SHROUDS SPINE OVER UPPER LEVEL WINDOWS
 5. RECESSED 4'0" H. WITH PRIMARY GLASS ENTRANCE DOORS
 6. PAINTED 4'0" H. BY BRICK HIGH VERTICAL LIFT METAL TRUCK DOOR ASSEMBLY WITH DOCK SHIPPERS SEE DOOR SCHEDULE
 7. PAINTED 12'0" H. BY GROUND LEVEL VERTICAL LIFT METAL TRUCK DOOR ASSEMBLY SEE DOOR SCHEDULE
 8. ACCESS CLADDING MATERIAL AT OFFICE ENTRY ELEVATIONS
 9. CONCRETE TILT UP BETWEEN WALLS AND REVEALS AS SHOWN TO MATCH BUILDING

WEST ELEVATION
SCALE: 1" = 12'-0"



SOUTH ELEVATION
SCALE: 1" = 12'-0"

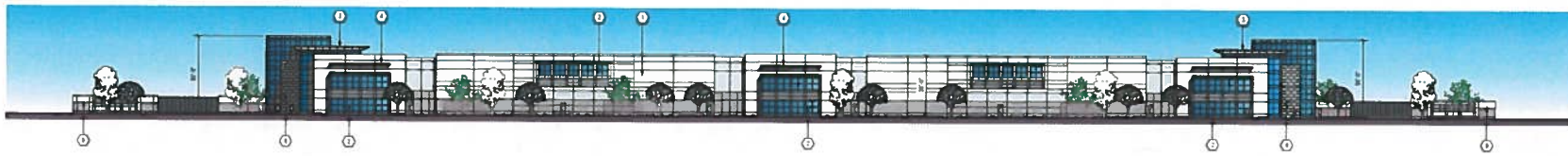
-996-



NORTH ELEVATION
SCALE: 1" = 12'-0"

FINISH SCHEDULE

1	PAINT COLOR - PLB-4 SABLE - SHERWIN WILLIAMS SP 2000
2	ACCESS COLOR - PLB-2 LUMINOUS TINT - SHERWIN WILLIAMS SP 2000
3	BASE ACCESS COLOR - PLB-3 JUBILEE - SHERWIN WILLIAMS SP 2000
4	PROLOGIS ACCESS COLOR - PLB-4 SAIL - TICI GREEN - AM WYDOW 188 15A
5	VISOR GLAZING - SEE KEYNOTE 8 - VISION REVEALS IN 4" BLUE BRICK - SEE KEYNOTES FOR LOCATIONS OF INSULATED DRYS



EAST ELEVATION
SCALE: 1" = 12'-0"

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**PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS**
BUILDING 2
EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA

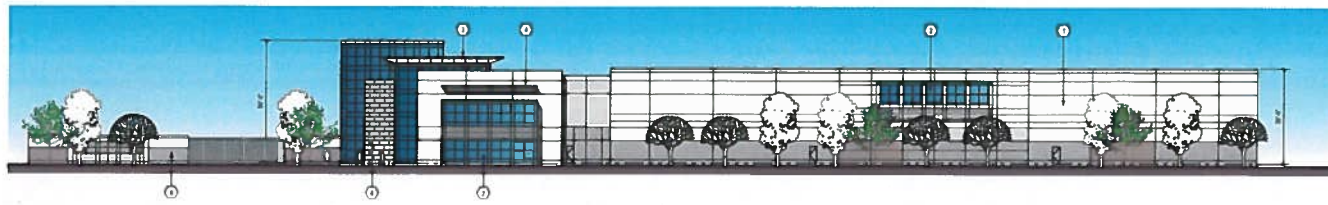
MORINO VALLEY
ARCHITECTURAL DESIGN
CASE NUMBER:
PAD7-0083

PROLOGIS
17777 CENTER COURT DR NORTH, STE 100
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PHONE: 562-345-8226
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JJACCHETTA@PROLOGIS.COM

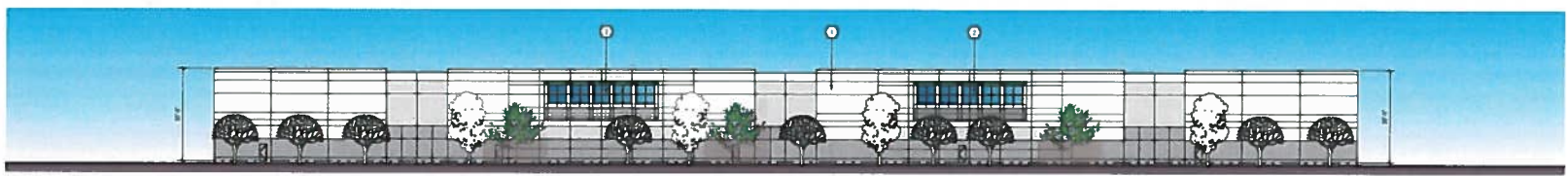
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-997-

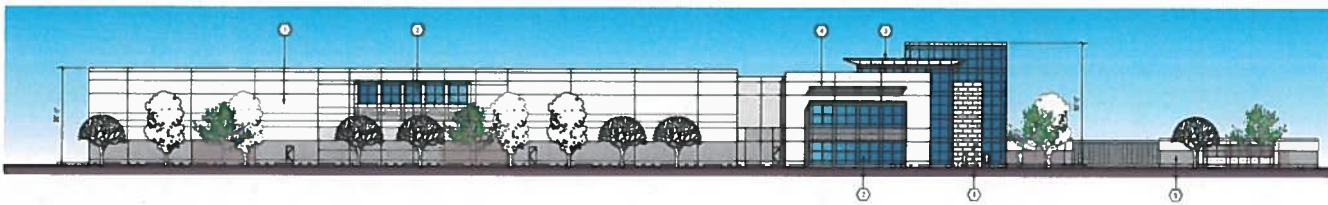
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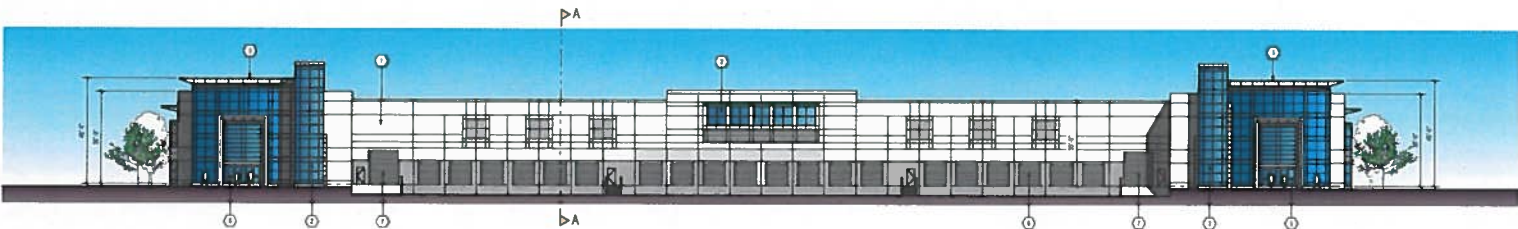
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SCALE 1/8"=1'-0"



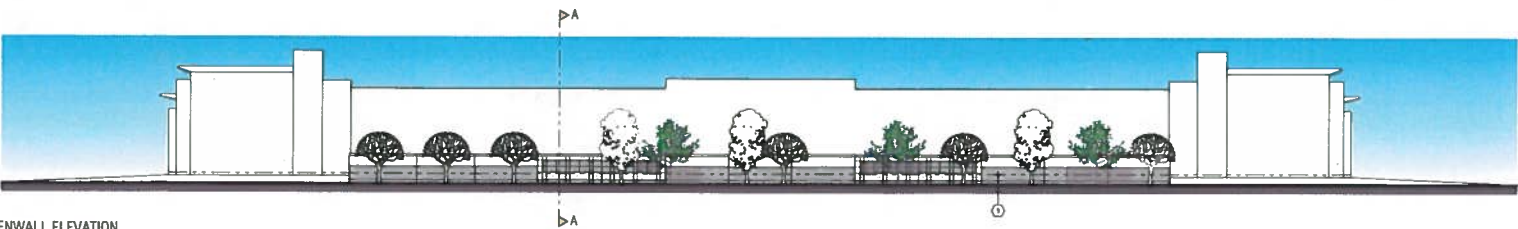
SOUTH ELEVATION
SCALE 1/8"=1'-0"



EAST ELEVATION
SCALE 1/8"=1'-0"



NORTH ELEVATION
SCALE 1/8"=1'-0"



SCREENWALL ELEVATION
SCALE 1/8"=1'-0"

- KEYNOTES**
- 1 FINISH CONCRETE TO TOP FINISHES BY ACCEPT FINISHES AS SHOWN
 - 2 REFLECTIVE BLUE GLASS IN GLAZED WINDOWS ALUMINUM YELLOW SYSTEM
 - 3 ALUMINUM FINISHED CORNICE OVER ENTRY CANOPY
 - 4 METAL BRACING DEVICES BY APPROVED MANUFACTURER
 - 5 RECESSED ENTRY WITH PRIMARY GLASS ENTRANCE DOORS
 - 6 PAINTED 4'-0" x 4'-0" DOOR-HIGH VERTICAL LEFT METAL TRUCK DOOR ASSEMBLY WITH DOCK BRACKET SEE DOOR SCHEDULE
 - 7 FINISHES TO 4' 0" ABOVE LEVEL, METICAL LEFT METAL TRUCK DOOR ASSEMBLY SEE DOOR SCHEDULE
 - 8 ACCEPT GLAZING MATERIALS TO FIT THE EXISTING WEATHERS
 - 9 CONCRETE TO TOP SCREEN WALL HEIGHT AND FINISHES AS SHOWN TO MATCH BUILDING

- FINISH SCHEDULE**
- 1 FIELT COLOR - PLS-4 SABLE - SPICER WILMANS SP 2022
 - 2 ACCEPT COLOR - PLS-7 LUGGROSS TINT - SHERRIS WILMANS SP 2028
 - 3 BASE ACCENT METAL - PLS-3 JUNGLE - DYE WARE WILMANS SP 2020
 - 4 PROLOGIS ACCENT METAL - PLS-4 3 PALM TREE GREEN - AMERISYS 18 11A
 - 5 VERTICAL GLAZING SEE REFERENCE 2 - VERTICAL METALLIC 4" BLUE BRASS SEE REFERENCE FOR LOCATIONS OF INSULATED GLAZING

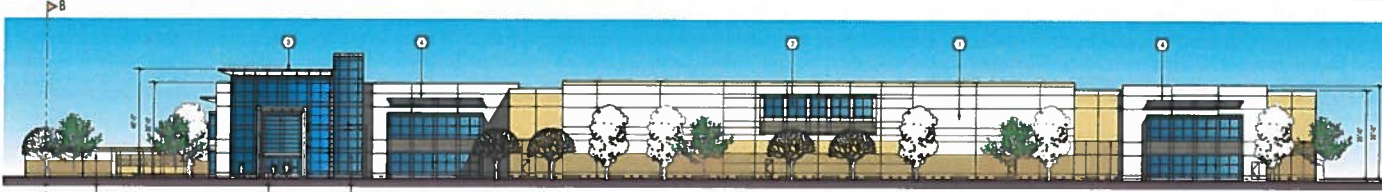
RG A
Office of Architectural Design
1327 Alhambra Road, Suite 110
Moreno Valley, CA 92553
Tel: 951-451-0020
Fax: 951-451-0027

CONTRACT NO. _____
PROFESSIONAL SEALS

PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS
BUILDING 3
EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA
MORNING VALLEY
MORNING VALLEY
CASE NUMBER:
PA07-0083

PROLOGIS
17777 CENTER COURT SAN JOSE, CA 95131
CERRITOS, CA 94703
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BUILDING	BUILDING 3	



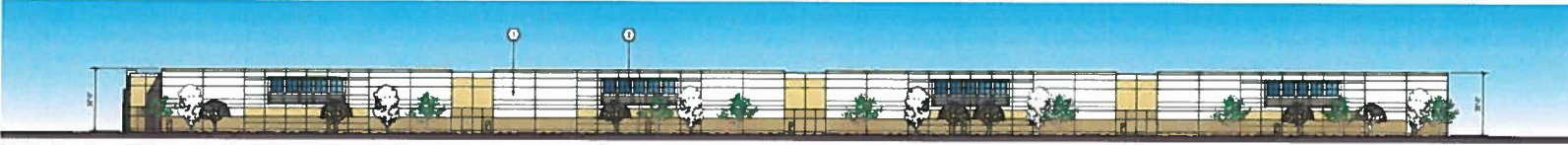
NORTH ELEVATION

SCALE: 1/8" = 1'-0"

- KEYNOTES** Ⓞ
1. FINISH TO CONCRETE TO 1/4" PANELS BY ACCEPT FINISH AS SHOWN
 2. USE LECTRA RALE GLASS IN CLEAR GLAZED WINDOWS IN DOUBLE-HUNG WINDOW SYSTEM
 3. ALUMINUM FINISHED CORNICES OVER EXTERIOR ELEMENTS
 4. METAL SHADING DEVICE OVER UPPER LEVEL WINDOWS
 5. RECEIPTS ENTRY WITH PRIMARY GLAZED ENTRANCE DOORS
 6. FINISHED 2" x 4" 2x4 BOSS WITH VERTICAL LIFT METAL TRUCK DOOR ASSEMBLY WITH DOCK BOLTERS, SEE SHIPPER SCHEDULE
 7. FINISHED 2" x 4" 2x4 BOSS WITH VERTICAL LIFT METAL TRUCK DOOR ASSEMBLY WITH DOCK BOLTERS, SEE SHIPPER SCHEDULE
 8. ACCEPT GLAZING MATERIAL AT OFFICE ENTRY ELEMENTS
 9. CONCRETE TO 1/4" BOSS WITH TRUCK AND TRUCKS AS SHOWN TO MATCH BUILDINGS

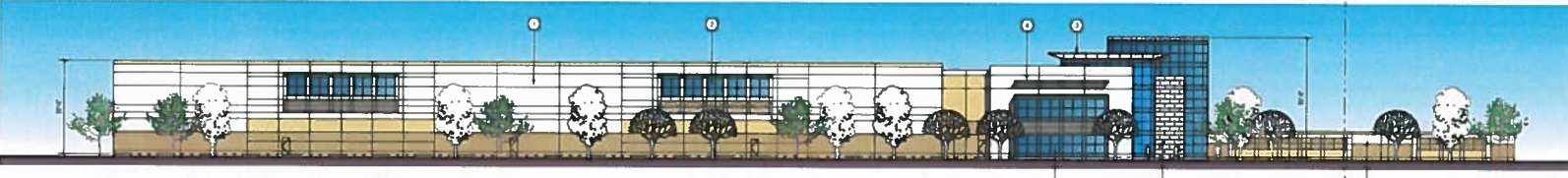
FINISH SCHEDULE

- | |
|--|
| 1. FLOOR COLOR - PL-1 FLOOR FINISH - (SEE FINISH SCHEDULE) |
| 2. ACCEPT COLOR - PL-2 STONE LATH - (SEE FINISH SCHEDULE) |
| 3. BASE ACCEPT COLOR - PL-3 STONE LATH - (SEE FINISH SCHEDULE) |
| 4. PROLOGIS ACCEPT COLOR - PL-4 WALL PANELS - (SEE FINISH SCHEDULE) |
| 5. WINDOW GLAZING - SEE KEYNOTE 8 - WINDOW MATERIALS 1/4" CLEAR GLASS, SEE KEYNOTES FOR LOCATIONS OF INSULATED UNITS |



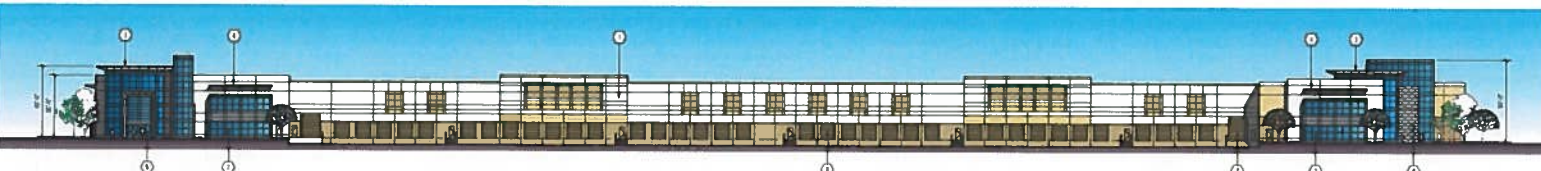
WEST ELEVATION

SCALE: 1/8" = 1'-0"



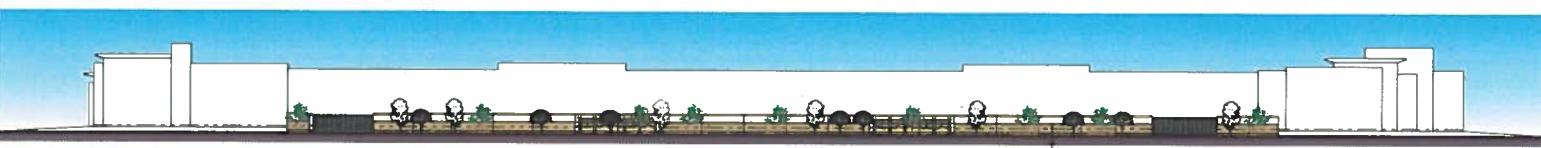
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



SCREENWALL ELEVATION

SCALE: 1/8" = 1'-0"


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CONTRACT NO. _____
PROFESSIONAL SEALS

**PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS**

BUILDING 4

EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA



CASE NUMBER:
PA07-0083


PROLOGIS
17771 CENTER COURT DR NORTH, STE 100
CERRITOS, CA 90703
PHONE: 924-264-8274
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JACCHETTA@PROLOGIS.COM

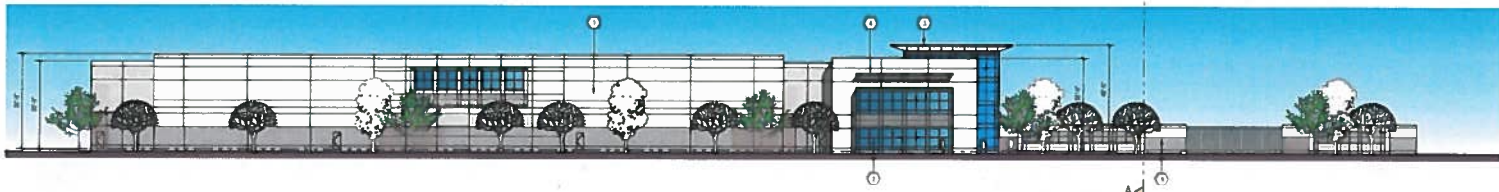
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FINISH SCHEDULE

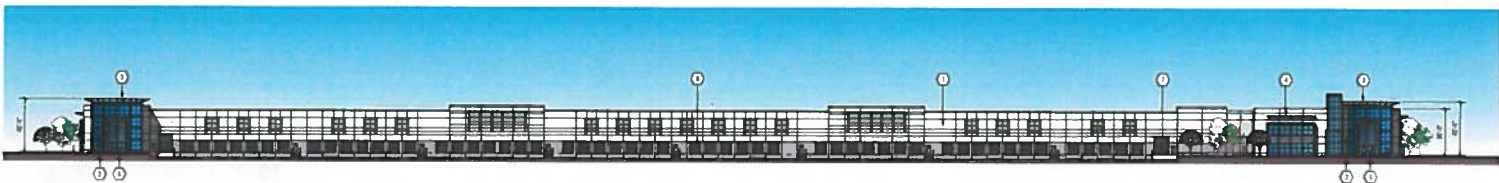
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- 2. ACCENT COLOR: PL-2-7 LUDOVIC TINT - SHEWAN WILLIAMS BY 2020
- 3. BASE ACCENT COLOR: PL-2-1 ALUMINA - SHEWAN WILLIAMS BY 2020
- 4. PAINTING ACCENT CO. ON: PL-2-4 TALL TREE GREEN - AMERITONE 100-140
- 5. WINDOW GLAZING: SEE SPECIFICATIONS - VERTICAL HORIZONTAL LFT METAL FRAMED DOOR ASSEMBLY WITH DOCK HANGERS SEE DOOR SCHEDULE
- 6. WINDOW GLAZING: SEE SPECIFICATIONS - VERTICAL HORIZONTAL LFT METAL FRAMED DOOR ASSEMBLY WITH DOCK HANGERS SEE DOOR SCHEDULE

KEYNOTES: ©

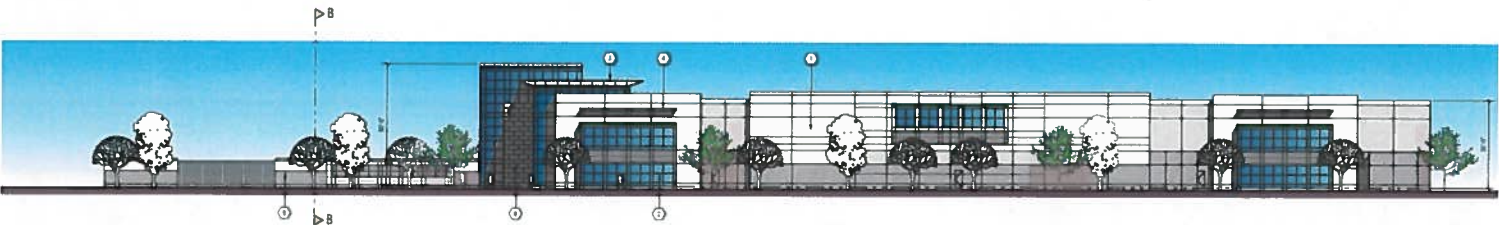
- 1. PAINTED CONCRETE IN SET-UP PHASES OF ACCENT REVEALS AS SHOWN
- 2. REFLECTIVE BLUE GLAZES IN CLEAR HORIZONTAL ALUMINUM FRAMED SYSTEM
- 3. ALUMINUM FINISHED CORNER OVER ENTRY ELEMENT
- 4. METAL FINISHING DEVICE OVER UPPER LEVEL WINDOWS
- 5. RECESSED ENTRY WITH PRIMARY GLASS ENTRANCE DOORS
- 6. PAINTED 4" X 8" LIP BRICK IN ON VERTICAL LFT METAL FRAMED DOOR ASSEMBLY WITH DOCK HANGERS SEE DOOR SCHEDULE
- 7. PAINTED BY A 1/4" SINGLE LEVEL VERTICAL LFT METAL FRAMED DOOR ASSEMBLY WITH DOCK HANGERS
- 8. ACCENT CLADDING MATERIAL AS OFFICE ENTRY ELEMENTS
- 9. CONCRETE TILT-UP SCREEN WALL PANT AND REVEALS AS SHOWN TO MATCH BUILDING



SOUTH ELEVATION
SCALE: 1" = 32'-0"



EAST ELEVATION
SCALE: 1" = 32'-0"



NORTH ELEVATION
SCALE: 1" = 32'-0"



WEST ELEVATION
SCALE: 1" = 32'-0"

RG A

Office of Architectural Design
11511 Zhen Lu Highway, Suite 100
Moreno Valley, CA 92553
TEL: 951-404-7800
FAX: 951-404-7801

CONTRACT DATE:

PROFESSIONAL SEALS:

**PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS**

BUILDING 5

EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA



CASE NUMBER:
PA07-0083



PROLOGIS
17777 CENTER COURT DR NORTH, STE 100
CERES, CA 95974
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AJACCHETTA@PROLOGIS.COM

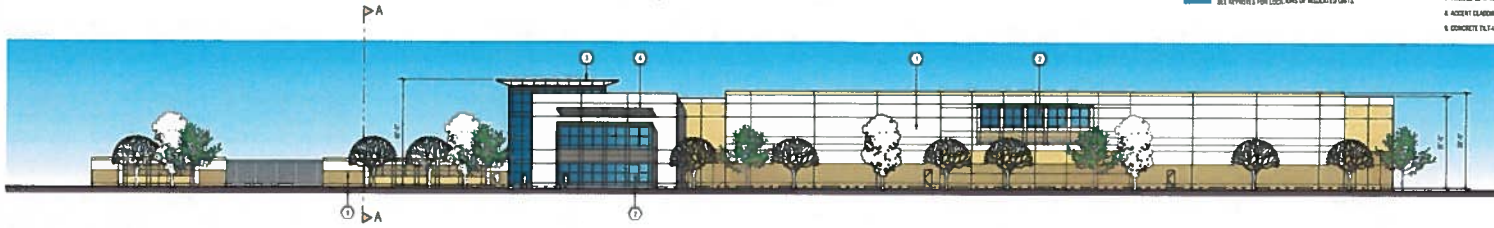
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COPYRIGHT:	RG A OFFICE OF ARCHITECTURAL DESIGN	
SHEET TITLE	ELEVATIONS BUILDING 5	

FINISH SCHEDULE

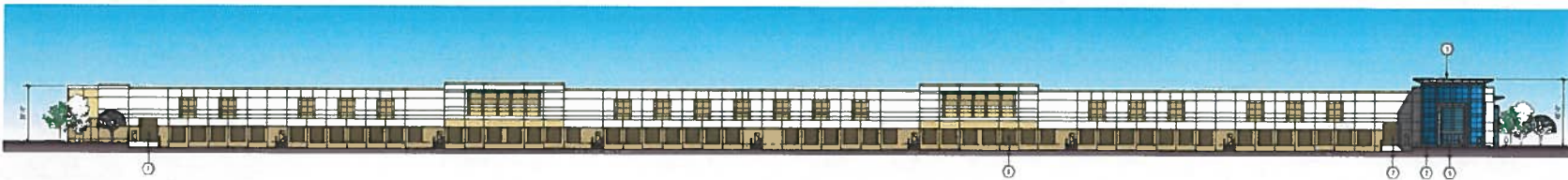
- 1. FLOOR COLOR - FLD-1 FLOOR WHITE - SHOWN WALLING SW 7000
- 2. ACCENT COLOR - FLD-2 STONE LIGN - SHOWN WALLING SW 7027
- 3. BASE/ACCENT COLOR - FLD-3 FAINT TRUFFE - SHOWN WALLING SW 7024
- 4. METALS ACCESS COLOR - FLD-4 TALL TREE GREEN - SHOWN WALLING SW 7034
- 5. WINDOW GLAZING - SEE SCHEDULE 9 - MATCHER REVEALS LFT BLUE COLOR - SEE APPROVED FOR LEAKAGE OF INSULATED UNITS

KEYNOTES:

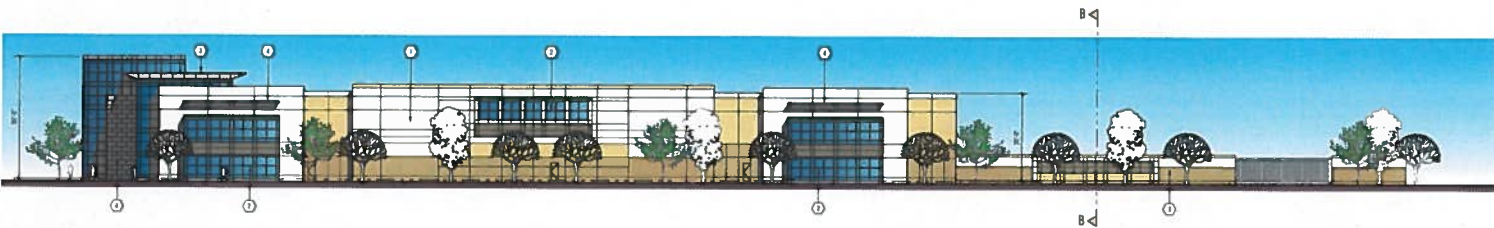
- 1. FINISHED CONCRETE FLE UP PANELS BY ACCESS REVEALS AS SHOWN
- 2. REFLECTIVE BLUE GLASS IN CLEAR ANODIZED ALUMINUM MULLION SYSTEM
- 3. ALUMINUM FINISHED CORNICE OVER EXTERIOR GLASS
- 4. METAL FINISHED DEVICE BRACKETS UP/LEVEL WINDOWS
- 5. RECEALS EXTERIOR WITH PRIMARY GLASS EXTERIOR CORNICE
- 6. FINISHED FLOOR IS UP BRICK WITH METALLIC LFT METAL FINISH DOOR ASSEMBLY WITH DOCK BOUNDARY (SEE SCHEDULE 9)
- 7. FINISHED EXTERIOR 1/4" GRADE LEVEL, METALLIC LFT METAL FINISH DOOR ASSEMBLY SEE SCHEDULE 9
- 8. ACCENT CLADDING MATERIAL AS OF FACE EXTERIOR REVEALS
- 9. CONCRETE FLE UP BRICK WALL PART AND REVEALS AS SHOWN TO MATCH BUILDING



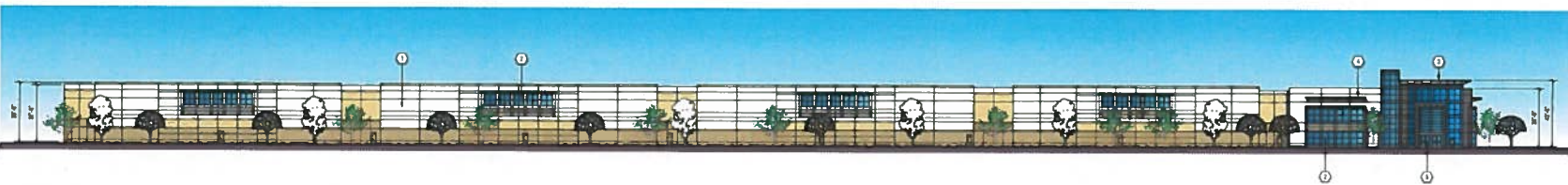
SOUTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"

RG A

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CONTRACT

PROFESSIONAL SEALS

PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS

BUILDING 6

EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA



CASE NUMBER:
PA07-0083



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1777 CENTER COURT DR NORTH, STE 100
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JACQUETTA@PROLOGIS.COM

CD	DATE	REVISION/REASON

RG A PROJECT NO.	0704 08
OWNER PROJECT NO.	00000000
CAD FILE NAME	0704-08-03-04
DRAWN BY	CS
CHECKED BY	CS
COPYRIGHT	RG A OFFICE OF ARCHITECTURAL DESIGN
SHEET TITLE	ELEVATIONS BUILDING 6

KEYNOTES:
 1 CONCRETE TYPED SCREEN WALL FINISH AND REVEALS AS SHOWN TO MATCH BUILDING

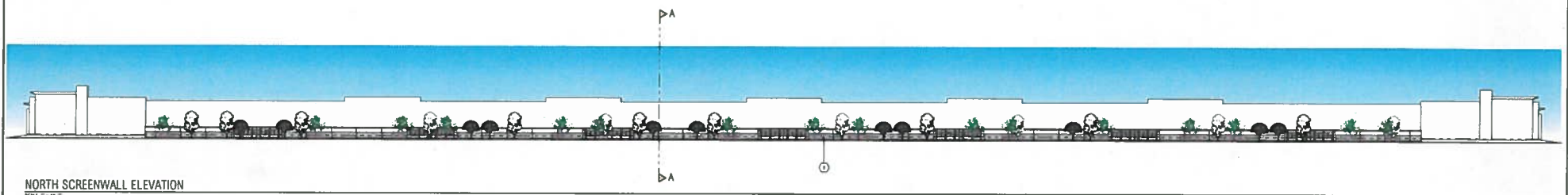
RGAA
 Office of Architectural Design
 1071 Green Park Way, Suite 103
 Moreno Valley, CA 92553
 Tel: 951-452-2222
 Fax: 951-452-2223

**PROLOGIS PARK
 MORENO VALLEY
 EUCALYPTUS**
 BUILDING 2
 EUCALYPTUS AVENUE
 MORENO VALLEY, CALIFORNIA

MORENO VALLEY
 COMMUNITY DEVELOPMENT
 CASE NUMBER:
 PAD7-0083

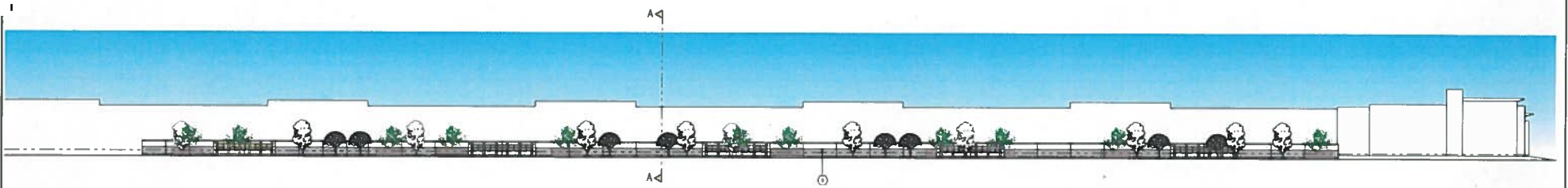
FINISH SCHEDULE

1	FIELD COLOR - PUB-4 SABLE - SHEPHERD WILLIAMS SP 0200
2	ACCENT COLOR - PUB-2 LADURICE FINI - SHEPHERD WILLIAMS SP 0200
3	BASE ACCENT COLOR - PUB-3 JAGUAR - SHEPHERD WILLIAMS SP 0200
4	PROLOGIS ACCENT COLOR - PUB-4 SALL FRIE GREEN - A&E RTONE 18-164
5	WORTH BLAZING - RE-14 FRICTS - WESTON WEGALL TYP IN 0200, 100 W/REVEALS FOR LOCATIONS OF REGULATED UNITS.



NORTH SCREENWALL ELEVATION
 SCALE 1/8" = 1'-0"

-1001-



SOUTH SCREENWALL ELEVATION
 SCALE 1/8" = 1'-0"

PROLOGIS
 17777 CENTER COURT DR NORTH, STE 100
 COSTA MESA, CA 92626
 PHONE: 949-340-9226
 CONTACT: JIM JACCHETTA
 JJACCHETTA@PROLOGIS.COM

NO.	DATE	DESCRIPTION
01	08/19/2010	SCHEMATIC DESIGN
02	09/01/2010	CONCEPT

RGAA PROJECT NO: 070408
 OWNER PROJECT NO: 000000
 CAD FILE NAME: 070408-A3-2-2-P
 DRAWN BY: CJ
 CHECKED BY: DR
 COPYRIGHT
 RGAA OFFICE OF ARCHITECTURAL DESIGN

SHEET TITLE
 SCREENWALL
 ELEVATIONS
 BUILDING 2

Item No. E.3



RG&A

Office of Architectural Design

15211 Altam Parkway, Suite 100
Irvine, CA 92618

T 949-441-0920
F 949-311-0922

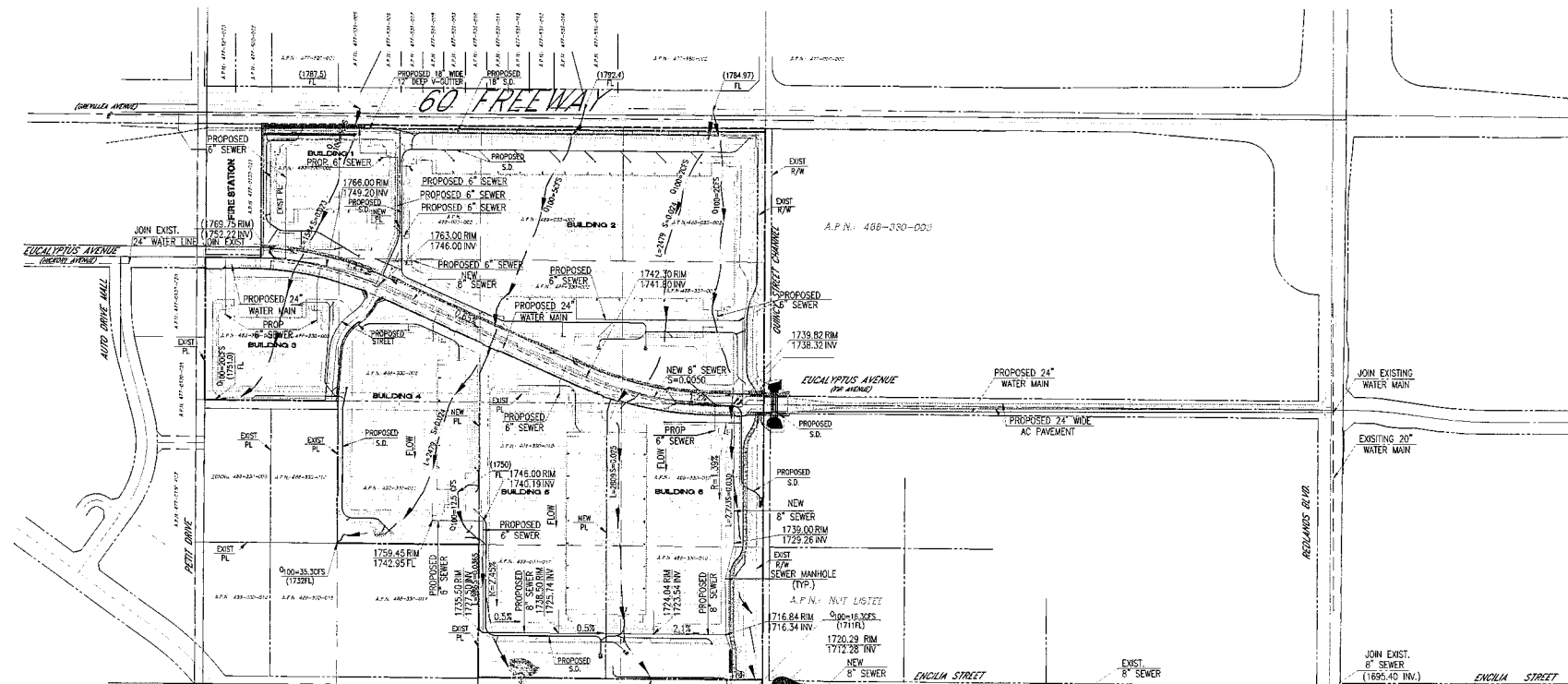
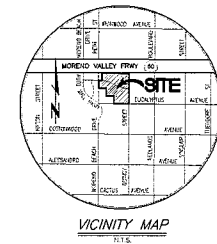
**PROLOGIS PARK
MORENO VALLEY
EUCALYPTUS**

EUCALYPTUS AVENUE
MORENO VALLEY, CALIFORNIA



PROLOGIS™

CONCEPTUAL GRADING PLAN PROLOGIS PARK MORENO VALLEY EUCALYPTUS



PROJECT INFORMATION:
 1. PROJECT ADDRESS: 180
 2. PROPOSED USE: INDUSTRIAL
 3. EXISTING ZONING: M-1 (MUNICIPALITY-RELATED USE)
 M-2 (RESIDENTIAL, 2 DISTRICT)
 M-3 (RESIDENTIAL, 15 DISTRICT)
 M-4 (RESIDENTIAL, AGRICULTURE 2 DISTRICT)

SITE ACREAGE
 GROSS= 5,472,814 SQ. FT.
 NET= 122.769 ACRES

SUBJECT PROPERTY:
 ASSESSOR'S PARCEL NUMBER: 488-230-011
 488-230-012
 488-230-013
 488-230-014
 488-230-015
 488-230-016
 488-230-017
 488-230-018

FLOOD ZONE DESIGNATION
 ZONE 1: X (WOOD)
 PANEL NO. 08204 0730
 DATE: AUGUST 26, 2008
 AND
 ZONE 4: UNWOOD
 PANEL NO. 08204 0730
 DATE: AUGUST 26, 2008

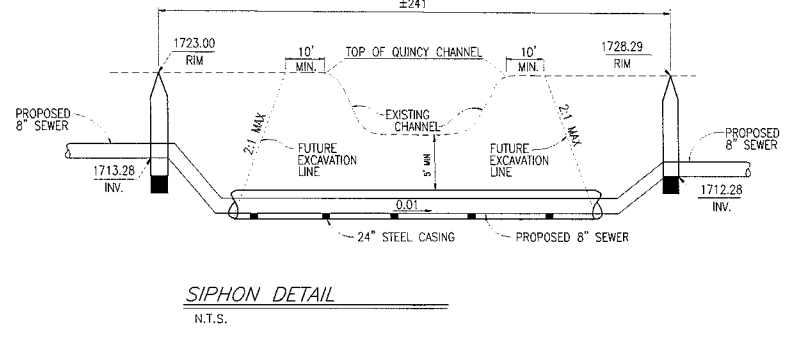
UNDERGROUND UTILITIES
 WATER: EASTERN MUNICIPAL WATER DISTRICT
 2270 TRUMBULL ROAD
 PERRIS, CA 92588
 (909) 928-6111
 SEWER: EASTERN MUNICIPAL WATER DISTRICT
 2270 TRUMBULL ROAD
 PERRIS, CA 92588
 (909) 928-6111
 GAS: SOUTHERN CALIFORNIA GAS
 COMPANY-RECLAMADO
 1981 W. EUCALYPTUS AVE, PO. BOX 3003
 RECLAMADO, CA 92574
 (562) 699-7411
 TELEPHONE: RECLAMADO
 1980 DRACACA AVE. SUITE 100
 RECLAMADO, CA 92574
 909-748-8640

PLANNING CASE NO.'S
 PA07-0081 (2006 CHANGE)
 PA07-0083 (GENERAL PLAN AMENDMENT)
 PA07-0084 (FORM 35679)

LEGAL DESCRIPTION:
 THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:
 REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
 DIVISION 1:
 LOTS 1 THROUGH 4, INCLUSIVE, IN BLOCK 36 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY RECORDS.
 EXCEPTING THEREFROM ALL THAT PORTION AS DESCRIBED IN THE DEED FROM E. W. LAMPT AND WIFE LEE LAMPT TO LAMPT AND LAMPT COMPANY, INC., A DELAWARE CORPORATION RECORDED AUGUST 31, 1989 AS INSTRUMENT NO. 28763, OFFICIAL RECORDS.
 ALSO EXCEPT FROM LOTS 4 AND 5 THAT PORTION CONVEYED TO THE CITY OF MORENO VALLEY BY DEED RECORDED FEBRUARY 3, 2005 AS INSTRUMENT NO. 008641, OFFICIAL RECORDS.
 DIVISION 2:
 PARCEL A:
 LOTS 2, 3 AND 7 OF BLOCK 53 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.
 PARCEL B:
 LOT 6 BLOCK 53 OF MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.
 TOGETHER WITH THOSE PORTIONS OF EUCALYPTUS AVENUE AND QUINCY STREET WITHIN SAID BLOCK LYING SOUTHERLY OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT AND EASTERLY OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT.
 PARCEL C:
 LOT 1 BLOCK 53 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.
 PARCEL D:
 PARCELS 1 AS SHOWN ON THE "LOT LINE ADJUSTMENT NO. 878" AND CERTIFICATE OF COMPLIANCE AS EVIDENCED BY THE DOCUMENT RECORDED ON JANUARY 3, 2007 AS INSTRUMENT NO. 2007-0012081 OF OFFICIAL RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 PORTIONS OF LOTS 5 THROUGH 8, INCLUSIVE, OF BLOCK 36 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, LIES IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN AND THE NORTH LINE OF SAID LOT 5;
 THENCE SOUTH 89°32'58" EAST, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 232.36 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1600.00 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;
 THENCE SAID CURVE THROUGH A CENTRAL ANGLE OF 23°37'34", A DISTANCE OF 659.89 FEET;
 THENCE SOUTH 85°55'16" EAST, A DISTANCE OF 978.05 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1600.00 FEET;
 THENCE SAID CURVE THROUGH A CENTRAL ANGLE OF 23°37'34", A DISTANCE OF 659.84 FEET TO A POINT LYING ON THE SOUTH LINE OF SAID LOT 8;
 THENCE SOUTH 89°32'58" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 181.78 FEET TO THE EASTMOST CORNER OF SAID LOT 8;
 THENCE SOUTH 82°26'15" EAST, ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 662.05 FEET TO THE NORTHEAST CORNER OF SAID LOT 8;
 THENCE NORTH 89°32'58" WEST, ALONG THE NORTH LINE OF SAID LOTS 8, 7, 6 AND 5, A DISTANCE OF 238.12 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.
 THE ABOVE DESCRIBED PARCEL CONTAINS 19.35 ACRES PLUS OR MINUS.
 PARCEL E:
 PARCEL 2 AS SHOWN ON THE "LOT LINE ADJUSTMENT NO. 878" AND CERTIFICATE OF COMPLIANCE AS EVIDENCED BY THE DOCUMENT RECORDED ON JANUARY 3, 2007 AS INSTRUMENT NO. 2007-0012081 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 PORTIONS OF LOTS 9 THROUGH 16, INCLUSIVE, OF BLOCK 36 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, LIES IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN AND THE NORTH LINE OF SAID LOT 5;
 THENCE SOUTH 89°32'58" EAST, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 232.36 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1600.00 FEET;
 THENCE SAID CURVE THROUGH A CENTRAL ANGLE OF 23°37'34", A DISTANCE OF 659.89 FEET;
 THENCE SOUTH 85°55'16" EAST, A DISTANCE OF 978.05 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1600.00 FEET;
 THENCE SAID CURVE THROUGH A CENTRAL ANGLE OF 23°37'34", A DISTANCE OF 659.84 FEET TO A POINT LYING ON THE SOUTH LINE OF SAID LOT 8;
 THENCE NORTH 89°32'58" WEST, ALONG THE SOUTH LINE OF SAID LOTS 8, 7, 6 AND 5, A DISTANCE OF 242.89 FEET TO THE INTERSECTION OF SAID EAST LINE OF SECTION 3 AND THE SOUTH LINE OF SAID LOT 5;
 THENCE NORTH 00°32'27" EAST, ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 862.71 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.
 THE ABOVE DESCRIBED PARCEL CONTAINS 20.06 ACRES PLUS OR MINUS.

-1003-

Item No. E.3

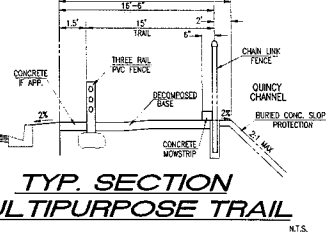
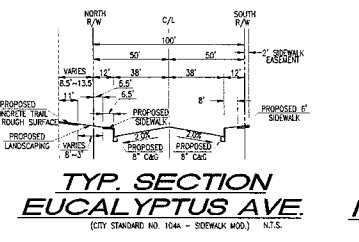
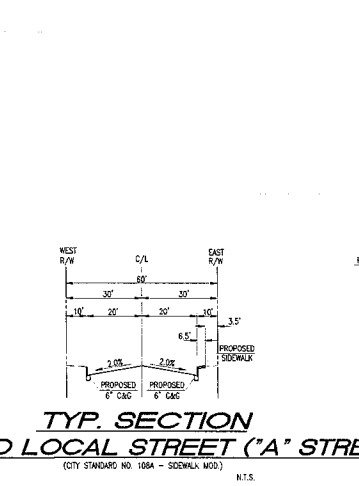


ABBREVIATIONS:

APN	ASSESSOR'S PARCEL NUMBER
CE	CELESTIAL
CO	CONCRETE
COV	CONCRETE
EL	EXISTING ELEVATION
EP	EDGE OF PAVEMENT
EX	EXISTING
F.P.	FIRE HYDRANT
F.S.	FRESH SURFACE
FZ	FRESH FLOOR
FL	FLOW LINE
HC	HANDICAP
MA	MANHOLE
NG	NATURAL GRADE
NH	NATURAL GRADE
P.P.	POWER POLE
R.W.	RIGHT OF WAY
R/G	RATE OF GRADE

LEGEND:

(Symbol)	EXIST. FIRE HYDRANT
(Symbol)	EXIST. WATER METER
(Symbol)	EXIST. GAS VALVE
(Symbol)	EXIST. GAS MAIN
(Symbol)	EXIST. WIRE/COAXIAL
(Symbol)	EXIST. POWER POLE
(Symbol)	EXIST. SIGN
(Symbol)	TREE
(Symbol)	EXIST. WALL BOX
(Symbol)	EXIST. TELEPHONE MANHOLE
(Symbol)	EXIST. GRADE ELEVATION
(Symbol)	EXIST. EDGE OF A.C. PAVEMENT
(Symbol)	EXIST. CURB AND GUTTER
(Symbol)	EXIST. SANITARY SEWER
(Symbol)	EXIST. GAS LINE
(Symbol)	EXIST. WATER LINE
(Symbol)	EXIST. CONTOUR
(Symbol)	RECREATIONAL ACCESS
(Symbol)	TWO ROWS OF ORANGE TREES
(Symbol)	CONCRETE



EARTHWORK ANALYSIS:

MATERIAL AVAILABLE:		MATERIAL REQUIRED:	
TOTAL EXCAVATION	572,198 C.Y.	FILL	339,581 C.Y.
OVER EXCAVATION	0 C.Y.	SUBSIDENCE (8.1%)	57,000 C.Y.
		SHRINKAGE (15%)	85,820 C.Y.
		OVEREXCAVATION SHRINKAGE (15%)	90,000 C.Y.
APPROXIMATE IMPORT	192 C.Y.	TOTAL FILL	572,380 C.Y.

NOTE: EARTHWORK FIGURES SHOWN ARE APPROXIMATE. QUANTITIES ARE BASED ON THE GRADE INFORMATION ON THE CONCEPTUAL PLAN. INCLUDE NO. ONE (1) QUANTITY TAKE OFF FOR THE COMPLETE JOB.

SHEET INDEX

1	TITLE SHEET - NOTES, DETAILS, SECTIONS AND CONCEPTUAL UTILITIES
2	CONCEPTUAL GRADING PLAN
3	CONCEPTUAL GRADING PLAN
4	SECTIONS
5	SECTIONS
6	QUINCY CHANNEL PLAN AND SECTIONS

OWNER/APPLICANT:
 PROLOGIS DEV. SERV., INC.
 4041 MC ARTHUR BLVD.
 NEWPORT BEACH, CA 92660
 PH: (949) 251-6100
 FAX: (949) 251-0766

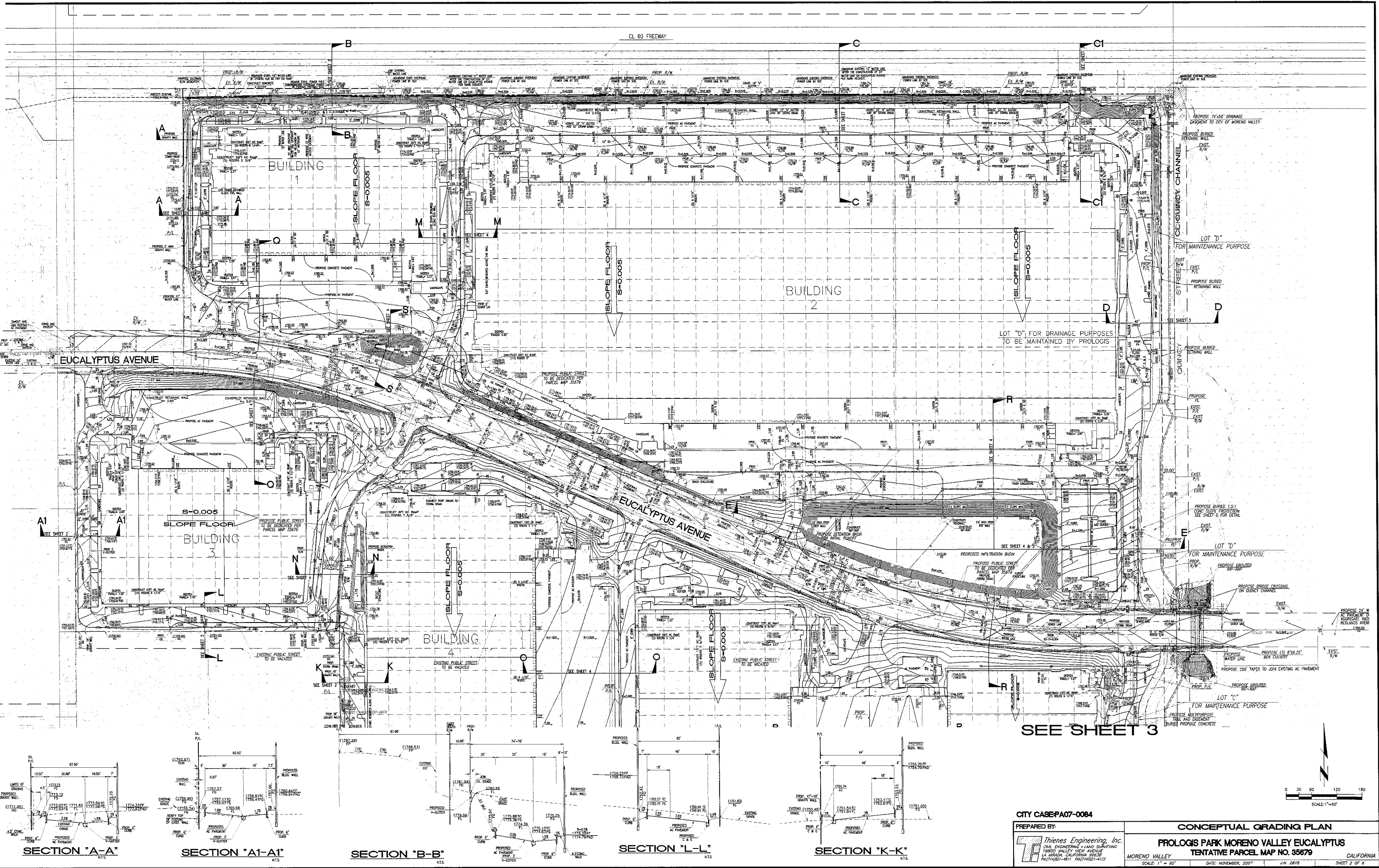
PREPARED BY:
T Thienes Engineering, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 16800 VALLEY VIEW AVENUE
 LA MIRADA, CALIFORNIA 92653
 PH: (714) 831-8811 FAX: (714) 831-8812

CITY CASE NUMBER PA07-0084 DATE OF PREPARATION: 9/27/11

CONCEPTUAL GRADING PLAN

PROLOGIS PARK MORENO VALLEY EUCALYPTUS
 TENTATIVE PARCEL MAP NO. 35679

MORENO VALLEY CALIFORNIA
 SCALE: 1" = 60' DATE: DECEMBER 2007 J.N. 2818 SHEET 1 OF 6



SECTION "A-A" N.T.S.

SECTION "A1-A1" N.T.S.

SECTION "B-B" N.T.S.

SECTION "L-L" N.T.S.

SECTION "K-K" N.T.S.

CITY CASE PA07-0084

PREPARED BY:

Thienes Engineering, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 17600 VALLEY VIEW AVENUE
 LA BREA, CALIFORNIA 90038
 PH (310) 641-4111 FAX (310) 641-4123

CONCEPTUAL GRADING PLAN

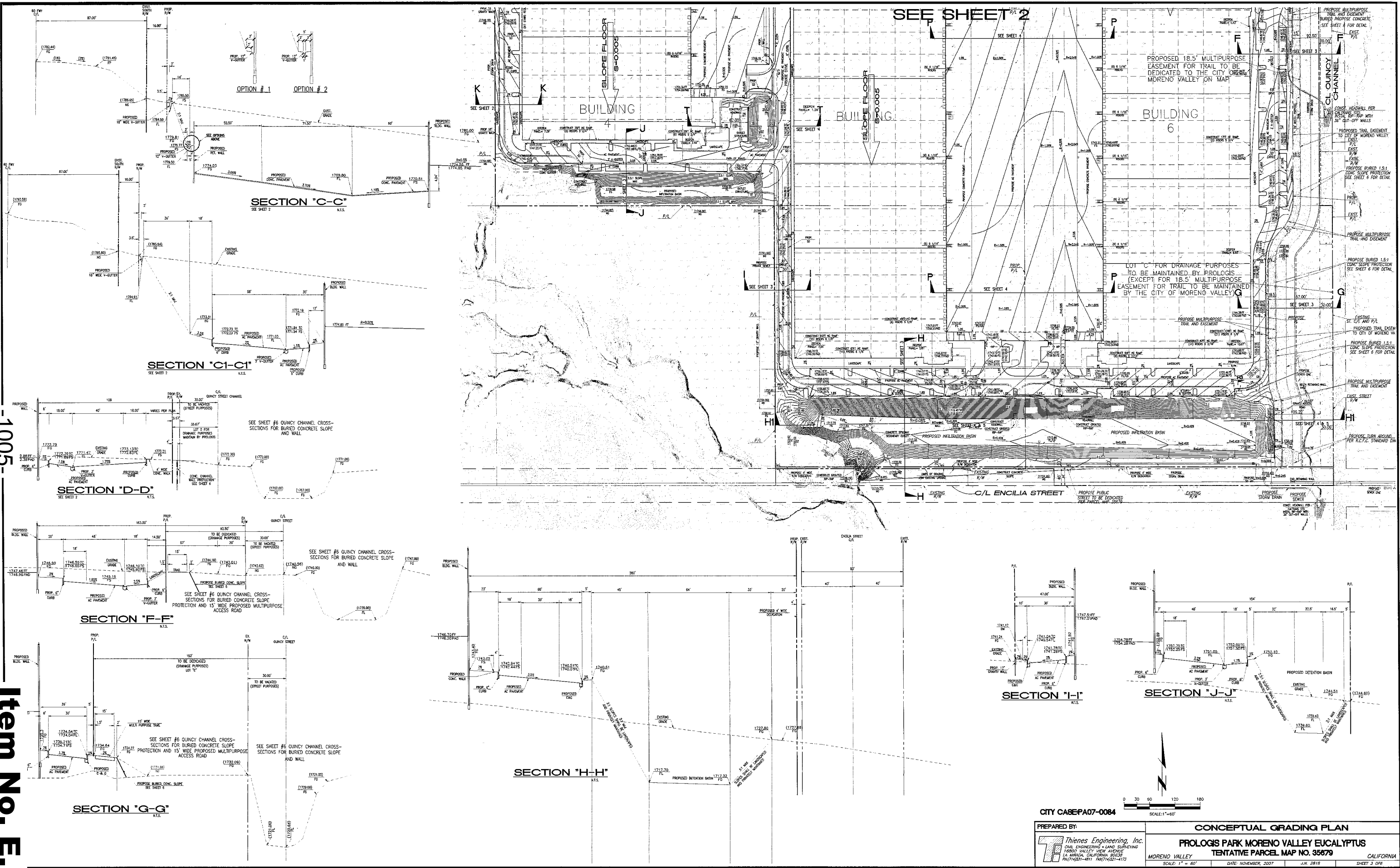
PROLOGIS PARK MORENO VALLEY EUCALYPTUS
TENTATIVE PARCEL MAP NO. 35679

MORENO VALLEY CALIFORNIA

SCALE: 1" = 60'	DATE: NOVEMBER 2007	J.N. 2818	SHEET 2 OF 8
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1005

Item No. E.3



CITY CASE PA07-0084

PREPARED BY:

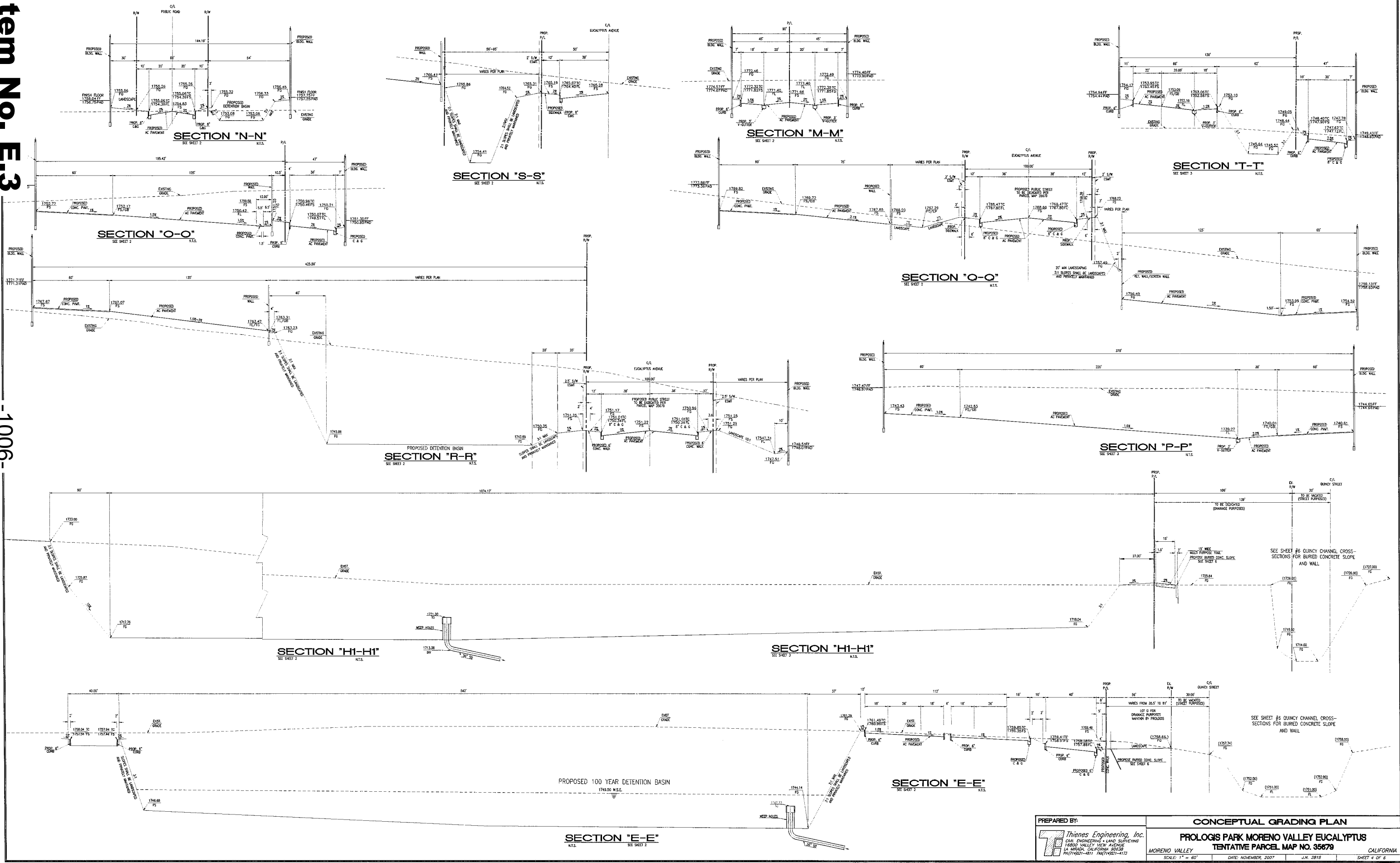
Thienes Engineering, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 10800 VALLEY VIEW AVENUE
 LA HABRA, CALIFORNIA 92643
 PH: (714) 961-4111 FAX: (714) 961-4123

CONCEPTUAL GRADING PLAN

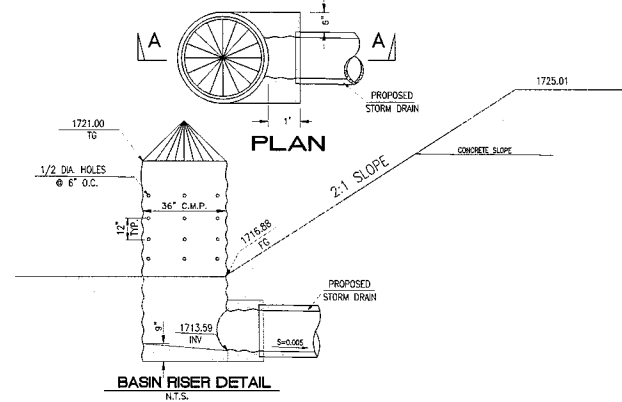
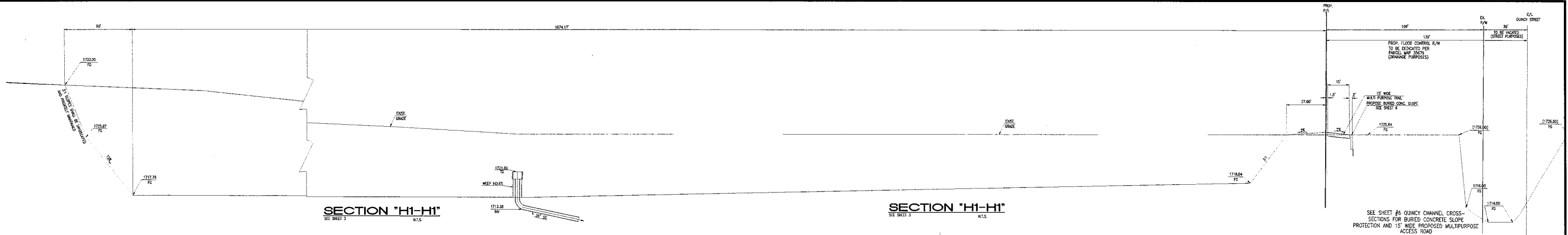
PROLOGIS PARK MORENO VALLEY EUCALYPTUS
 TENTATIVE PARCEL MAP NO. 35679

MORENO VALLEY CALIFORNIA
 SCALE: 1" = 60'
 DATE: NOVEMBER 2007
 J.N. 2818
 SHEET 3 OF 8

DATE: 10/12/07
03:00-20:00 (21) 311020000

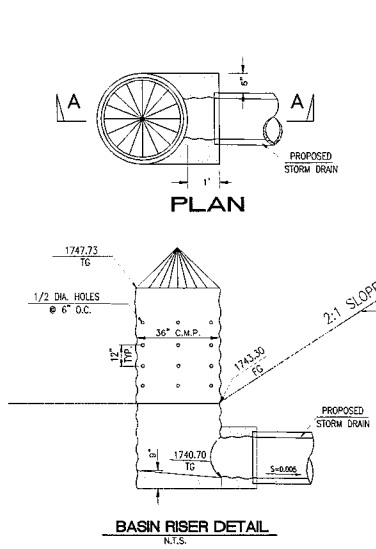
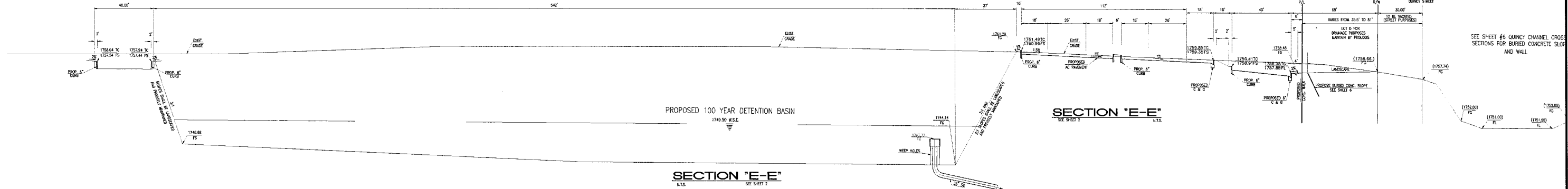


PREPARED BY: Thienes Engineering, Inc. CIVIL ENGINEERING & LAND SURVEYING 14800 VALLEY VIEW AVENUE LA HABRA, CALIFORNIA 92653 PH: (714) 961-1171 FAX: (714) 961-1173	CONCEPTUAL GRADING PLAN		
	PROLOGIS PARK MORENO VALLEY EUCALYPTUS TENTATIVE PARCEL MAP NO. 35679 MORENO VALLEY CALIFORNIA		
SCALE: 1" = 60' DATE: NOVEMBER 2007 J.M. 2818	SHEET 4 OF 6		DATE: NOVEMBER 2007 J.M. 2818



PROPERTY	TEST METHOD	UNIT	SPECIFICATION
MATERIAL			NONWOVEN GEOTEXTILE FABRIC
UNIT WEIGHT		OZ./YD ²	8 (MINIMUM)
FLOW RATE (FABRIC)		GPM/FT ²	180 (MINIMUM)
PERMEABILITY	ASTM D-2434	CM/SEC.	12.4 x 10
GRAB STRENGTH (FABRIC)	ASTM D-1682	LB.	DRY LG. 90 DRY WT. 70 WET LG. 95 WET WT. 70
PUNCTURE STRENGTH	CSE CM-02215	J.R.	42 (MINIMUM)
MULLEN BURST STRENGTH	ASTM D-1117	PSI	140 (MINIMUM)
TENSILE STRENGTH	ASTM D-1682	LB.	300 (MINIMUM)
EQUIVALENT OPENING SIZE	US STANDARD SIEVE	NO.	80 (MINIMUM)

PROPERTY	TEST METHOD	UNIT	SPECIFICATION
MATERIAL			NONWOVEN GEOTEXTILE FABRIC
UNIT WEIGHT		OZ./YD ²	2
FLOW RATE (FABRIC)		GPM/FT ²	180 (MINIMUM)
PERMEABILITY	ASTM D-2434	CM/SEC.	12.4 x 10
GRAB STRENGTH (FABRIC)	ASTM D-1682	LB.	DRY LG. 90 DRY WT. 70 WET LG. 95 WET WT. 70
PUNCTURE STRENGTH	CSE CM-02215	J.R.	42 (MINIMUM)
MULLEN BURST STRENGTH	ASTM D-1117	PSI	140 (MINIMUM)
TENSILE STRENGTH	ASTM D-1682	LB.	300 (MINIMUM)
EQUIVALENT OPENING SIZE	US STANDARD SIEVE	NO.	100 (70-120)
FLOW RATE (DRAINAGE COSES)	DIESEL UNIV. TEST METHOD	GPM/FT. WIDTH	14

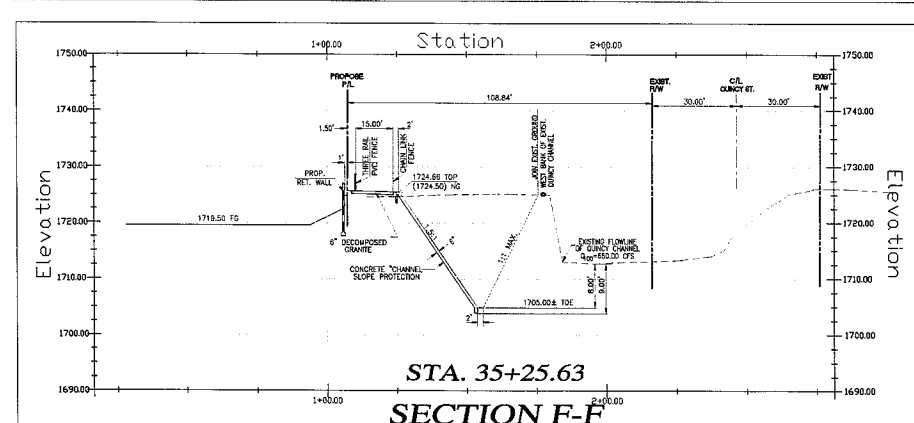
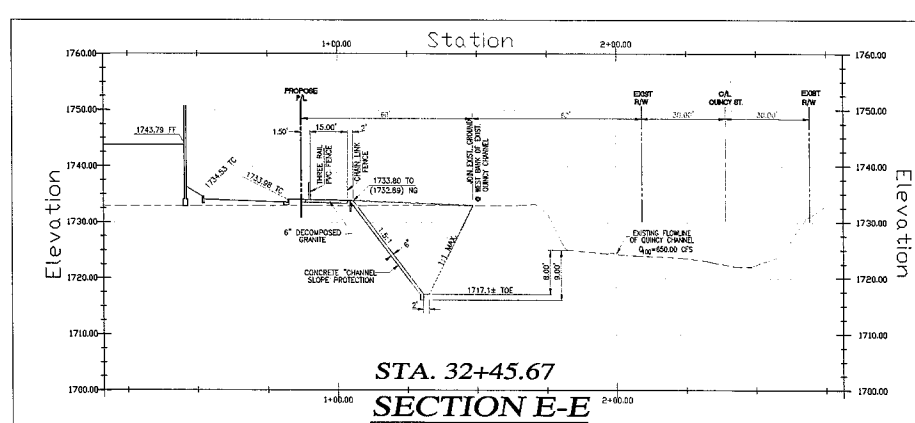
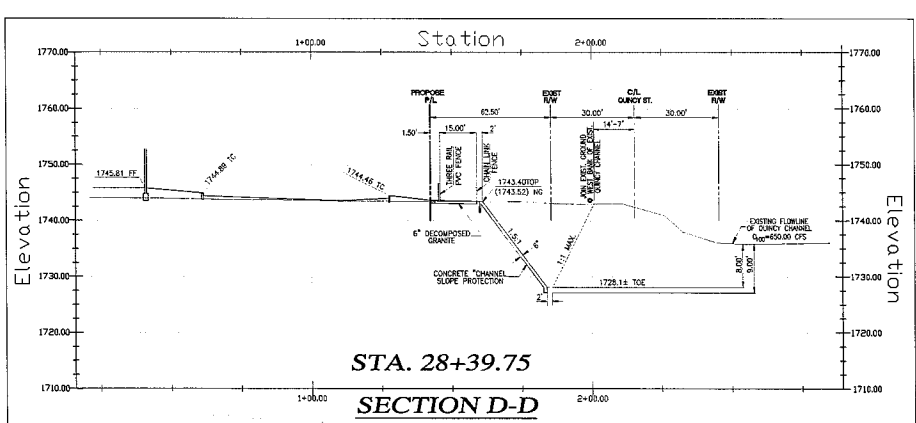
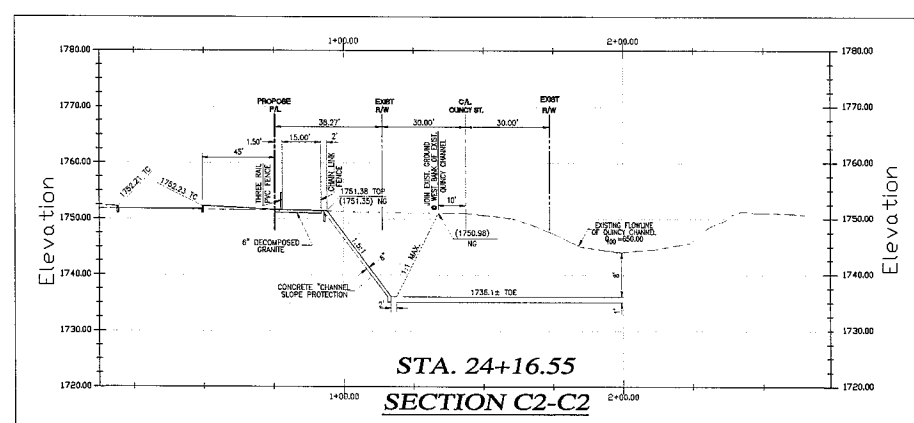
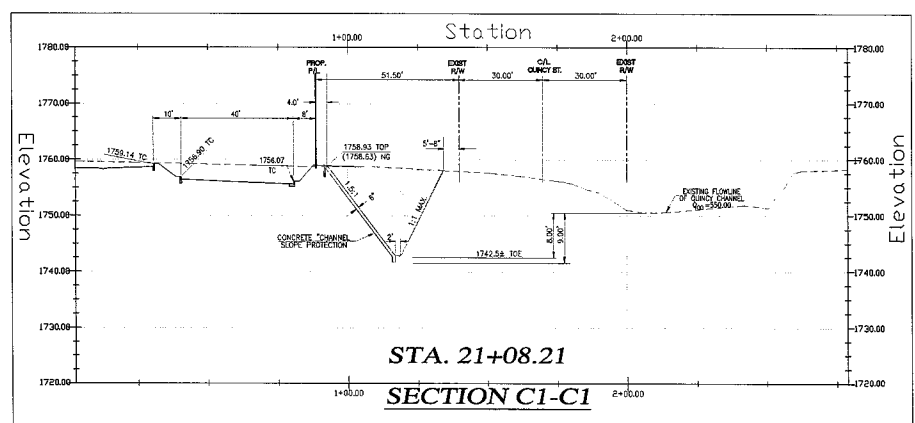
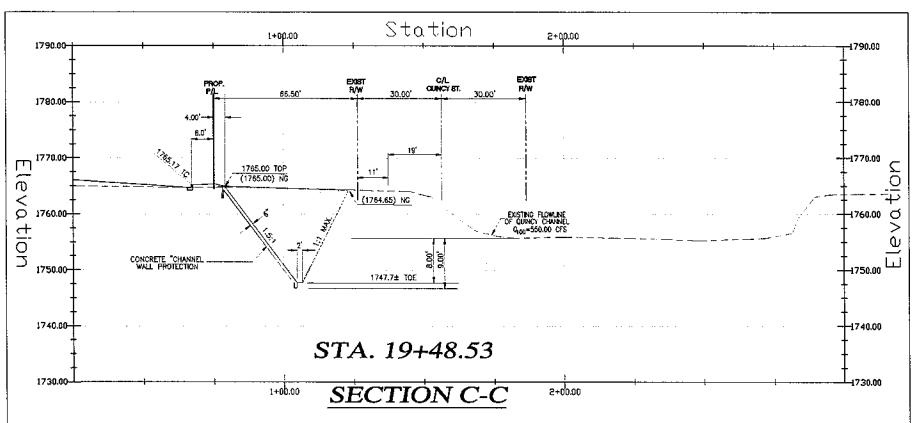
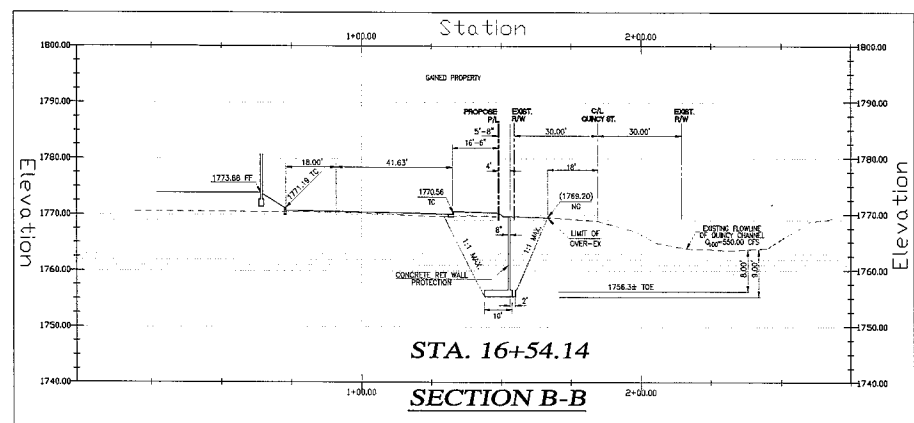
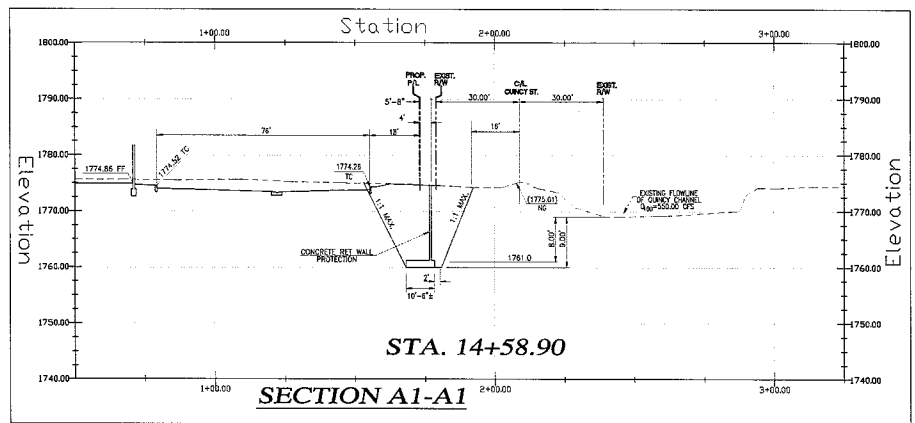
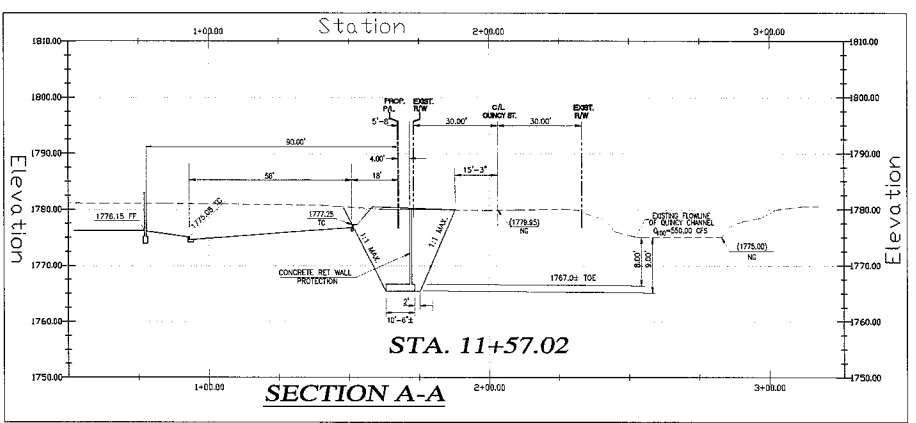
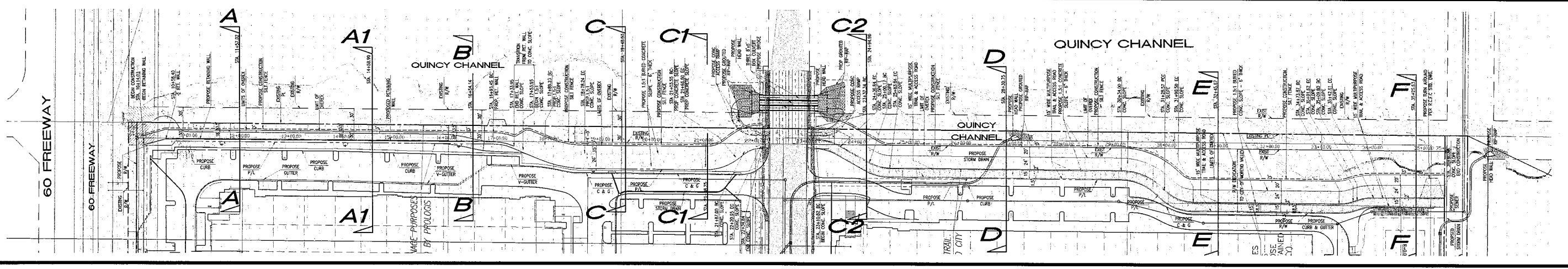


PROPERTY	TEST METHOD	UNIT	SPECIFICATION
MATERIAL			NONWOVEN GEOTEXTILE FABRIC
UNIT WEIGHT		OZ./YD ²	8 (MINIMUM)
FLOW RATE (FABRIC)		GPM/FT ²	180 (MINIMUM)
PERMEABILITY	ASTM D-2434	CM/SEC.	12.4 x 10
GRAB STRENGTH (FABRIC)	ASTM D-1682	LB.	DRY LG. 90 DRY WT. 70 WET LG. 95 WET WT. 70
PUNCTURE STRENGTH	CSE CM-02215	J.R.	42 (MINIMUM)
MULLEN BURST STRENGTH	ASTM D-1117	PSI	140 (MINIMUM)
TENSILE STRENGTH	ASTM D-1682	LB.	300 (MINIMUM)
EQUIVALENT OPENING SIZE	US STANDARD SIEVE	NO.	80 (MINIMUM)

PROPERTY	TEST METHOD	UNIT	SPECIFICATION
MATERIAL			NONWOVEN GEOTEXTILE FABRIC
UNIT WEIGHT		OZ./YD ²	2
FLOW RATE (FABRIC)		GPM/FT ²	180 (MINIMUM)
PERMEABILITY	ASTM D-2434	CM/SEC.	12.4 x 10
GRAB STRENGTH (FABRIC)	ASTM D-1682	LB.	DRY LG. 90 DRY WT. 70 WET LG. 95 WET WT. 70
PUNCTURE STRENGTH	CSE CM-02215	J.R.	42 (MINIMUM)
MULLEN BURST STRENGTH	ASTM D-1117	PSI	140 (MINIMUM)
TENSILE STRENGTH	ASTM D-1682	LB.	300 (MINIMUM)
EQUIVALENT OPENING SIZE	US STANDARD SIEVE	NO.	100 (70-120)
FLOW RATE (DRAINAGE COSES)	DIESEL UNIV. TEST METHOD	GPM/FT. WIDTH	14

PREPARED BY:
Thienes Engineering, Inc.
 CIVIL ENGINEERING • LAND SURVEYING
 14140 FORESTONE BOULEVARD
 LA MIRADA, CALIFORNIA 90638
 PH: (714) 501-4311 FAX: (714) 501-1123

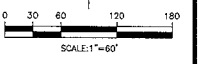
CONCEPTUAL GRADING PLAN
PROLOGIS PARK MORENO VALLEY EUCALYPTUS
 TENTATIVE PARCEL MAP NO. 35679
 MORENO VALLEY CALIFORNIA
 SCALE: 1" = 60' DATE: NOVEMBER, 2007 J.N. 2818 SHEET 5 OF 6



PREPARED BY: **Thienes Engineering, Inc.**
 CIVIL ENGINEERING AND SURVEYING
 14170 BAYVIEW BLVD., SUITE 100
 BAYVIEW, CALIFORNIA 94026
 TEL: (415) 341-1111 FAX: (415) 341-1115

**CONCRETE SLOPE AND BURIED RETAINING WALL -
 PROLOGOS PARK MORENO VALLEY E/CALYPTUS
 TENTATIVE PARCEL MAP NO. 86679**

MORENO VALLEY CALIFORNIA
 DATE: NOVEMBER, 2007
 SHEET E OF 6



TENTATIVE PARCEL MAP NO. 35679

ASSESSORS PARCEL NUMBERS: 488-330-011, 488-330-012, 488-330-013, 488-330-017
488-330-018, 488-330-019, 488-330-020 & 488-330-021

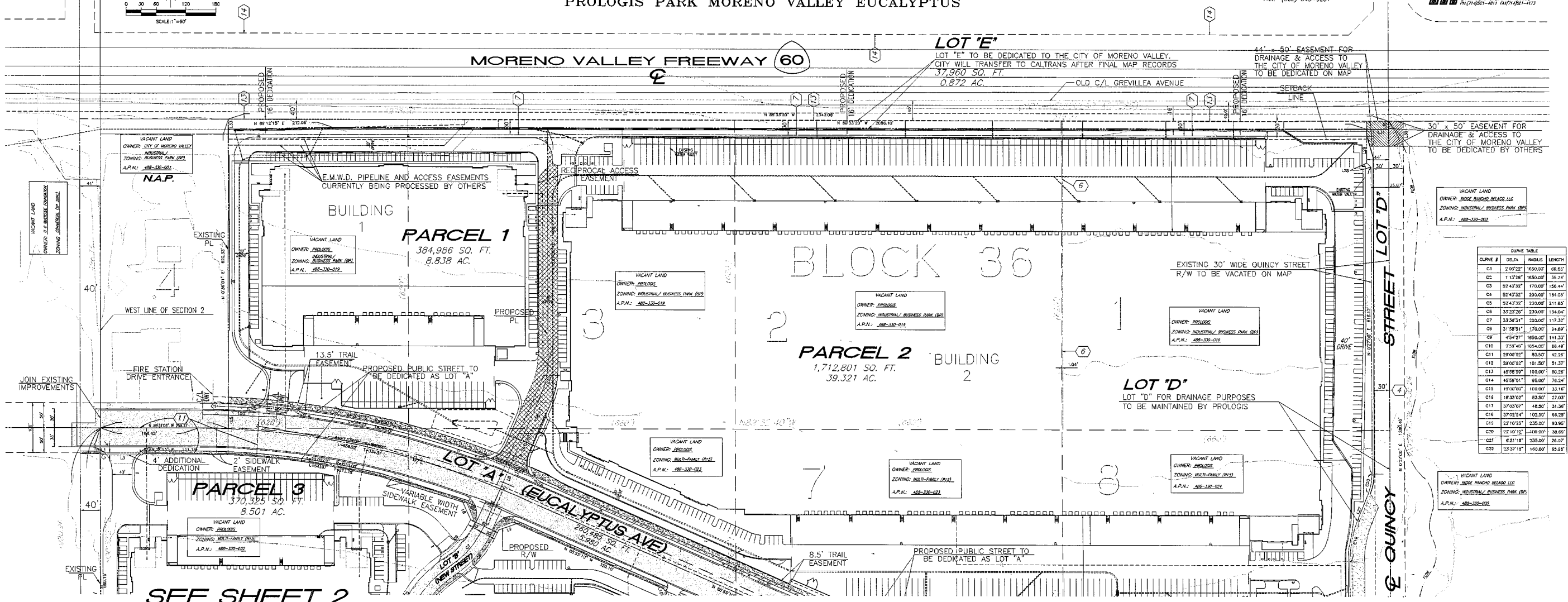
REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PROLOGIS PARK MORENO VALLEY EUCALYPTUS

OWNER / APPLICANT:

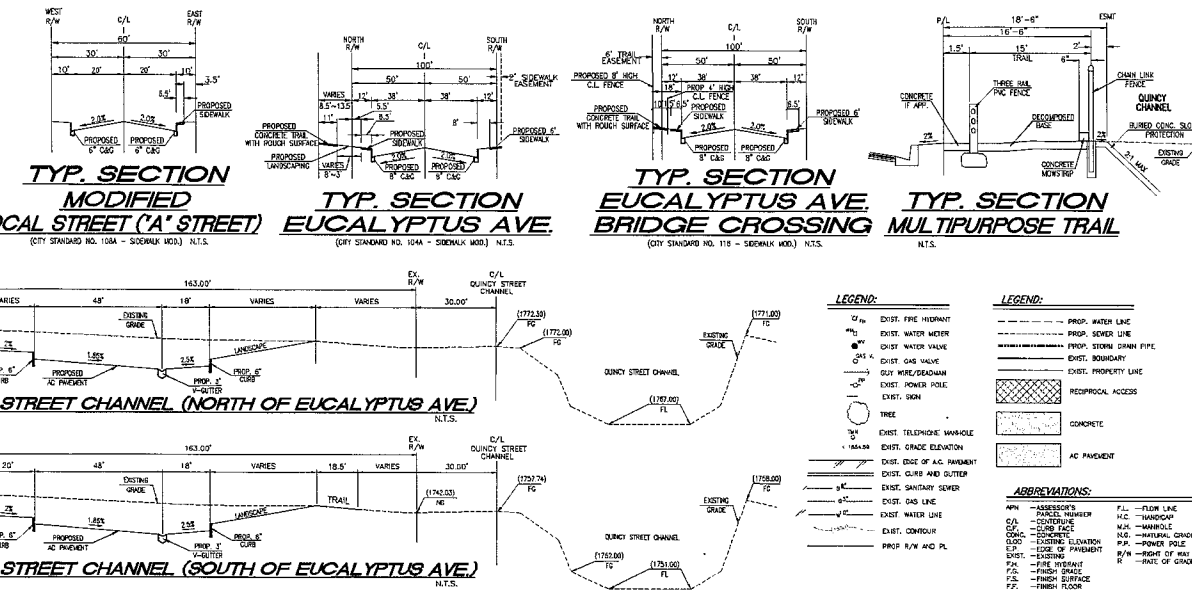
PROLOGIS DEV. BERT, INC.
1777 CENTER COURT
DRIVE NORTH, SUITE 100
NEWPORT BEACH, CA 92660
PHONE: (562) 345-9200
FAX: (562) 345-9201

PREPARED BY:
Thienes Engineering, Inc.
CIVIL ENGINEERING & LAND SURVEYING
14345 FIRESTONE BOULEVARD
LA HABRA, CALIFORNIA 91748
PH: (714) 861-8111 FAX: (714) 861-1173



CURVE #	DELTA	RADIUS	LENGTH
C1	2°06'22"	1650.00'	60.63'
C2	1°13'18"	1850.00'	35.28'
C3	57°43'31"	170.00'	156.44'
C4	57°43'32"	200.00'	184.05'
C5	57°43'32"	330.00'	211.85'
C6	35°23'20"	230.00'	134.04'
C7	35°26'31"	200.00'	117.32'
C8	31°58'31"	170.00'	94.89'
C9	4°54'21"	1650.00'	144.23'
C10	7°58'48"	1654.00'	86.18'
C11	29°00'00"	83.50'	42.26'
C12	29°00'00"	101.80'	51.37'
C13	45°58'59"	109.00'	60.25'
C14	45°59'01"	95.00'	76.24'
C15	19°00'00"	100.00'	33.16'
C16	18°33'02"	83.50'	27.03'
C17	37°03'07"	48.50'	31.36'
C18	37°02'54"	102.50'	66.29'
C19	22°10'25"	335.00'	89.95'
C20	22°10'25"	100.00'	38.89'
C21	21°11'18"	338.00'	28.07'
C22	13°37'18"	169.00'	89.86'

SEE SHEET 2



LINE #	LENGTH	BEARING
L1	21.11'	S 89°32'13" E
L2	6.27'	N 49°52'40" W
L3	73.58'	S 89°32'13" E
L4	6.25'	N 50°41'21" E
L5	59.00'	S 01°16'09" W
L6	42.73'	N 23°34'59" W
L7	71.82'	N 24°04'30" E
L8	50.01'	N 24°04'30" E
L9	40.86'	S 71°10'19" W
L10	5.80'	N 22°55'10" W
L11	34.00'	N 88°55'10" W
L12	5.80'	N 89°04'50" E
L13	6.23'	N 22°55'45" W
L14	128.66'	N 08°55'10" W
L15	89.00'	N 67°55'10" W
L16	6.18'	N 73°45'44" E
L17	6.14'	N 30°17'25" W
L18	59.88'	N 73°50'41" E
L19	6.18'	N 45°24'37" E
L20	90.23'	S 89°32'13" W
L21	4.94'	N 30°30'27" W
L22	48.37'	N 89°32'13" E
L23	4.94'	N 38°53'18" W
L24	83.18'	N 89°32'13" E
L25	63.54'	N 02°27'00" E
L26	22.40'	N 38°50'00" W
L27	50.28'	S 22°37'12" W
L28	11.36'	N 48°41'49" W
L29	67.81'	N 02°27'00" E
L30	50.00'	N 02°27'00" E
L31	14.00'	N 89°32'13" W
L32	6.00'	N 02°27'00" E
L33	20.50'	N 09°32'00" E

PROPOSED PARCELS	NET AREA
1.	384,986 SQ. FT. 8.838 ACRES
2.	1,712,801 SQ. FT. 39.321 ACRES
3.	370,325 SQ. FT. 8.501 ACRES
4.	582,038 SQ. FT. 13.287 ACRES
5.	940,350 SQ. FT. 21.522 ACRES
6.	794,478 SQ. FT. 18.248 ACRES
TOTALS:	4,754,891 SQ. FT. 109.157 ACRES

LETTERED LOTS	NET AREA
A.	262,485 SQ. FT. 6.000 ACRES
B.	34,368 SQ. FT. 0.789 ACRES
C.	140,451 SQ. FT. 3.224 ACRES
D.	62,002 SQ. FT. 1.425 ACRES
E.	37,960 SQ. FT. 0.872 ACRES
F.	58,080 SQ. FT. 1.333 ACRES
TOTALS:	593,403 SQ. FT. 13.623 ACRES

STREET VACATION SUMMARY:	NET AREA
QUINCY STREET (INCLUDED IN LOT 7):	36,789 SQ. FT. 0.845 ACRES
QUINCY STREET (INCLUDED IN LOT 7):	36,432 SQ. FT. 0.836 ACRES
FOR AVENUE (INCLUDED IN PARCEL 3):	22,494 SQ. FT. 0.516 ACRES
FOR AVENUE (INCLUDED IN PARCELS 4, 5 & 6):	108,684 SQ. FT. 2.485 ACRES
PUBLIC HIGHWAY EASEMENT NO. 171:	18,852 SQ. FT. 0.433 ACRES
TOTAL:	143,251 SQ. FT. 3.275 ACRES

EXISTING EASEMENTS:

THE FOLLOWING EASEMENTS, STATEMENTS AND MATTERS AS DEVELOPED IN FIRST AMERICAN TITLE INSURANCE COMPANY POLICY OF TITLE INSURANCE UNDER NO. 102-1893-0101.

(1) INDICATES ITEM NUMBER PER SCHEDULE "C", EXCEPTIONS FROM COVENANTS OF SAID POLICY.

(2) AN EASEMENT FOR PUBLIC STREETS, AVENUES AND BOULEVARDS AND INCIDENTAL PURPOSES AS SHOWN OR DEDICATED ON MAP NO. 1 BEAR VALLEY AND ADJACENT DEVELOPMENT CO., AS BOOK 17, PAGE 10 OF PUBLIC RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA (PARTIAL TO BE INCORPORATED IN PARCEL MAP - SEE MAP SUMMARY).

(3) AN EASEMENT FOR ALL NECESSARY PIPE LINES, DITCHES AND FLUMES, ALTHOUGH THE RIGHT TO ENTER SAID LAND IN ANY AND ALL PARTS TO LAY, CONSTRUCT AND REPAIR SAID PIPE LINES, DITCHES AND FLUMES, TOGETHER WITH THE RIGHT TO CONDUCT HEREIN AND INCIDENTAL PURPOSES RECORDED IN BOOK 108 OF DEEDS OF SAN BERNARDINO COUNTY, PAGE 77 (EASEMENT IS SUBJECT TO REVERSE AND IS NOT PLOTTED HEREIN).

(4) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF SOUTHERN SERVICES POWER COMPANY, RECORDED JUNE 03, 1933 AS BK 127, PG 28, O.R.

(5) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF (EASEMENT TO BE OBTAINED BY SEPARATE INSTRUMENT).

(6) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF (EASEMENT TO BE OBTAINED BY SEPARATE INSTRUMENT).

(7) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF (EASEMENT TO BE OBTAINED BY SEPARATE INSTRUMENT).

(8) AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF (EASEMENT TO BE OBTAINED BY SEPARATE INSTRUMENT).

(9) A DOCUMENT ENTITLED "PROLOGIS MAP NO. 22-110 ACCEPTING OFFERS OF ACQUISITION FOR PUBLIC PURPOSES" RECORDED SEPTEMBER 30, 1982 AS PG 18, PG 183, O.R.

(10) A DOCUMENT ENTITLED "PROLOGIS MAP NO. 22-110 ACCEPTING OFFERS OF ACQUISITION FOR PUBLIC PURPOSES" RECORDED SEPTEMBER 30, 1982 AS PG 18, PG 183, O.R.

(11) AN EASEMENT FOR PUBLIC PURPOSES INCLUDING PUBLIC UTILITY AND INCIDENTAL PURPOSES AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF MORENO VALLEY, RECORDED JANUARY 2, 1982 UNDER MAP NO. 22-110 (EASEMENT TO BE INCORPORATED ON PARCEL MAP).

(12) A DOCUMENT ENTITLED "PROLOGIS MAP NO. 22-110 ACCEPTING OFFERS OF ACQUISITION FOR PUBLIC PURPOSES" RECORDED SEPTEMBER 30, 1982 AS PG 18, PG 183, O.R.

(13) A DOCUMENT ENTITLED "PROLOGIS MAP NO. 22-110 ACCEPTING OFFERS OF ACQUISITION FOR PUBLIC PURPOSES" RECORDED SEPTEMBER 30, 1982 AS PG 18, PG 183, O.R.

(14) A DOCUMENT ENTITLED "PROLOGIS MAP NO. 22-110 ACCEPTING OFFERS OF ACQUISITION FOR PUBLIC PURPOSES" RECORDED SEPTEMBER 30, 1982 AS PG 18, PG 183, O.R.

BENCH MARK:

RIVERSIDE COUNTY SURVEYOR BENCHMARK NO. 14-124
BENCHMARK IS AT NORTHWEST CORNER OF IRVINGWOOD AND HENDRIX
AVENUE, PER PLAN 22244, BEING RECORDED IN THE CITY OF MORENO
VALLEY, RECORDS OF COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF HICKORY
AVENUE, PER PLAN 22244, BEING RECORDED IN THE CITY OF MORENO
VALLEY, RECORDS OF COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

SUBJECT PROPERTY:

ASSESSORS PARCEL NUMBERS: 488-330-011
488-330-012
488-330-013
488-330-017
488-330-018
488-330-019
488-330-020
488-330-021

STREET ADDRESS: SE COR. HWY 90 & PETTE
CORNER VALLEJO CA 92503

FLOOD ZONE DESIGNATION:

ZONE "X" SHOWN
BASED ON CALIFORNIA FLOOD
DATE AUGUST 28, 2008
AND
ZONE "X" UNZONED
BASED ON CALIFORNIA FLOOD
DATE AUGUST 28, 2008

PLANNING CASE NO.'S:

PROJ-2008 (CONE CONCRETE)
PROJ-2008 (CONCRETE, PLAIN AND REINFORCED)
PROJ-2008 (PLOT PLAN)
PROJ-2008 (PLOT PLAN)

NOTES:

1. SIZE IS VACANT UNDEVELOPED (NO EXISTING STRUCTURES SHOWN)

2. PROJECT PROPOSES NEW REQUIRED PUBLIC STREET (EUCALYPTUS AVENUE)

3. MINIMUM REQUIRED ACCESS EASEMENTS BETWEEN PARCELS AS REQUIRED

4. THERE IS NO OPPOSITE STREET WATER RANOFF ENTERING THIS SITE THAT IS APPLICABLE BY THIS LEGENDATION.

5. SITE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE

6. ALL OWNERS SHALL BE BOUND BY THE CITY OF MORENO VALLEY
DATE: 11/20/11, 12/10/12, 01/22/13

UNDERGROUND UTILITIES:

WATER: EASTERN MUNICIPAL WATER DISTRICT
2750 TRIMBLE ROAD
PERRIS, CA 92508
(951) 226-6111

SEWER: EASTERN MUNICIPAL WATER DISTRICT
2750 TRIMBLE ROAD
PERRIS, CA 92508
(951) 226-6111

ELECTRICAL: CITY OF MORENO VALLEY
14177 PROLOGIS STREET
MORNING HILLS CA 92552
951-413-3400

GAS: SOUTHERN CALIFORNIA GAS
CORPORATION-REGULATORY
1381 W. GARDEN ST. P.O. BOX 3003
REDAWOOD, CA 92374
(562) 869-7411

TELEPHONE: WESTERN - REDLANDS
1580 ORANGE TREE LN. STE. 100
REDLANDS, CA 92374
959-148-0840

SITE ACREAGE:
3,347,814 SQ. FT.
122,769 ACRES

SURVEYOR:
PREPARED UNDER THE SUPERVISION OF:

DATE:
11/20/11, 12/10/12, 01/22/13

PREPARED BY:
Thienes Engineering, Inc.
CIVIL ENGINEERING & LAND SURVEYING
14345 FIRESTONE BOULEVARD
LA HABRA, CALIFORNIA 91748
PH: (714) 861-8111 FAX: (714) 861-1173

Item No. E.3

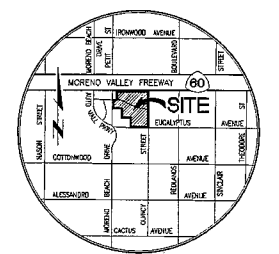
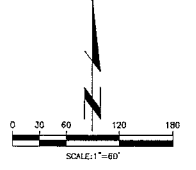
SCALE: 1" = 60'

TENTATIVE PARCEL MAP NO. 35679

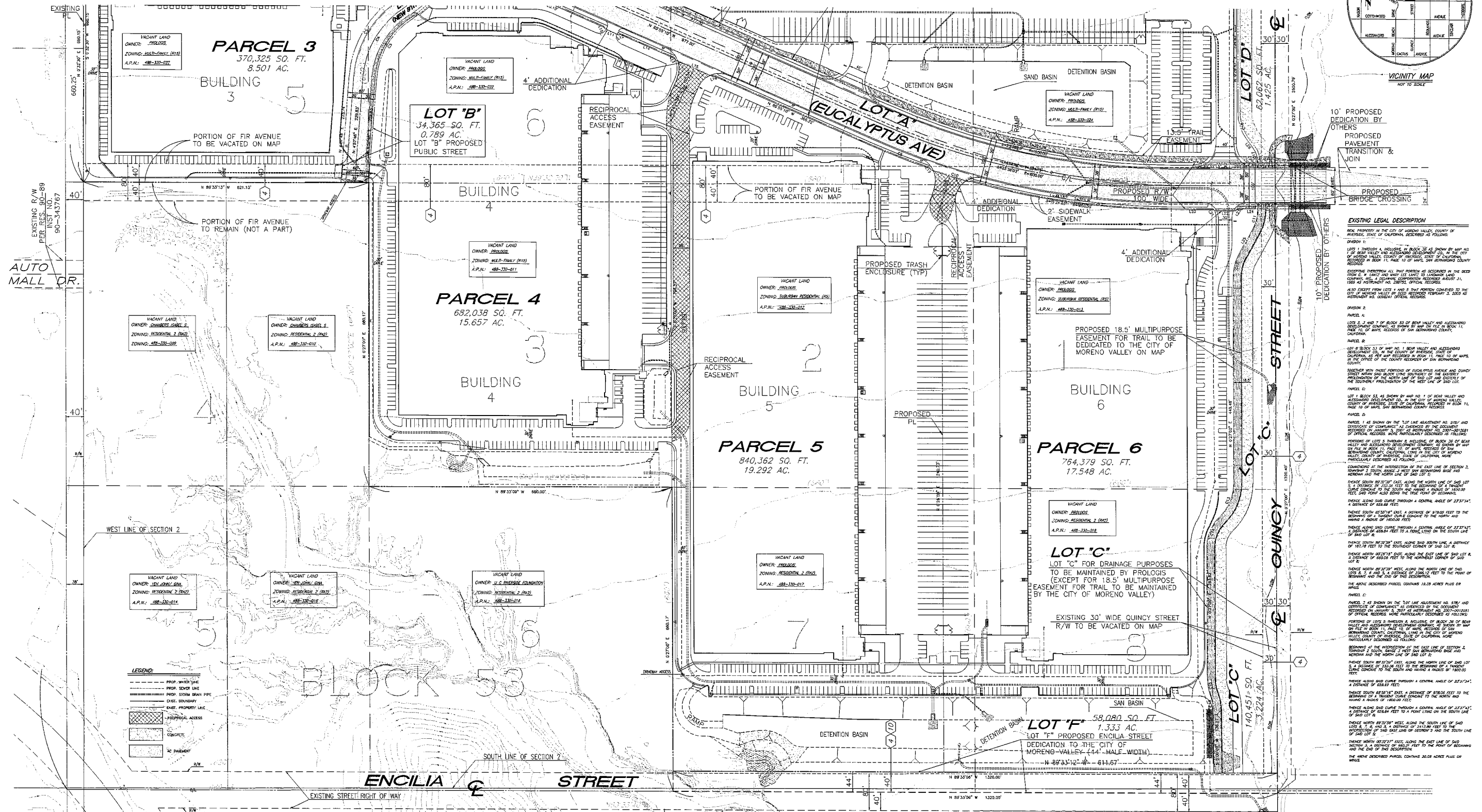
ASSESSOR'S PARCEL NUMBERS: 488-330-011, 488-330-012, 488-330-013, 488-330-017
488-330-018, 488-330-019, 488-330-020 & 488-330-021
REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
PROLOGIS PARK MORENO VALLEY EUCALYPTUS

OWNER/APPLICANT:
PROLOGIS DEV. SERV., INC.
1777 CENTER COURT
DRIVE NORTH, SUITE 100
NEWPORT BEACH, CA 92660
PHONE: (562) 345-9200
FAX: (562) 345-9201

PREPARED BY:
Thienes Engineering, Inc.
CIVIL ENGINEERING & LAND SURVEYING
14345 FORESTHILL BOULEVARD
LA HABRA, CALIFORNIA 91748
PH: (714) 531-4111 FAX: (714) 531-4172



SEE SHEET 1



10' PROPOSED DEDICATION BY OTHERS
PROPOSED PAVEMENT TRANSITION & JOIN
PROPOSED BRIDGE CROSSING

EXISTING LEGAL DESCRIPTION
REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
SECTION 1:
LOTS 1 THROUGH 4, INCLUDING IN BLOCK 36 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ACCORDING TO THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS.

SECTION 2:
PARCELS 2, 3 AND 7 OF BLOCK 36 OF BEAR VALLEY AND ACCORDING TO THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS.

SECTION 3:
PARCELS 5, 6 AND 7 OF BLOCK 36 OF BEAR VALLEY AND ACCORDING TO THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS.

SECTION 4:
LOT 1, BLOCK 36 AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ACCORDING TO THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS.

SECTION 5:
PARCELS 1 AS SHOWN ON THE 1/2" LINE ADJUSTMENT NO. 8787 AND CERTIFICATE OF COMPLIANCE AS ORDERED BY THE COUNTY SUPERVISORS ON JANUARY 5, 2007 AS INSTRUMENT NO. 2007-001081 OF OFFICIAL RECORDS HAVE PARTIALLY DESCRIBED AS FOLLOWS:
PORTIONS OF LOTS 3 THROUGH 6 INCLUDING IN BLOCK 36 OF BEAR VALLEY AND ACCORDING TO THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS.

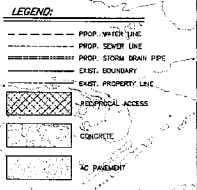
SECTION 6:
PARCELS 2 AS SHOWN ON THE 1/2" LINE ADJUSTMENT NO. 8787 AND CERTIFICATE OF COMPLIANCE AS ORDERED BY THE COUNTY SUPERVISORS ON JANUARY 5, 2007 AS INSTRUMENT NO. 2007-001081 OF OFFICIAL RECORDS HAVE PARTIALLY DESCRIBED AS FOLLOWS:
PORTIONS OF LOTS 3 THROUGH 6 INCLUDING IN BLOCK 36 OF BEAR VALLEY AND ACCORDING TO THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED IN BOOK 11, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS.

SECTION 7:
RECORDING AT THE INTERSECTION OF THE EAST LINE OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 7 WEST AND BERNARDINO BASE AND MERIDIAN AND THE NORTH LINE OF SAID LOT 2:
INDUCE SOUTH 89°27'30" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 344.84 FEET TO THE POINT OF BEGINNING AND HAVING A BEARING OF 180.00 FEET.

SECTION 8:
INDUCE SOUTH 89°27'30" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 344.84 FEET TO THE POINT OF BEGINNING AND HAVING A BEARING OF 180.00 FEET.

SECTION 9:
INDUCE SOUTH 89°27'30" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 344.84 FEET TO THE POINT OF BEGINNING AND HAVING A BEARING OF 180.00 FEET.

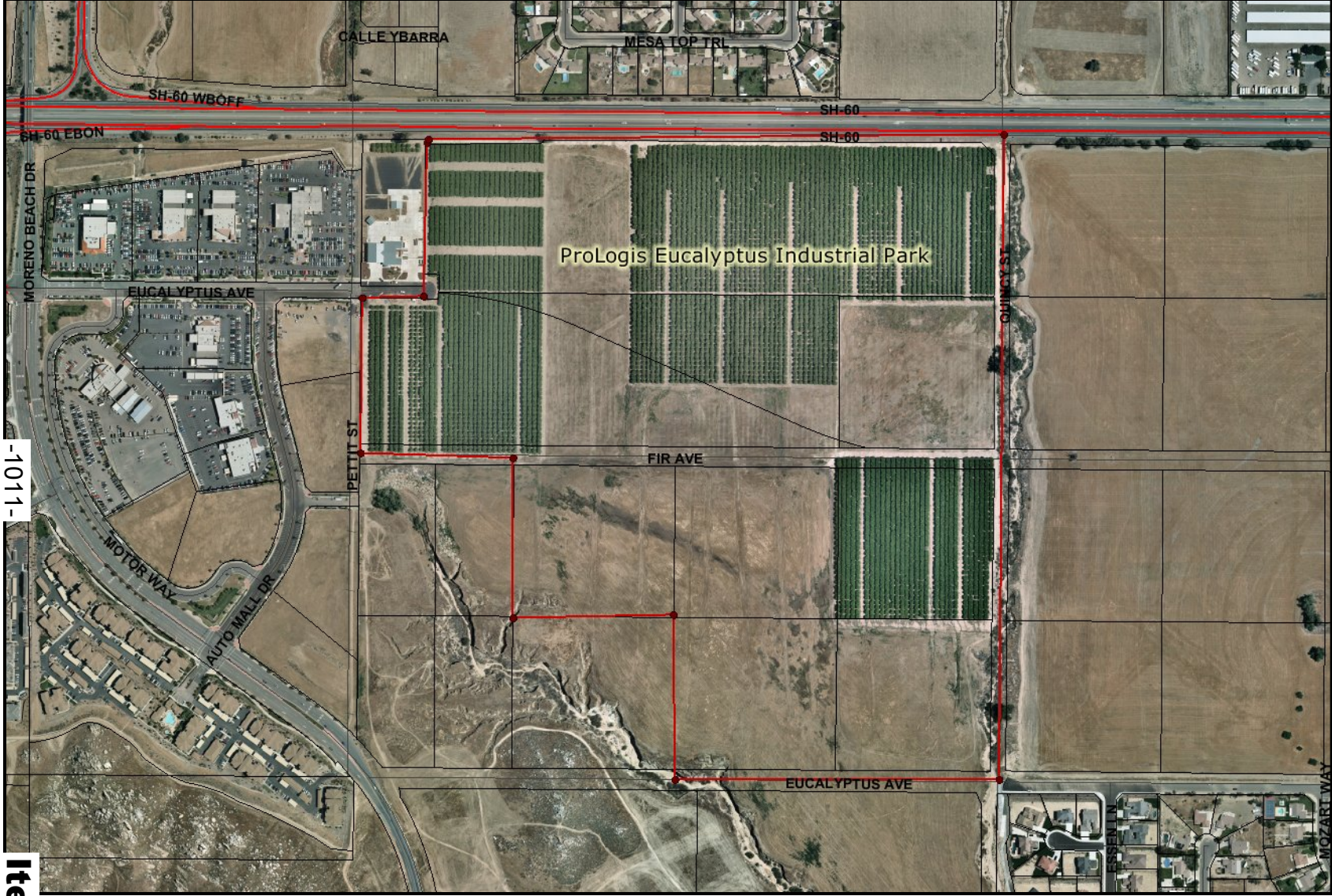
SECTION 10:
INDUCE SOUTH 89°27'30" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 344.84 FEET TO THE POINT OF BEGINNING AND HAVING A BEARING OF 180.00 FEET.



DATE OF PREPARATION: 11/29/07
DATE OF REVISIONS: 10/19/11, 12/10/12, 01/22/13

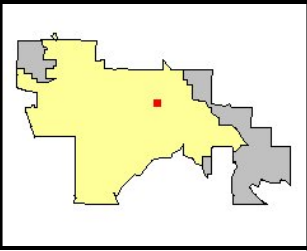
PLANNING CASE NO'S:
P487-0041 (CONE CHANGE)
P487-0042 (CONE CHANGE)
P487-0043 (P487 PLAN)
P487-0044 (P487 PLAN)

ProLogis Eucalyptus Industrial Park



Legend

- Highways
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Sphere of Influence
- Ortho Photography
- City Boundaries**
- Calimesa
- Moreno Valley
- Perris
- Riverside



-1011-

Item No. E.3

City of Moreno Valley
 177 Frederick Street
 Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this is for display purposes only and should not be relied upon without independent verification of its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.



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F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
richard@lozeaudrury.com

Via Electronic Mail and Overnight Delivery

August 31, 2012

Jeff Bradshaw
Associate Planner
City of Moreno Valley, Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley, CA 92553
Email: jeffreyb@moval.org

**RE: Comment on Draft Environmental Impact Report for ProLogis
Eucalyptus Industrial Park (State Clearinghouse No. 2008021002)**

Dear Mr. Bradshaw:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County (collectively "LIUNA Local Union No. 1184" or "LIUNA" or "Commenters") regarding the Draft Environmental Impact Report ("DEIR") prepared for the ProLogis Eucalyptus Industrial Park, State Clearinghouse No. 2008021002 ("Project").

We have reviewed the DEIR with the assistance of:

1. Atmospheric Scientist, Dr. James Clark, Ph.D.
2. Hydrogeologist, Matthew Hagemann, C.Hg., MS.

These experts have prepared written comments that are attached hereto, and which are incorporated in their entirety. The City of Moreno Valley ("City") should respond to the expert comments separately. These experts and our own independent review demonstrate that the DEIR is woefully inadequate and that a new supplemental EIR is required to be prepared and recirculated for public comment. In particular, the EIR suffers from the following significant errors and omissions, among others:

- **SEGMENTATION OF PROJECT:** The DEIR improperly segments the Project by failing to include the infrastructure (e.g., roads, water, and sewer) as part of the Project.
- **LOSS OF FARMLAND:** The DEIR acknowledges that the Project's conversion of Prime Farmland is a significant impact, but the DEIR fails to adequately mitigate for the loss of farmland. The conclusion that mitigation measures are infeasible is unsupported.
- **HAZARDOUS MATERIALS:** The baseline of the physical environmental conditions in the vicinity of the Project is erroneous because the DEIR does not provide any details on the types of pesticides used on the Project site, relies on two outdated Phase I Environmental Site Assessments ("ESAs") that do not cover the entire Project site, and fails to disclose the status of an underground storage tank.
- **GREENHOUSE GAS:** The DEIR fails to provide support for the conclusion that greenhouse gas emissions after mitigation will be less than significant.
- **AIR QUALITY:** The DEIR fails to adequately analyze impacts to air quality because: (1) the DEIR underestimates the potential particulate emissions for the construction phase of the Project, (2) fails to accurately compare construction emissions to daily construction significance thresholds, (3) fails to consider health risks from contaminated dust, (4) fails to properly identify and address the Project's operational air quality impacts, (5) fails to disclose impacts to offsite receptors, and (6) fails to adequately analyze cumulative impacts.

Commenters urge the City to revise the EIR to adequately describe, analyze, and mitigate the Project and its impacts.¹ The revised EIR should be recirculated to allow public review and comment.

I. PROJECT DESCRIPTION

The Project site encompasses 122.8 acres of land located within the City of Moreno Valley, south of and adjacent to SR-60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel in Riverside County. (DEIR, p. 3-1). Single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the Project site. (DEIR, p. 3-1). The Assessor's Parcel Numbers ("APNs") for this site are 488-330-011, 488-330-012, 488-330-013, 488-330-017, 488-330-018, 488-330-019, 488-330-022, 488-330-023, 488-330-024, and 488-330-025. (DEIR, p. 3-1).

¹ We reserve the right to supplement these comments at later hearings and proceedings for this Project. See, *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109.

The Project would include the construction of a warehouse facility comprising six buildings consisting of a total of approximately 2,244,638 square feet. (DEIR, p. 3-2). The Project site is divided into 2 areas: (1) the northern area (north of future Eucalyptus Avenue) would contain approximately 1,030,377 square feet of warehouse uses divided between two buildings and (2) the southern area (south of the future Eucalyptus Avenue) would consist of approximately 1,214,261 square feet of warehouse uses divided among four separate buildings. (DEIR, p. 3-2). The specific uses/users are not known at this time. (DEIR, p. 3-11).

The Project site currently consists of 57 acres used to grow grapefruit, 36 acres used for hay and alfalfa production, as well as portions that are vacant. (DEIR p. 4.2-1). Approximately 82.5 acres of the Project site is designated as Prime Farmland. (DEIR, p. 4.2-6).

The Project would require significant changes to the General Plan and local zoning ordinances including:

- **General Plan Amendment.** The proposed project includes an amendment to the Land Use Element to change the General Plan designations for a portion of the project site from Residential 15, Residential 5 and Residential 2 to Business Park. (DEIR, p. 1-2). The project also proposes an amendment to the Circulation Element by making changes to the alignment of Encilia Street and the removal of Quincy Street from within the project boundaries. (DEIR, p. 1-2).
- **Change of Zone.** The proposed project includes a change to the project site zoning from Business Park (BP), Business Park Mixed-use (BPX), Residential Agriculture 2 (RA2), Residential 5 (R5), and Residential 15 (R15) to Light Industrial (LI). (DEIR, p. 1-2).
- **Municipal Code Amendment.** The project includes a Municipal Code Amendment to establish a minimum clearance of 250 feet between adjacent residential zoning districts and any truck court or primary truck circulation driveway in lieu of the buffer established by the Business Park zone. (DEIR, p. 1-2).

II. Standing

Members of Local Union No. 1184 live, work, and recreate in the immediate vicinity of the Project site. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group, or environmental group. Hundreds of LIUNA Local Union No. 1184 members live and work in areas that will be affected by traffic, air pollution, and water pollution generated by the Project.

In addition, construction workers will suffer many of the most significant impacts from the Project as currently proposed, such as from air pollution emissions from poorly maintained or controlled construction equipment, possible risks related to hazardous materials on the Project site, and other impacts. Therefore, LIUNA Local Union No. 1184 and its members have a direct interest in ensuring that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible.

III. LEGAL STANDARDS

A. EIR

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances). (See, e.g., Pub. Res. Code § 21100). The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652). “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109).

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1)). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564). The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810).

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that

any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 391 409, fn. 12 (1988)). As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946).

B. Supplemental EIR

Recirculation of an EIR prior to certification is required “when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (cf. Guidelines, § 15162, subd. (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (cf. Guidelines, § 15162, subd. (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project’s proponents decline to adopt (cf. Guidelines, § 15162, subd. (a)(3)(B)(3), (4)); or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1130, citing *Mountain Lion Coalition v. Fish & Game Comm’n* (1989) 214 Cal.App.3d 1043.

Significant new information requiring recirculation can include:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(14 Cal. Code Regs. § 15088.5(a)).

The DEIR fails to analyze significant environmental impacts pertaining to the Project and to fully consider available mitigation measures to address those impacts. A revised EIR is required to be prepared and recirculated to address these deficiencies.

IV. THE DEIR IMPROPERLY SEGMENTS THE PROJECT

A. Legal Standard

The courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document].” *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977). Thus, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences.” *Bozung v. LAFCO*, 13 Cal.3d 263, 283-84 (1975); *City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1452 (1989). Before undertaking a project, the lead agency must assess the environmental impacts of all reasonably foreseeable phases of a project and a public agency may not segment a large project into two or more smaller projects in order to mask serious environmental consequences. As the Court of Appeal stated:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, **covering the entire project, from start to finish**...the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.

Natural Resources Defense Council v. City of Los Angeles, 103 Cal.App.4th 268 (2002) (emphasis added).

In *County of Amador v. City of Plymouth*, 149 Cal. App. 4th 1089, 1095 (2007) an Indian tribe intended to build a large gaming development comprised of a hotel, restaurants, and bars, on land located in or adjacent to the city. The Court held that the

construction of public works, including a city road to the casino hotel, constituted a project within the scope of CEQA. *Id.* at 1100. The Court cited to the CEQA Guideline § 15378(a)(1) which states that the following is included in the term “project”: “public works construction and related activities, clearing or grading of land [and] improvements to existing public structures...” *Id.* at 1100.

B. The DEIR Improperly Segments the Project By Failing to Include the Infrastructure as Part of the Project

The DEIR states:

If the proposed project is constructed prior to the West Ridge project, ProLogis will install the infrastructure necessary to serve its project (e.g., roads, water, and sewer) and will be reimbursed by the City from the West Ridge developer at the time that project is constructed. If the West Ridge project is constructed first, ProLogis will contribute an appropriate amount to the City for a reimbursement account to help off-site improvement costs installed by the West Ridge project that serve the ProLogis project. The timing of improvements shall be coordinated by the City in cooperation with ProLogis and the West Ridge.

(DEIR, p. 3-11). Instead of including the roads, water, and sewer lines required to serve the ProLogis Project as part of the Project, the DEIR treats these infrastructure improvements as a separate project included in the cumulative projects list provided in Table 3.C: Cumulative Projects. (DEIR, p. 3-16). The City is improperly chopping the ProLogis Project into different segments, which is prohibited by CEQA because proper analysis of the whole project is thwarted. Like the casino road in *County of Amador v. City of Plymouth*, the roads, water, and sewer lines that will serve the ProLogis Project must be included as part of the Project and properly analyzed as part of the whole Project.

V. THE DEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code § 21100(b)(1); 14 Cal.Code Regs. § 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354). CEQA requires that an EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692).

CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)).

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370). Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.* at § 15126.4(a)(1)(B)). A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project’s potentially significant environmental impacts (Pub. Res. Code §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Res. Code § 21100(b)(3); CEQA Guidelines § 15126.4). A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available)). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines § 15364). To demonstrate economic infeasibility, “evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181). The EIR must provide evidence and analysis to show project cannot be economically implemented. (*Kings County, supra*, 221 Cal.App.3d at 734-737). This requires not just cost data, but also data showing insufficient income and profitability. (*See Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements)). Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (*Id.* at § 15126.4(a)(2)).

A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines §§ 15126.4, 15091).

A. The DEIR Fails to Adequately Mitigate for the Loss of Farmland

1. Preservation Is an Appropriate Mitigation Measure for the Loss of Agricultural Resources

Preservation can be used as a tool to mitigate impacts of urbanizing land and it is encouraged and supported by legislative pronouncements and case law. For example,

[s]ee the following legislative pronouncements to the effect that conversion of agricultural land is of significant concern, and that the preservation of agricultural land is significant goal of the state. Gov. Code, § 51220 (Williamson Act findings that agricultural preservation is valuable and necessary); Civ. Code, § 815 (legislative declaration that preservation of agricultural lands “is among the most important environmental assets of California”); Pub. Resources Code, § 10200 *et seq.* (California Farmland Conservancy Program Act (formerly the Agricultural Land Stewardship Program of 1995), promoting the establishment of agricultural easements as a means to preserve agricultural land); Pub. Resources Code, §§ 21031.1, 21061.2, 21095 (CEQA provisions requiring the Resources Agency to take steps it to ensure that the environmental effects of agricultural land conversion are quantitatively and consistently considered in the environmental review process); Stats. 1993, ch. 812, § 1, subd. (d) (declaring a legislative intent that CEQA should play an important role in the preservation of agricultural lands).

In *Mira Mar [Mobile Community v. City of Oceanside]* (4th Dist. 2004) 119 Cal. App. 4th 477 [14 Cal. Rptr. 3d 176]], the court heard a challenge to the City of Oceanside’s approval of a condominium project on 7.5 acres of private property. The project would cause the loss of about .86 acres of coastal sage scrub, which was identified as a significant impact to a sensitive resource. The EIR required the applicant to mitigate for this loss at a ratio of 3 to 1 (or 2.58 acres of mitigation for .86 acres of lost habitat). In implementing this mitigation measure, the city required the preservation of .65 acres of undisturbed coastal sage scrub, the restoration and preservation of 2.3 acres of disturbed coastal sage scrub, and the creation of .63 acres of new coastal sage scrub on site. Petitioners argued that this mitigation was inadequate because *preservation* of coastal sage scrub does not mitigate for lost habitat, making the measure “illusory and

inadequate.” 119 Cal. App. 4th 477, 495. The Court of Appeal disagreed, citing CEQA Guidelines section 15370, as well as the opinions of various resource agencies, for the proposition that preservation can be a feasible means of reducing or eliminating the impact of lost habitat.

While the *Mira Mar* case deals specifically with biological and habitat resources, the reasoning of this case seems to have more general applicability to mitigation for lost resources, including agricultural resources.

(Guide to CEQA, Michael H. Remy, et. al., eleventh edition, p. 549-550).

2. The DEIR Fails to Adopt Appropriate Mitigation Measures for the Loss of Farmland

Approximately 82.5 acres of the Project site is designated as Prime Farmland. (DEIR, p. 4.2-6). The DEIR states that “[b]ecause Prime Farmland is a finite resource, its conversion to a non-agricultural use is significant.” (DEIR, p. 4.2-6). The DEIR identifies several mitigation measures including mitigation measures discussed in the City General Plan EIR:

- Enrolling productive agricultural land, not presently under contract, under a Williamson Act Contract;
- Providing protection to ongoing agricultural operations from complaints and nuisance complaints from adjacent new development;
- Protecting productive agricultural land subject to conversion through the purchase of or transfer of its development rights;
- Purchasing conservation easements on existing agricultural land to ensure that the land is never converted to urban uses; and
- Donating funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

(DEIR, p. 4.2-7 - 4.2-8). However, the DEIR states that

[t]he potential mitigation measures identified by the City’s General Plan have been deemed infeasible by the property owner under current economic conditions. In addition, supplementary analysis of the project

site and local economic conditions indicates that continued citrus production and/or the raising of row crops would not be economically feasible on the project site (see Appendix L).

(DEIR, p. 4.2-8) (emphasis added).

The conclusion that the mitigation measures are infeasible is completely unsupported. The DEIR states the City General Plan EIR mitigation measure of enrolling productive land under Williamson Act contracts is infeasible because the “contracts are entered into voluntarily by property owners” and these contracts would “result only in temporary contracts at any time after the ten-year contract period ends.” (DEIR, p. 4.2-8). Mitigation measures are designed to minimize significant environmental impacts, not necessarily to eliminate them. (Pub. Res. Code § 21100(b)(3); 14 Cal. Code Regs. § 15126.4(a)(1)). The minimum term for a Williamson Act contract is 10 years, however jurisdictions have the option of making them longer. (*Williamson Act Program - Basic Contract Provisions*, State of California Department of Conservation, available at http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/index.aspx#what is a williamson act contract). Enrolling land into Williamson Act contracts would minimize the environmental impacts of converting Prime Farmland to warehouses.

In evaluating the feasibility of the mitigation measures: (1) purchasing conservation easements and (2) donating funds to a regional or statewide program, the DEIR states

The purchase or transfer of development rights, purchase of conservation easements, or donation of funds to assist in the conservation of agricultural land would need to be implemented to ensure the preservation of agricultural land. As stated previously, the City anticipates the conversion of agricultural land within the City and does not set aside land for permanent preservation. The City expects that the majority of the land within the City will be converted to urban uses, although some agriculture will continue as interim uses, as allowed by the City’s Development Code for all zoning categories.

(DEIR, p. 4.2-8 - 4.2-9). These “reasons” are flawed because the identified mitigation measure was to donate funds to regional or statewide programs that promote and implement the use of agricultural land conservation easements. The “reasons” do not address why donating funds to regional or statewide programs is infeasible.

A supplemental EIR is required to analyze and require implementation of these feasible mitigation measures to reduce the Project’s impacts on agricultural land. The fact that the measures are set forth in the City’s own General Plan itself makes a prima facie case that the measures are feasible and should be implemented. If the City

concludes that the measures are infeasible, then it must provide substantial evidence to demonstrate infeasibility. The EIR must provide evidence and analysis to show project cannot be economically implemented. (*Kings County, supra*, 221 Cal.App.3d at 734-737). This requires not just cost data, but also data showing insufficient income and profitability. (*See Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements)). The EIR is devoid of any such evidence and is therefore legally inadequate.

B. The DEIR Fails to Adequately Analyze Hazards and Hazardous Materials and Establishes an Erroneous Baseline

1. CEQA Baseline Standard

Every CEQA document must start from a “baseline” assumption. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency’s environmental review under CEQA:

...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*”). As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground,’” and not against hypothetical permitted levels. (*Save Our Peninsula*, 87 Cal.App.4th 99, 121-123). As the court has explained, using such a skewed baseline “mislead(s) the public” and “draws a red herring across the path of public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711).

2. Residual Pesticides in the Soil May Pose Health Risks to Workers and Nearby Residents

According to the DEIR, 57 acres of the Project site are used to grow grapefruit and 36 acres of the Project site are used for hay and alfalfa production. (DEIR, p. 4.2-1).

The DEIR and supporting documents fail to provide any specific details on the types of pesticides that have been used on the Project site in association with these agricultural operations and therefore the DEIR fails to adequately describe the environmental setting for the Project. According to Mr. Hagemann,

[o]ur review has shown known and potential pesticide use at the Project site as follows:

- Data available online from the California Department of Pesticide Regulation show that 2,4-D, 2-Ethylhexyl Ester was used on the Project site.^{2,3} Occupational exposure to 2,4-D, 2-Ethylhexyl Ester can occur via inhalation or dermal contact and can result in skin irritation, respiratory failure, hyperventilation, and pulmonary enemas.⁴
- Organochlorine pesticides DDE and DDT were detected in soil samples collected at the Project site⁵, indicating past use. Use of organochlorine pesticides in the area is common: review of the Department of Toxic Substances Control's (DTSC) Envirostor database shows that the surrounding lands have been surveyed for organochlorine pesticides, DDE and DDT.⁶ These pesticides can persist in soil for hundreds of years despite being banned in the 1970s.⁷ Exposure to DDT can result in headaches, nausea, and convulsions.⁸ The U.S. EPA identifies DDT and DDE as probable human carcinogens.⁹
- The EPA states that soils at fruit orchards, such as the grapefruit orchard on the Project site, may contain high levels of arsenic from application as a pesticide.¹⁰ Another chemical used on fruit orchards is lead arsenate, a very persistent pesticide.¹¹ Arsenic is a known human carcinogen and even short-term inhalation of arsenic

² http://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104149.html

³ http://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104217.html

⁴ <http://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+7309>

⁵ Phase I Environmental Site Assessment, 84 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 9 and Phase I Environmental Site Assessment, 37 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 8

⁶ http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000825 and http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000931

⁷ <http://www.atsdr.cdc.gov/toxprofiles/tp35.pdf>, p. 3

⁸ <http://www.epa.gov/ttn/atw/hlthef/dde.html>

⁹ <http://www.atsdr.cdc.gov/toxfaqs/faq.asp?id=80&tid=20>

¹⁰ <http://water.epa.gov/drink/info/well/health.cfm>

¹¹ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1551991/>

dust can cause gastrointestinal effects¹² while lead is known to cause neurotoxicological effects.¹³

Pesticide use at the Project site was not disclosed in the DEIR and the detection of pesticide residuals in soil were not described in the Hazards and Hazardous Materials section.

Failure to disclose the presence of pesticide residuals in Project site soils may pose significant health risks to construction workers. Construction of the Project requires grading and the disturbance of subsurface soils and removal of citrus groves (DEIR, p. 4.7-21). During earthmoving activities, construction workers will be exposed, via inhalation of dust and dermal contact, to Project site soils which may contain harmful levels of pesticide residuals associated with agricultural activities on the site. To protect worker safety, Project site soils must be sampled for pesticides. Sampling results should be compared to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels¹⁴ and California Human Health Screening Levels.¹⁵

Soil sampling results should also be evaluated for the protection of nearby residents, located 50 feet from the southern boundary and 200 feet from the northern boundary of the Project site (DEIR, p. 4.3-6). Inhalation of pesticides has been linked to asthma in recent research.^{16,17} A report prepared by the California Department of Health identifies pesticides as an asthma trigger.¹⁸ Offsite receptors, including any children living in the neighboring residences, may be exposed to pesticide residuals via dust generated during Project construction.

Construction activities, such as grading and excavation of soils, may generate dust that contains pesticides in concentrations that are harmful to the health of workers and nearby residents and which may act as an asthma trigger. Project site soils should be sampled and results should be compared to human health screening levels. A revised DEIR should be prepared to disclose the results of sampling and include any necessary mitigation to reduce impacts to the health of construction workers and nearby residents.

¹² <http://www.epa.gov/ttn/atw/hlthef/arsenic.html>

¹³ <http://www.epa.gov/lead/pubs/learn-about-lead.html#effects>

¹⁴ <http://www.epa.gov/region9/superfund/prg/>

¹⁵ <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

¹⁶ <http://extension.psu.edu/ipm/resources/urbanphilly/partnerships/handouts/asthma-pests.pdf>

¹⁷ <http://www.ncbi.nlm.nih.gov/pubmed/21368619>

¹⁸ <http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan.5-5-08.pdf>, p. 22

3. The Phase I Environmental Site Assessments Completed for the Project Site are Outdated and Inadequate

According to Mr. Hagemann,

The DEIR relies on the findings from two Phase I Environmental Site Assessments (ESAs) that were completed in October and November 2003, nearly nine years ago. The Phase I ESAs surveyed 121 acres of the 123-acre Project site. The Applicant purchased the Project site more than five years ago.¹⁹ A Phase I ESA, according to the U.S. EPA, must be conducted within one year of the acquisition of the property and on-site visual inspections must be completed within 180 days prior to acquiring ownership of the property.²⁰

Because the Phase I ESAs are dated and omit two acres of the Project site, they cannot be used to evaluate conditions that are potentially hazardous to construction workers and future site personnel. Therefore, the DEIR's analysis of the Project site based on these Phase I ESAs is inadequate.

Review of Google Earth images shows that the Project site has been used for ongoing agricultural operations since the Phase I ESAs were completed in 2003. Limited pesticide sampling was conducted during the Phase I ESAs (a total of 8 soil samples for a 123-acre Project site) but because the samples were collected nine years ago and because they do not reflect continued agricultural use, the results are reflective of current site conditions.

The Phase I ESAs cover 121 acres of the 123-acre Project site. We have created a map to show the areas of the Project site surveyed by the two 2003 Phase I ESAs and the boundaries for the current Project site (Attachment A). As the map shows, not all areas of the current Project site were included in the 2003 Phase I ESAs' site assessments.

The DEIR fails to establish an adequate environmental setting for the Project site because it relies on Phase I ESAs that are outdated and do not cover the entire Project site. A revised DEIR is required, including a new Phase I ESA, to evaluate the Project site's current environmental conditions.

¹⁹ <http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20120726-moreno-valley-officials-seek-comments-on-prologis-project.ece>

²⁰ <http://www.epa.gov/brownfields/aai/aicerclafs.pdf>

4. The DEIR Fails to Disclose the Status of an Underground Storage Tank

According to Mr. Hagemann,

A 13,400 gallon underground storage tank (UST), abandoned in the 1950s, was removed from the Project site in 2004 (Appendix F, p. 3/191). The Phase I ESA recommended an additional investigation to be conducted in the area of the former UST (Appendix F, p. 10/191). Accordingly, a permit for removal of the UST was submitted to the Riverside County's Department of Environmental Health in December 2003 and soil samples around the area of the UST were analyzed in 2004. However, the DEIR and supporting documents did not include any documentation that the UST was properly closed by the Riverside County Department of Environmental Health. If the UST removal was not approved, an Underground Storage Tank Closure Application and Permit²¹, per the Riverside County Department of Environmental Health Guidelines,²² must be submitted.

The DEIR fails to establish an adequate baseline because it does not provide the status of a 13,400 gallon UST. A revised DEIR is required to disclose this important information (i.e., whether closure was granted by the Riverside County Department of Environmental Health).

C. The DEIR Fails to Adequately Analyze Greenhouse Gas Emissions

The DEIR states that the Project's operational greenhouse gas (GHG) emissions, before mitigation, are estimated to be 79,000 metric tons of CO₂e/year (MT CO₂e/yr) which exceed the SCAQMD threshold of 10,000 MT CO₂e/yr and are therefore considered significant. (DEIR, p. 4.13-19). The Project's GHG emissions exceed the SCAQMD threshold by nearly eight times. After mitigation, the DEIR states that GHG emissions will be less than significant. (DEIR, p. 4.13-21). This conclusion is completely unsupported. The DEIR fails calculate what the Project's GHG emissions will be after the mitigation measures are implemented. In fact, the DEIR and supporting documents, including a GHG Study (Appendix B), fail to provide any evidence that the proposed mitigation measures will reduce GHG emissions by a factor of eight.

According to Mr. Hagemann,

²¹ http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/UST_Closure_App.pdf

²² http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/Closure_by_removal_UST.pdf

A revised DEIR should be prepared to show the efficiency of the Project's proposed mitigation measures in reducing greenhouse gases. If these measures do not account for an eight-fold reduction in the Project's estimated GHG levels, additional mitigation measures (listed below) that are routinely considered in other CEQA projects should be implemented:

- Require preparation of a traffic control plan;
- Demonstrate proper inspection and maintenance of construction equipment;
- Implement a carpool program for construction workers;
- Employ a construction site manager to verify that engines are properly maintained and keep a maintenance log;
- Configure construction parking to minimize traffic interference;
- Consolidate truck deliveries when possible;
- Provide dedicated turn lanes for movement of construction trucks and equipment on and off site;
- Suspend use of all construction equipment operations during second stage smog alerts;
- Establish a staging zone for trucks that are waiting to load or unload material at the work zone in a location where diesel emissions from the trucks will have minimum impact on abutters and the general public;
- Locate construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners and operable windows;
- Require all diesel trucks used by construction contractor(s) at the site, or for on-road hauling of construction material, to be post-1996 models; Diesel portable generators less than 50 hp shall not be allowed at the construction site;
- Use of hybrid and fuel efficient construction equipment and support vehicles (e.g., pick-up trucks);
- Use of grid electricity for smaller equipment such as saws, pumps, and welders;²³
- Reduction in vehicle miles travelled in construction crew commutes through trip carpooling, trip reduction, providing bus service for crews from work sites to carpool parking areas, and in providing incentives to carpool; and
- Use of a Heavy-Duty Off-Road Vehicle Plan to ensure compliances with construction mitigation measures (e.g., hourly meters on equipment, documenting the serial number, horsepower,

²³ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>, p.

manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment).²⁴

A supplemental EIR should be prepared that calculates the Project's GHG emissions after implementation of all feasible mitigation measures. The supplemental EIR should analyze all mitigation measures set forth in the GHG Guidance Document published by the California Attorney General, Addressing Climate Change at the Project Level (see attached exhibit, also available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf). If GHG impacts remain significant after implementation of all feasible mitigation measures, then the EIR must acknowledge that the impacts are significant and unavoidable, and the City must adopt a statement of overriding considerations.

D. The DEIR Fails to Adequately Analyze Impacts to Air Quality

1. The DEIR Underestimates the Potential Particulate Emissions for the Construction Phase of the Project

Computer modeling (e.g., the California Air Resource Board's ("CARB's") Urban Emission ("URBEMIS") and the California Emissions Estimator Model ("CalEEMod")) is used to estimate emissions of criteria pollutants during construction and operational phases of projects. The South Coast Air Quality Management District ("SCAQMD") permits the use of the outputs from both the URBEMIS and CalEEMOD in air quality analyses. According to Dr. Clark, there are significant differences between these two models that "must be highlighted in the DEIR." In pertinent part, Dr. Clark states:

The changes in the method used to estimate construction impacts from the proposed project by using the CalEEMod model instead of the URBEMIS model include:

- Failure to account for wind-blown fugitive dust²⁵. According to the July, 2011 CalEEMod Technical Paper, wind-blown fugitive dust is not calculated in CalEEMod. For sites as large as the proposed project site, this can result in significant quantities of particulate matter being released.
- SCAQMD's surveys of construction sites were limited to sites of 35 acres or less. For projects larger than 35 acres the data was extrapolated by increasing the number of construction days but not increasing the number of construction equipment pieces used on a

²⁴ Ibid., p. 431

²⁵ CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 4.

given day. The impact is to reduce the construction PM estimates for the site as compared to URBEMIS²⁶.

- The acreage to be based upon Walker's Building Estimator's Reference Book. Grading in URBEMIS is based upon 25% of total project acreage in one day. The impact of this change is to decrease PM emissions from grading in the CalEEMod²⁷.

A revised DEIR should be prepared to highlight the differences between the two models so that the potential impacts are adequately analyzed.

2. The DEIR Fails to Accurately Compare Construction Emissions to Daily Construction Significant Thresholds

According to Dr. Clark, the CalEEMod results were not presented properly. The model shows CEQA significance levels were exceeded as well as South Coast Air Quality Management District Localized Significance Thresholds were exceeded. In pertinent part, Dr. Clark states:

Unlike the operational emissions from most projects, which are typically more or less continuous, emissions from construction sites are highly variable depending on the type of construction that is being performed. For example, grading results in large quantities of fugitive dust and combustion emissions from diesel-powered equipment. Short-term emissions during the various construction phases can be considerable and may result in degradation of local and regional air quality and severe health effects.

To determine whether short-term emissions may result in degradation of local and regional air quality and severe health effects, it is common practice for lead agencies to compare project emissions to quantitative significance thresholds developed by local air districts as a screening tool for CEQA review. Thresholds of significance for construction emissions are typically expressed on a short-term basis, *i.e.* daily or hourly basis to adequately capture impacts due to the high variability of emissions during different construction stages.

Table 1 presents a summary of short-term emissions thresholds developed by SCAQMD and other air districts for assessing impacts on air quality from construction projects.

²⁶ CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

²⁷ CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

**Table 1:
 CEQA significance thresholds for construction emissions from various air districts**

Air district construction thresholds*	NOx (lbs/day)	ROG (lbs/day)	PM₁₀ (lbs/day)	DPM (lbs/day)	PM_{2.5} (lbs/day)	CO (lbs/day)
SCAQMD	100	75	150		55	550
BAAQMD	54	54	82		54	
EDCAPCD	82	82				
SLOCAPCD				7		
MBUAPCD			82			550
FRAQMD	25	25	80			
SMAQMD	85					
YSAQMD	82	82	150			

SCAQMD = South Coast Air Quality Management District, CEAQ Handbook, 1993;
 BAAQMD = Bay Area Air Quality Management District, CEQA Guidelines 2009;
 EDCAPCD = El Dorado County Air Pollution Control District, CEQA Guide, February 2002;
 SLOCAPCD = San Louis Obispo County Air Pollution Control District, CEQA Air Quality Handbook, December 2009.
 MBUAPCD = Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines, June 2004,
 FRAQMD = Feather River Air Quality Management District,
http://www.fraqmd.org/CEQA_Thresholds.htm;
 SMAQMD Sacramento Metropolitan Air Quality Management District, Guide to Air Quality Assessment, July 2004;
 YSAQMD, Yolo-Solano Air Quality Management District, Air Quality Handbook, Guidelines for Determining Air Quality Thresholds of Significance and Mitigation Measures for Proposed Development Projects that Generate Emissions from Motor Vehicles, revised 2002

A review of the CalEEMod analysis for the project shows that the mitigated construction emissions of ROG and PM_{2.5} exhaust (a surrogate for diesel particulate emissions) are in excess of the CEQA significance thresholds listed above. During Year 2013, ROG and PM_{2.5} exhaust emissions are estimated to be 368.03 lbs/day and 7.95 lbs/day, respectively.

In addition to the Significant Thresholds above, SCAQMD recommends the use of Localized Significance Thresholds (LSTs) to determine potential impacts to receptors near projects. According to the Air Quality Analysis prepared by the proponent, Table I of the Air Quality Analysis shows that the emissions of the pollutants on the peak day of construction are below the SCAQMD LST. In this table the proponent uses the emission estimates from the grading phase of the construction. The proponent inaccurately asserts that the emission levels will be below the LST values.

**Table 2:
 Construction LST Impacts from Air Quality Analysis**

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM ₁₀	PM _{2.5}
On-Site (grading) Emissions	104	55	8.4	6.3
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	No	No

A review of the CalEEMod analysis shows that the highest emission values are not associated with the grading phase. In Section 2.0 Emission Summary of the CalEEMod analysis presented in the Air Quality Analysis the construction impacts are listed as:

**Table 3:
 Construction LST Impacts from CalEEMod Output**

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM ₁₀	PM _{2.5}
Mitigated Construction Emissions	139.84	166.77	29.2	8.28
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	Yes	Yes

The Proponent's analysis of air quality impacts clearly fails to accurately describe the impacts of the emissions on the receptors closest to the project site. Based on my expert opinion, applicable significance thresholds, and the CalEEMod analysis performed by the proponent, I conclude that the Project will have significant adverse impacts from construction air emissions of fugitive dust, ROG, and diesel emissions. The lead agency must re-evaluate the construction emissions and incorporate a phased approach to estimate the true impacts of construction activities on air quality, and propose all feasible mitigation measures to reduce these significant emissions, in a RDEIR.

3. The DEIR Fails to Consider Health Risks From Contaminated Dust

According to Dr. Clark:

Residual contaminants in soils at the site may be entrained in dust generated during construction activities. The release of residual contamination is a potentially significant impact, given the past use of the site for agricultural production. According to the California Department of Toxic Substances Control August 2002 Interim Guidance for Sampling Agricultural Fields for School Sites (known sensitive receptors), “the most commonly detected pesticides have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. Of these pesticides, toxaphene has been the major pesticide driving unacceptable levels of risk requiring remediation by soil removal.” Given the volume of soils to be graded at each of the sites it is imperative to understand whether particulate matter generated at the sites will pose a potential health risk to sensitive receptors in the vicinity of each site.

According to DTSC, “the guidance is applicable to agricultural land that is currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural land that is no longer in production and has not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized, and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field.”

There is no indication of a sampling and analysis plan in the DEIR, or the Project documents provided by the lead agency, a serious deficiency in the documents. Prior to issuing a DEIR for the project, the Proponent should be required to complete a sampling and analysis plan to confirm or rule out the possibility of the presence of residual contaminants at the site. Identifying residual pesticides or other contaminants in soils at the site prior to construction activities will provide an opportunity for the Proponent to remove/mitigate the potential exposure of sensitive receptors within the vicinity of the sites. In the absence of any sampling or analysis, and given the past use of the Project site, I conclude that there is at least a fair argument that the Project may have significant impacts related to residual contaminants at the site.

4. The DEIR Fails to Properly Identify and Address the Project's Operational Air Quality Impacts

The DEIR states, without any evidentiary support, that the project's emissions of criteria pollutants will not result in a considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. According to Dr. Clark,

During the operational phase of the project the project will have the potential to generate significant quantities of criteria pollutants (NO_x, SO_x, Ozone precursors, PM). According to Table 3-1 of the most recent BAAQMD CEQA guidance, a construction of a 259,000 square foot light industrial or warehouse operation will typically violate NO_x construction thresholds and GHG operational thresholds. The proposed Project's 2,000,000 square feet plus of warehouse and manufacturing buildings are nearly 8 times the size of the screening threshold, ensuring a violation of local air quality thresholds. I therefore conclude that the Project will have significant NO_x and GHG emissions during Project operations.

The air quality impacts from the traffic associated with a 2,000,000 square foot facility are significant. Typically the impacts are quantified by the number of vehicle trips per day. In the case of the proposed project, the primary concern will be the number of truck trips per day. A truck trip is one round trip (one trip segment to a site and one trip segment away from a site).

According to one source, Bluffstone and Ouderkirk²⁸, a 500,000 square feet facility on 50 acres, will on average have 350 truck trips per day (or 700 trip segments) associated with its development. This figure is proportionate to estimates for an AMB Property Corporation center in Redlands (1,000 truck trips for a 1.3 million square feet structure); Wal-Mart distribution centers in Pueblo, Colorado (700 truck trips per day for an 880,000 square feet facility), Connecticut, and Delaware (both 1,000 truck trips per day for 1.2 million square feet structures); and a grocery distribution center in New York (Boas, 2002; Gasiewski, 2004; Hernandez, 2005; Pueblo Chieftain, 2004; Sholl, 2004).

Estimates from other sources indicate approximately 1 truck per 1,000 square feet of the building, which means that the proposed project would require 1,000 trucks per day (or 1,000 trip segments per day) for the warehouse segment of the Project. The number of truck trips could be

²⁸Bluffstone and Ouderkirk. 2007. Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire. Contemporary Economic Policy 25(1):

higher at a new, more efficient facility where more inventory is moved per day. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of Moreno Valley is unknown. It is clear that the size of the Project will have significant NOx and GHG emissions during Project operations.

A proper cumulative impact analysis is vital for an environmental analysis because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that the environmental damage often occurs incrementally from a variety of small sources with which they interact. The increase in PM in the region, even for short periods of time, will only exacerbate the already serious air quality issues in the region.

5. The DEIR Fails to Disclose Impacts to Offsite Receptors

The Project is located in the South Coast Air Basin and Riverside County,²⁹ both of which are designated non-attainment for PM10 and ozone. (DEIR, p. 4.3-6). According to Mr. Hagemann,

[s]ignificant emissions of PM10 and ozone and contributing factors such as NOx and ROG will lead to a worsening of regional air quality. The Project's estimates of construction emissions need to be properly disclosed and mitigated to ensure that the Project has a less than significant impact on regional air quality.

Estimates and impacts of project's construction and operational emissions
Project construction and operation will result in significant emissions of ROG, NOx, and PM10 even after mitigation (DEIR, pp. 4.3-29, 4.3-34).

Construction emissions

The DEIR estimates that the Project's construction emissions of NOx and ROG will be significant as they exceed the SCAQMD thresholds of 100 lbs/day and 75 lbs/day, respectively (DEIR, p. 4.3-23) and identifies mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-23 – 4.3-29). Even with mitigation, the Project's emissions of NOx and ROG will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-29).

Operational emissions

The DEIR estimates that the Project's emissions of ROG, NOx, and PM10 from operational activities will be significant as they exceed the SCAQMD

²⁹ <http://www.epa.gov/oaqps001/greenbk/ancl.html>

thresholds of 55 lbs/day, 55 lbs/day, and 150 lbs/day, respectively (DEIR, p. 4.3-33). The DEIR proposes mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-33 – 4.3-34) but, even with mitigation, the Project's emissions will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-34).

Gaseous particles such as NOx can react in the atmosphere to form PM10.^{30,31} Because Riverside County and the South Coast Air Basin are both designated non-attainment for PM10, significant emissions of NOx can lead to a further degradation of regional air quality. NOx emissions can also react to produce ground-level ozone.³² Exposure to NOx emissions and its products (ozone and PM10) can lead to the airway inflammation and can cause or exacerbate conditions such as emphysema and bronchitis.³³

ROG can react to form ozone and contributes to smog formation.^{34,35} Exposure to ozone can result in coughing, throat irritation, and chest pain, burning, and discomfort.³⁶ Smog exposure can lead to sneezing, nausea, coughing, headaches, and chest constriction.³⁷ A study published in the New England Journal of Medicine concluded that the risk of dying from respiratory diseases is three times higher in areas of concentrated ozone.³⁸

Exposure to PM10 can cause bronchitis, increase the number and severity of asthma attacks, damage to lung tissue, and even premature death.³⁹ Research identifies that dust from construction is a major contributor to PM10 and that PM10 exposure is associated with asthma.⁴⁰ Inhalation of PM10 can exacerbate asthma especially in children who are susceptible to higher risks from PM10 exposure.⁴¹

³⁰ <http://www.fhwa.dot.gov/resourcecenter/teams/airquality/brochure/particulatebrochure.pdf>

³¹ <http://www.epa.gov/captrade/documents/power.pdf>

³² *Ibid.*

³³ <http://www.epa.gov/air/nitrogenoxides/health.html>

³⁴ <http://www.arb.ca.gov/research/health/fs/fs2/fs2.htm>

³⁵ <http://www.arb.ca.gov/html/gloss.htm#smog>

³⁶ <http://www.epa.gov/o3healthtraining/population.html>

³⁷ <http://are.berkeley.edu/courses/EEP101/spring03/AllThatSmog/extern.html>

³⁸ <http://www.nytimes.com/gwire/2009/03/12/12greenwire-study-links-smog-exposure-to-premature-death-10098.html>

³⁹ <http://www.epa.gov/airtrends/aqtrnd95/pm10.html> and <http://www.arb.ca.gov/html/brochure/pm10.htm>

⁴⁰ http://scerpfiles.org/cont_mgt/doc_files/EH-01-2.pdf

⁴¹ <http://www.co.imperial.ca.us/airpollution/attainment%20plans/final%20ic%202009%20pm10%20sip%20document.pdf>

The Project will have significant emissions of ROG, NO_x, and PM₁₀. Because Riverside County and the South Coast Air Basin are designated non-attainment areas for ozone and PM₁₀, Project construction and operation will further degrade regional air quality. Exposure to ROG, NO_x, and PM₁₀ has adverse health effects and can impact offsite receptors, especially children in the nearby residences – a significant and undisclosed public health impact that the DEIR does not consider.

A revised DEIR should be prepared to disclose impacts to offsite receptors from Project construction and operation. Additional mitigation measures must be implemented to ensure that Project emissions of ROG, NO_x, and PM₁₀ are reduced to the maximum extent feasible.

6. The DEIR Fails to Adequately Analyze Cumulative Impacts

1. Legal Standard

An EIR must discuss significant cumulative impacts. CEQA Guidelines section 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if “the possible effects of a project are individually limited but cumulatively considerable... ‘Cumulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” “Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines section 15355(a). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (CEQA Guidelines section 15355(a)).

“The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*Communities for a Better Environment v. Cal. Resources Agency* (“*CBE v. CRA*”), (2002) 103 Cal.App.4th 98, 117). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines § 15355(b)).

As the court stated in *CBE v. CRA*, 103 Cal. App. 4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

(Citations omitted).

In *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d at 718, the court concluded that an EIR inadequately considered an air pollution (ozone) cumulative impact. The court said: "The EIR concludes the project's contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the [cogeneration] plant would emit relatively minor amounts of [ozone] precursors compared to the total volume of [ozone] precursors emitted in Kings County. The EIR's analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project's impact." The court concluded: "[t]he relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."⁴² The *Kings County* case was reaffirmed in *CBE v. CRA*, 103 Cal.App.4th at 116, where the court rejected cases with a narrower construction of "cumulative impacts."

Similarly, in *Friends of Eel River v. Sonoma County Water Agency*, (2003) 108 Cal. App. 4th 859, the court held that the EIR for a project that would divert water from the Eel River had to consider the cumulative impacts of the project together with other past, present and reasonably foreseeable future projects that also divert water from the same river system. The court held that the EIR even had to disclose and analyze projects that were merely proposed, but not yet approved. The court stated, CEQA requires "the Agency to consider 'past, present, and probable future projects producing related or cumulative impacts . . .'" (Guidelines, § 15130, subd. (b)(1)(A)). The Agency must interpret this requirement in such a way as to 'afford the fullest possible protection of the environment.'" (*Id.*, at 867, 869). The court held that the failure of the EIR to

⁴² *Los Angeles Unified v. City of Los Angeles*, 58 Cal.App.4th at 1024-1026 found an EIR inadequate for concluding that a project's additional increase in noise level of another 2.8 to 3.3 dBA was insignificant given that the existing noise level of 72 dBA already exceeded the regulatory recommended maximum of 70 dBA. The court concluded that this "ratio theory" trivialized the project's noise impact by focusing on individual inputs rather than their collective significance. The relevant issue was not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant given the nature of the existing traffic noise problem.

analyze the impacts of the project together with other proposed projects rendered the document invalid. “The absence of this analysis makes the EIR an inadequate informational document.” (*Id.*, at 872).

The Court in *Citizens to Preserve the Ojai v. Bd. of Supervisors*, 176 Cal.App.3d 421 (1985), held that an EIR prepared to consider the expansion and modification of an oil refinery was inadequate because it failed to consider the cumulative air quality impacts of other oil refining and extraction activities combined with the project. The court held that the EIR’s use of an Air District Air Emissions Inventory did not constitute an adequate cumulative impacts analysis. The court ordered the agency to prepare a new EIR analyzing the combined impacts of the proposed refinery expansion together with the other oil extraction projects.

2. The DEIR Fails to Adequately Analyze Cumulative Construction Impacts

As part of its cumulative impact analysis, the DEIR identifies 13 proposed projects encompassing approximately 7.3 million square feet of space within five miles of the Project site (DEIR, p. 3-16). However, the DEIR does not identify the construction schedule of these projects except to state that “a number of individual projects may be under construction simultaneously with the proposed project.” (DEIR, p. 4.3-37). The WestRidge Commerce Center Project (which will be built adjacent to the proposed Project) is scheduled to be constructed in 2012, a schedule similar to the proposed Project. According to Mr. Hagemann,

[s]imultaneous construction of these projects, along with other potential projects, is likely to result in PM10, NOx, and ROG emissions that will have a cumulatively significant impact. The construction timetables of all projects within the vicinity of the Project site should be identified. Any cumulatively significant emissions should be disclosed and impacts to workers and nearby residents should be addressed in a revised DEIR.

VI. CONCLUSION

For the foregoing reasons, LIUNA Local Union No. 1184 urge the City to continue the matter for future consideration pending completion of a supplemental EIR addressing the Project's significant impacts and mitigation measures. Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Drury', with a large, stylized flourish extending to the right.

Richard T. Drury
Christina M. Caro
Brooke C. O'Hanley
Lozeau Drury LLP
Attorneys for LIUNA Local Union No. 1184

Exhibit

Addressing Climate Change at the Project Level California Attorney General's Office

Addressing Climate Change at the Project Level California Attorney General's Office



Under the California Environmental Quality Act (CEQA), local agencies have a very important role to play in California's fight against global warming – one of the most serious environmental effects facing the State today. Local agencies can lead by example in undertaking their own projects, insuring that sustainability is considered at the earliest stages. Moreover, they can help shape private development. Where a project as proposed will have significant global warming related effects, local agencies can require feasible changes or alternatives, and impose enforceable, verifiable, feasible mitigation to substantially lessen those effects. By the sum of their actions and decisions, local agencies will help to move the State away from “business as usual” and toward a low-carbon future.

Included in this document are various measures that may reduce the global warming related impacts at the individual project level. (For more information on actions that local governments can take at the program and general plan level, please visit the Attorney General's webpage, “CEQA, Global Warming, and General Plans” at <http://ag.ca.gov/globalwarming/ceqa/generalplans.php>.)

As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees). The measures set forth in this package are examples; the list is not intended to be exhaustive. Moreover, the measures cited may not be appropriate for every project. The decision of whether to approve a project – as proposed or with required changes or mitigation – is for the local agency, exercising its informed judgment in compliance with the law and balancing a variety of public objectives.

Mitigation Measures by Category

Energy Efficiency

Incorporate green building practices and design elements.	The California Department of Housing and Community Development's Green Building & Sustainability Resources handbook provides extensive links to green building resources. The handbook is available at http://www.hcd.ca.gov/hpd/green_build.pdf . The American Institute of Architects (AIA) has compiled fifty readily available strategies for reducing fossil fuel use in buildings by fifty percent. AIA “50 to 50” plan is presented in both guidebook and wiki format at http://wiki.aia.org/Wiki%20Pages/Home.aspx .
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<p>Meet recognized green building and energy efficiency benchmarks.</p>	<p>For example, an ENERGY STAR-qualified building uses less energy, is less expensive to operate, and causes fewer greenhouse gas emissions than comparable, conventional buildings. http://www.energystar.gov/index.cfm?c=business.bus_index.</p> <p>California has over 1600 ENERGY STAR-qualified school, commercial and industrial buildings. View U.S. EPA's list of Energy Star non-residential buildings at http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings_locator. Los Angeles and San Francisco top the list of U.S. cities with the most ENERGY STAR non-residential buildings. http://www.energystar.gov/ia/business/downloads/2008_Top_25_cities_chart.pdf.</p> <p>Qualified ENERGY STAR homes must surpass the state's Title 24 energy efficiency building code by at least 15%. Los Angeles, Sacramento, San Diego, and San Francisco-Oakland are among the top 20 markets for ENERGY STAR homes nationwide. http://www.energystar.gov/ia/new_homes/mil_homes/top_20_markets.html. Builders of ENERGY STAR homes can be more competitive in a tight market by providing a higher quality, more desirable product. See http://www.energystar.gov/ia/partners/manuf_res/Horton.pdf.</p> <p>There are a variety of private and non-profit green building certification programs in use in the U.S. See U.S. EPA's Green Building / Frequently Asked Questions website, http://www.epa.gov/greenbuilding/pubs/faqs.htm.</p> <p>Public-Private Partnership for Advancing Housing Technology maintains a list of national and state Green Building Certification Programs for housing. See http://www.pathnet.org/sp.asp?id=20978. These include the national Leadership in Energy and Environmental Design (LEED) program, and, at the state level, Build it Green's GreenPoint Rated system and the California Green Builder program.</p> <p>Other organizations may provide other relevant benchmarks.</p>
<p>Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.</p>	<p>Information about ENERGY STAR-certified products in over 60 categories is available at http://www.energystar.gov/index.cfm?fuseaction=find_a_product.</p> <p>The California Energy Commission maintains a database of all appliances meeting either federal efficiency standards or, where there are no federal efficiency standards, California's appliance efficiency standards. See http://www.appliances.energy.ca.gov/.</p> <p>The Electronic Product Environmental Assessment Tool (EPEAT) ranks computer products based on a set of environmental criteria, including energy efficiency. See http://www.epeat.net/AboutEPEAT.aspx.</p> <p>The nonprofit American Council for an Energy Efficient Economy maintains an Online Guide to Energy Efficient Commercial Equipment, available at http://www.aceee.org/ogeece/ch1_index.htm.</p> <p>Utilities offer many incentives for efficient appliances, lighting, heating and cooling. To search for available residential and commercial incentives, visit Flex Your Power's website at http://www.fypower.org/.</p>

<p>Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.</p>	<p>See U.S. Department of Energy, Passive Solar Design (website) http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10250.</p> <p>See also California Energy Commission, Consumer Energy Center, Passive Solar Design (website) http://www.consumerenergycenter.org/home/construction/solardesign/index.html.</p> <p>Lawrence Berkeley National Laboratories' Building Technologies Department is working to develop innovative building construction and design techniques. Information and publications on energy efficient buildings, including lighting, windows, and daylighting strategies, are available at the Department's website at http://btech.lbl.gov.</p>
<p>Install light colored "cool" roofs and cool pavements.</p>	<p>A white or light colored roof can reduce surface temperatures by up to 100 degrees Fahrenheit, which also reduces the heat transferred into the building below. This can reduce the building's cooling costs, save energy and reduce associated greenhouse gas emissions, and extend the life of the roof. Cool roofs can also reduce the temperature of surrounding areas, which can improve local air quality. See California Energy Commission, Consumer Energy Center, Cool Roofs (webpage) at http://www.consumerenergycenter.org/coolroof/.</p> <p>See also Lawrence Berkeley National Laboratories, Heat Island Group (webpage) at http://eetd.lbl.gov/HeatIsland/.</p>
<p>Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.</p>	<p>LED lighting is substantially more energy efficient than conventional lighting and can save money. See http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf (noting that installing LED traffic signals saved the City of Westlake about \$34,000 per year).</p> <p>As of 2005, only about a quarter of California's cities and counties were using 100% LEDs in traffic signals. See California Energy Commission (CEC), Light Emitting Diode Traffic Signal Survey (2005) at p. 15, available at http://www.energy.ca.gov/2005publications/CEC_400_2005_003/CEC_400_2005_003.PDF.</p> <p>The California Energy Commission's Energy Partnership Program can help local governments take advantage of energy saving technology, including, but not limited to, LED traffic signals. See http://www.energy.ca.gov/efficiency/partnership/.</p>
<p>Reduce unnecessary outdoor lighting.</p>	<p>See California Energy Commission, Reduction of Outdoor Lighting (webpage) at http://www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html.</p>

<p>Use automatic covers, efficient pumps and motors, and solar heating for pools and spas.</p>	<p>During the summer, a traditional backyard California pool can use enough energy to power an entire home for three months. Efficiency measures can substantially reduce this waste of energy and money. See California Energy Commission, Consumer Energy Center, Pools and Spas (webpage) at http://www.consumerenergycenter.org/home/outside/pools_spas.html.</p> <p>See also Sacramento Municipal Utilities District, Pool and Spa Efficiency Program (webpage) at http://www.smud.org/en/residential/saving-energy/Pages/poolspa.aspx.</p>
<p>Provide education on energy efficiency to residents, customers and/or tenants.</p>	<p>Many cities and counties provide energy efficiency education. See, for example, the City of Stockton's Energy Efficiency website at http://www.stocktongov.com/energysaving/index.cfm. See also "Green County San Bernardino," http://www.greencountysb.com at pp. 4-6.</p> <p>Businesses and development projects may also provide education. For example, a homeowners' association (HOA) could provide information to residents on energy-efficient mortgages and energy saving measures. See The Villas of Calvera Hills, Easy Energy Saving Tips to Help Save Electricity at http://www.thevillashoa.org/green/energy/. An HOA might also consider providing energy audits to its residents on a regular basis.</p>

Renewable Energy and Energy Storage

<p>Meet "reach" goals for building energy efficiency and renewable energy use.</p>	<p>A "zero net energy" building combines building energy efficiency and renewable energy generation so that, on an annual basis, any purchases of electricity or natural gas are offset by clean, renewable energy generation, either on-site or nearby. Both the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC) have stated that residential buildings should be zero net energy by 2020, and commercial buildings by 2030. See CEC, 2009 Integrated Energy Policy Report (Dec. 2009) at p. 226, available at http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF; CPUC, Long Term Energy Efficiency Strategic Plan (Sept. 2008), available at http://www.cpuc.ca.gov/PUC/blueprint/Energy+Efficiency/eesp/.</p>
<p>Install solar, wind, and geothermal power systems and solar hot water heaters.</p>	<p>The California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a \$3.3 billion, ten-year program to install solar panels on one million roofs in the State. Visit the one-stop GoSolar website at http://www.gosolarcalifornia.org/. As mitigation, a developer could, for example, agree to participate in the New Solar Homes program. See http://www.gosolarcalifornia.org/builders/index.html.</p> <p>The CPUC is in the process of establishing a program to provide solar water heating incentives under the California Solar Initiative. For more information, visit the CPUC's website at http://www.cpuc.ca.gov/puc/energy/solar/swh.htm.</p> <p>To search for available residential and commercial renewable energy incentives, visit Flex Your Power's website at http://www.fypower.org/.</p>

<p>Install solar panels on unused roof and ground space and over carports and parking areas.</p>	<p>In 2008 Southern California Edison (SCE) launched the nation's largest installation of photovoltaic power generation modules. The utility plans to cover 65 million square feet of unused commercial rooftops with 250 megawatts of solar technology – generating enough energy to meet the needs of approximately 162,000 homes. Learn more about SCE's Solar Rooftop Program at http://www.sce.com/solarleadership/solar-rooftop-program/general-faq.htm.</p> <p>In 2009, Walmart announced its commitment to expand the company's solar power program in California. The company plans to add solar panels on 10 to 20 additional Walmart facilities in the near term. These new systems will be in addition to the 18 solar arrays currently installed at Walmart facilities in California. See http://walmartstores.com/FactsNews/NewsRoom/9091.aspx.</p> <p>Alameda County has installed two solar tracking carports, each generating 250 kilowatts. By 2005, the County had installed eight photovoltaic systems totaling over 2.3 megawatts. The County is able to meet 6 percent of its electricity needs through solar power. See http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf.</p> <p>In 2007, California State University, Fresno installed a 1.1-megawatt photovoltaic (PV)-paneled parking installation. The University expects to save more than \$13 million in avoided utility costs over the project's 30-year lifespan. http://www.fresnostatenews.com/2007/11/solarwrapup2.htm.</p>
<p>Where solar systems cannot feasibly be incorporated into the project at the outset, build "solar ready" structures.</p>	<p>U.S. Department of Energy, A Homebuilder's Guide to Going Solar (brochure) (2008), available at http://www.eere.energy.gov/solar/pdfs/43076.pdf.</p>
<p>Incorporate wind and solar energy systems into agricultural projects where appropriate.</p>	<p>Wind energy can be a valuable crop for farmers and ranchers. Wind turbines can generate energy to be used on-site, reducing electricity bills, or they can yield lease revenues (as much as \$4000 per turbine per year). Wind turbines generally are compatible with rural land uses, since crops can be grown and livestock can be grazed up to the base of the turbine. See National Renewable Energy Laboratory, Wind Powering America Fact Sheet Series, Wind Energy Benefits, available at http://www.nrel.gov/docs/fy05osti/37602.pdf.</p> <p>Solar PV is not just for urban rooftops. For example, the Scott Brothers' dairy in San Jacinto, California, has installed a 55-kilowatt solar array on its commodity barn, with plans to do more in the coming years. See http://www.dairyherd.com/directories.asp?pgID=724&ed_id=8409 (additional California examples are included in article.)</p>

<p>Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.</p>	<p>See National Renewable Energy Laboratory, Energy Storage Basics (webpage) at http://www.nrel.gov/learning/eds_energy_storage.html.</p> <p>California Energy Storage Alliance (webpage) at http://storagealliance.org/about.html.</p> <p>Storage is not just for large, utility scale projects, but can be part of smaller industrial, commercial and residential projects. For example, Ice Storage Air Conditioning (ISAC) systems, designed for residential and nonresidential buildings, produce ice at night and use it during peak periods for cooling. See California Energy Commission, Staff Report, Ice Storage Air Conditioners, Compliance Options Application (May 2006), available at http://www.energy.ca.gov/2006publications/CEC-400-2006-006/CEC-400-2006-006-SF.PDF.</p>
<p>Use on-site generated biogas, including methane, in appropriate applications.</p>	<p>At the Hilarides Dairy in Lindsay, California, an anaerobic-lagoon digester processes the run-off of nearly 10,000 cows, generating 226,000 cubic feet of biogas per day and enough fuel to run two heavy duty trucks. This has reduced the dairy's diesel consumption by 650 gallons a day, saving the dairy money and improving local air quality. See http://www.arb.ca.gov/newsrel/nr021109b.htm; see also Public Interest Energy Research Program, Dairy Power Production Program, Dairy Methane Digester System, 90-Day Evaluation Report, Eden Vale Dairy (Dec. 2006) at http://www.energy.ca.gov/2006publications/CEC_500_2006_083/CEC_500_2006_083.PDF.</p> <p>Landfill gas is a current and potential source of substantial energy in California. See Tom Frankiewicz, Program Manager, U.S. EPA Landfill Methane Outreach Program, Landfill Gas Energy Potential in California, available at http://www.energy.ca.gov/2009_energy/policy/documents/2009-04-21_workshop/presentations/05-SCS_Engineers_Presentation.pdf.</p> <p>There are many current and emerging technologies for converting landfill methane that would otherwise be released as a greenhouse gas into clean energy. See California Integrated Waste Management Board, Emerging Technologies, Landfill Gas-to-Energy (webpage) at http://www.ciwmb.ca.gov/LEACentral/TechServices/EmergingTech/default.htm.</p>

<p>Use combined heat and power (CHP) in appropriate applications.</p>	<p>Many commercial, industrial, and campus-type facilities (such as hospitals, universities and prisons) use fuel to produce steam and heat for their own operations and processes. Unless captured, much of this heat is wasted. CHP captures waste heat and re-uses it, e.g., for residential or commercial space heating or to generate electricity. See U.S. EPA, Catalog of CHP Technologies at http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf and California Energy Commission, Distributed Energy Resource Guide, Combined Heat and Power (webpage) at http://www.energy.ca.gov/distgen/equipment/chp/chp.html.</p> <p>The average efficiency of fossil-fueled power plants in the United States is 33 percent. By using waste heat recovery technology, CHP systems typically achieve total system efficiencies of 60 to 80 percent. CHP can also substantially reduce emissions of carbon dioxide. http://www.epa.gov/chp/basic/efficiency.html.</p> <p>Currently, CHP in California has a capacity of over 9 million kilowatts. See list of California CHP facilities at http://www.eea-inc.com/chpdata/States/CA.html.</p> <p>The Waste Heat and Carbon Emissions Reduction Act (Assembly Bill 1613 (2007), amended by Assembly Bill 2791 (2008)) is designed to encourage the development of new CHP systems in California with a generating capacity of not more than 20 megawatts. Among other things, the Act requires the California Public Utilities Commission to establish (1) a standard tariff allowing CHP generators to sell electricity for delivery to the grid and (2) a "pay as you save" pilot program requiring electricity corporations to finance the installation of qualifying CHP systems by nonprofit and government entities. For more information, see http://www.energy.ca.gov/wasteheat/.</p>
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Water Conservation and Efficiency

<p>Incorporate water-reducing features into building and landscape design.</p>	<p>According to the California Energy Commission, water-related energy use – which includes conveyance, storage, treatment, distribution, wastewater collection, treatment, and discharge – consumes about 19 percent of the State's electricity, 30 percent of its natural gas, and 88 billion gallons of diesel fuel every year. See http://www.energy.ca.gov/2007publications/CEC_999_2007_008/CEC_999_2007_008.PDF. Reducing water use and improving water efficiency can help reduce energy use and greenhouse gas emissions.</p>
<p>Create water-efficient landscapes.</p>	<p>The California Department of Water Resources' updated Model Water Efficient Landscape Ordinance (Sept. 2009) is available at http://www.water.ca.gov/wateruseefficiency/landscapeordinance/technical.cfm.</p> <p>A landscape can be designed from the beginning to use little or no water, and to generate little or no waste. See California Integrated Waste Management Board, Xeriscaping (webpage) at http://www.ciwmb.ca.gov/organics/Xeriscaping/.</p>

<p>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and use water-efficient irrigation methods.</p>	<p>U.S. Department of Energy, Best Management Practice: Water-Efficient Irrigation (webpage) at http://www1.eere.energy.gov/femp/program/waterefficiency_bmp5.html.</p> <p>California Department of Water Resources, Landscape Water Use Efficiency (webpage) at http://www.water.ca.gov/wateruseefficiency/landscape/.</p> <p>Pacific Institute, More with Less: Agricultural Water Conservation and Efficiency in California (2008), available at http://www.pacinst.org/reports/more_with_less_delta/index.htm.</p>
<p>Make effective use of graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines. Graywater to be used for landscape irrigation.)</p>	<p>California Building Standards Commission, 2008 California Green Building Standards Code, Section 604, pp. 31-32, available at http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf.</p> <p>California Department of Water Resources, Dual Plumbing Code (webpage) at http://www.water.ca.gov/recycling/DualPlumbingCode/.</p> <p>See also Ahwahnee Water Principles, Principle 6, at http://www.lgc.org/ahwahnee/h2o_principles.html. The Ahwahnee Water Principles have been adopted by City of Willits, Town of Windsor, Menlo Park, Morgan Hill, Palo Alto, Petaluma, Port Hueneme, Richmond, Rohnert Park, Rolling Hills Estates, San Luis Obispo, Santa Paula, Santa Rosa, City of Sunnyvale, City of Ukiah, Ventura, Marin County, Marin Municipal Water District, and Ventura County.</p>
<p>Implement low-impact development practices that maintain the existing hydrology of the site to manage storm water and protect the environment.</p>	<p>Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site. See U.S. EPA, Low Impact Development (webpage) at http://www.epa.gov/nps/lid/.</p> <p>Office of Environmental Health Hazard Assessment and the California Water and Land Use Partnership, Low Impact Development at http://www.coastal.ca.gov/nps/lid-factsheet.pdf.</p>
<p>Devise a comprehensive water conservation strategy appropriate for the project and location.</p>	<p>The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</p>
<p>Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</p>	<p>Department of General Services, Best Practices Manual, Water-Efficient Fixtures and Appliances (website) at http://www.green.ca.gov/EPP/building/SaveH2O.htm.</p> <p>Many ENERGY STAR products have achieved their certification because of water efficiency. See California Energy Commission's database, available at http://www.appliances.energy.ca.gov/.</p>

<p>Offset water demand from new projects so that there is no net increase in water use.</p>	<p>For example, the City of Lompoc has a policy requiring new development to offset new water demand with savings from existing water users. See http://www.cityoflompoc.com/utilities/pdf/2005_uwmp_final.pdf at p. 29.</p>
<p>Provide education about water conservation and available programs and incentives.</p>	<p>See, for example, the City of Santa Cruz, Water Conservation Office at http://www.ci.santa-cruz.ca.us/index.aspx?page=395; Santa Clara Valley Water District, Water Conservation at http://www.valleywater.org/conservation/index.shtm; and Metropolitan Water District and the Family of Southern California Water Agencies, Be Water Wise at http://www.bewaterwise.com. Private projects may provide or fund similar education.</p>

Solid Waste Measures

<p>Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).</p>	<p>Construction and demolition materials account for almost 22 percent of the waste stream in California. Reusing and recycling these materials not only conserves natural resources and energy, but can also save money. For a list of best practices and other resources, see California Integrated Waste Management Board, Construction and Demolition Debris Recycling (webpage) at http://www.ciwmb.ca.gov/condemo/.</p>
<p>Integrate reuse and recycling into residential industrial, institutional and commercial projects.</p>	<p>Tips on developing a successful recycling program, and opportunities for cost-effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See http://zerowaste.ca.gov/.</p> <p>The Institute for Local Government's Waste Reduction & Recycling webpage contains examples of "best practices" for reducing greenhouse gas emissions, organized around waste reduction and recycling goals and additional examples and resources. See http://www.ca-ilg.org/wastereduction.</p>
<p>Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.</p>	<p>Tips on developing a successful recycling program, and opportunities for cost effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See http://zerowaste.ca.gov/.</p>
<p>Provide education and publicity about reducing waste and available recycling services.</p>	<p>Many cities and counties provide information on waste reduction and recycling. See, for example, the Butte County Guide to Recycling at http://www.recyclebutte.net.</p> <p>The California Integrated Waste Management Board's website contains numerous publications on recycling and waste reduction that may be helpful in devising an education project. See http://www.ciwmb.ca.gov/Publications/default.asp?cat=13. Private projects may also provide waste and recycling education directly, or fund education.</p>

Land Use Measures

<p>Ensure consistency with “smart growth” principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.</p>	<p>U.S. EPA maintains an extensive Smart Growth webpage with links to examples, literature and technical assistance, and financial resources. See http://www.epa.gov/smartgrowth/index.htm.</p> <p>The National Oceanic and Atmospheric Administration’s webpage provides smart growth recommendations for communities located near water. See Coastal & Waterfront Smart Growth (webpage) at http://coastalsmartgrowth.noaa.gov/. The webpage includes case studies from California.</p> <p>The California Energy Commission has recognized the important role that land use can play in meeting our greenhouse gas and energy efficiency goals. The agency’s website, Smart Growth & Land Use Planning, contains useful information and links to relevant studies, reports, and other resources. See http://www.energy.ca.gov/landuse/.</p> <p>The Metropolitan Transportation Commission’s webpage, Smart Growth / Transportation for Livable Communities, includes resources that may be useful to communities in the San Francisco Bay Area and beyond. See http://www.mtc.ca.gov/planning/smart_growth/.</p> <p>The Sacramento Area Council of Governments (SACOG) has published examples of smart growth in action in its region. See Examples from the Sacramento Region of the Seven Principles of Smart Growth / Better Ways to Grow, available at http://www.sacog.org/regionalfunding/betterways.pdf.</p>
<p>Meet recognized “smart growth” benchmarks.</p>	<p>For example, the LEED for Neighborhood Development (LEED-ND) rating system integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED-ND is a collaboration among the U.S. Green Building Council, Congress for the New Urbanism, and the Natural Resources Defense Council. For more information, see http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148.</p>
<p>Educate the public about the many benefits of well-designed, higher density development.</p>	<p>See, for example, U.S. EPA, Growing Smarter, Living Healthier: A Guide to Smart Growth and Active Aging (webpage), discussing how compact, walkable communities can provide benefits to seniors. See http://www.epa.gov/aging/bhc/guide/index.html.</p> <p>U.S. EPA, Environmental Benefits of Smart Growth (webpage) at http://www.epa.gov/dced/topics/eb.htm (noting local air and water quality improvements).</p> <p>Centers for Disease Control and Prevention (CDC), Designing and Building Healthy Places (webpage), at http://www.cdc.gov/healthyplaces/. The CDC’s website discusses the links between walkable communities and public health and includes numerous links to educational materials.</p> <p>California Department of Housing and Community Development, Myths and Facts About Affordable and High Density Housing (2002), available at http://www.hcd.ca.gov/hpd/mythsnfacts.pdf.</p>

<p>Incorporate public transit into the project's design.</p>	<p>Federal Transit Administration, Transit-Oriented Development (TOD) (webpage) at http://www.fta.dot.gov/planning/planning_environment_6932.html (describing the benefits of TOD as “social, environmental, and fiscal.”)</p> <p>California Department of Transportation (Caltrans), Statewide Transit-Oriented Development Study: Factors for Success in California (2002), available at http://transitorienteddevelopment.dot.ca.gov/miscellaneous/StatewideTOD.htm</p> <p>Caltrans, California Transit-Oriented Development Searchable Database (includes detailed information on numerous TODs), available at http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp.</p> <p>California Department of Housing and Community Development, Transit Oriented Development (TOD) Resources (Aug. 2009), available at http://www.hcd.ca.gov/hpd/tod.pdf.</p>
<p>Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.</p>	<p>U.S. EPA, Smart Growth and Open Space Conservation (webpage) at http://www.epa.gov/dced/openspace.htm.</p>
<p>Develop “brownfields” and other underused or defunct properties near existing public transportation and jobs.</p>	<p>U.S. EPA, Smart Growth and Brownfields (webpage) at http://www.epa.gov/dced/brownfields.htm.</p> <p>For example, as set forth in the Local Government Commission’s case study, the Town of Hercules, California reclaimed a 426-acre brownfield site, transforming it into a transit-friendly, walkable neighborhood. See http://www.lgc.org/freepub/docs/community_design/fact_sheets/er_case_studies.pdf.</p> <p>For financial resources that can assist in brownfield development, see Center for Creative Land Recycling, Financial Resources for California Brownfields (July 2008), available at http://www.cclr.org/media/publications/8-Financial_Resources_2008.pdf.</p>
<p>Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.</p>	<p>See U.S. Department of Transportation, Federal Highway Administration, Bicycle and Pedestrian Program (webpage) at http://www.fhwa.dot.gov/environment/bikeped/.</p> <p>Caltrans, Pedestrian and Bicycle Facilities in California / A Technical Reference and Technology Transfer Synthesis for Caltrans Planners and Engineers (July 2005), available at http://www.dot.ca.gov/hq/traffops/survey/pedestrian/TR_MAY0405.pdf. This reference includes standard and innovative practices for pedestrian facilities and traffic calming.</p>

Transportation and Motor Vehicles

<p>Meet an identified transportation-related benchmark.</p>	<p>A logical benchmark might be related to vehicles miles traveled (VMT), e.g., average VMT per capita, per household, or per employee. As the California Energy Commission has noted, VMT by California residents increased “a rate of more than 3 percent a year between 1975 and 2004, markedly faster than the population growth rate over the same period, which was less than 2 percent. This increase in VMT correlates to an increase in petroleum use and GHG production and has led to the transportation sector being responsible for 41 percent of the state’s GHG emissions in 2004.” CEC, <i>The Role of Land Use in Meeting California’s Energy and Climate Change Goals</i> (Aug. 2007) at p. 9, available at http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF.</p> <p>Even with regulations designed to increase vehicle efficiency and lower the carbon content of fuel, “reduced VMT growth will be required to meet GHG reductions goals.” <i>Id.</i> at p. 18.</p>
<p>Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.</p>	<p>For example, reduce parking for private vehicles while increasing options for alternative transportation; eliminate minimum parking requirements for new buildings; “unbundle” parking (require that parking is paid for separately and is not included in rent for residential or commercial space); and set appropriate pricing for parking.</p> <p>See U.S. EPA, <i>Parking Spaces / Community Places, Finding the Balance Through Smart Growth Solutions</i> (Jan. 2006), available at http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf.</p> <p>Reforming Parking Policies to Support Smart Growth, Metropolitan Transportation Commission (June 2007) at http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/ToolboxHandbook.pdf.</p> <p>See also the City of Ventura’s Downtown Parking and Mobility Plan, available at http://www.cityofventura.net/community_development/resources/mobility_parking_plan.pdf, and Ventura’s Downtown Parking Management Program, available at http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/chapters.asp.</p>
<p>Build or fund a major transit stop within or near the development.</p>	<p>“Major transit stop’ means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” (Pub. Res. Code, § 21064.3.)</p> <p>Transit Oriented Development (TOD) is a moderate to higher density development located within an easy walk of a major transit stop. http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewWhatisTOD.htm.</p> <p>By building or funding a major transit stop, an otherwise ordinary development can become a TOD.</p>

<p>Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers.</p>	<p>See U.S. Department of Transportation and U.S. EPA, Commuter Choice Primer / An Employer's Guide to Implementing Effective Commuter Choice Programs, available at http://www.its.dot.gov/JPODOCS/REPTS_PR/13669.html.</p> <p>The Emery Go Round shuttle is a private transportation service funded by commercial property owners in the citywide transportation business improvement district. The shuttle links a local shopping district to a Bay Area Rapid Transit stop. See http://www.emerygoround.com/.</p> <p>Seattle, Washington maintains a public transportation "ride free" zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare.</p>
<p>Promote "least polluting" ways to connect people and goods to their destinations.</p>	<p>Promoting "least polluting" methods of moving people and goods is part of a larger, integrated "sustainable streets" strategy now being explored at U.C. Davis's Sustainable Transportation Center. Resources and links are available at the Center's website, http://stc.ucdavis.edu/outreach/ssp.php.</p>
<p>Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments.</p>	<p>Bicycling can have a profound impact on transportation choices and air pollution reduction. The City of Davis has the highest rate of bicycling in the nation. Among its 64,000 residents, 17 percent travel to work by bicycle and 41 percent consider the bicycle their primary mode of transportation. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm.</p> <p>For recommendations on best practices, see the many resources listed at the U.S. Department of Transportation, Federal Highway Administration's Bicycle and Pedestrian website at http://www.fhwa.dot.gov/environment/bikeped/publications.htm.</p> <p>See also Caltrans Division of Research and Innovation, Designing Highway Facilities To Encourage Walking, Biking and Transit (Preliminary Investigation) (March 2009), available at http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/pi-design_for_walking_%20biking_and_transit%20final.pdf.</p>
<p>Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.</p>	<p>According to local and national surveys of potential bicycle commuters, secure bicycle parking and workplace changing facilities are important complements to safe and convenient routes of travel. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm.</p>

<p>Ensure that the project enhances, and does not disrupt or create barriers to, non-motorized transportation.</p>	<p>See, e.g., U.S. EPA's list of transit-related "smart growth" publications at http://www.epa.gov/dced/publications.htm#air, including Pedestrian and Transit-Friendly Design: A Primer for Smart Growth (1999), available at www.epa.gov/dced/pdf/ptfd_primer.pdf.</p> <p>See also Toolkit for Improving Walkability in Alameda County, available at http://www.acta2002.com/ped_toolkit/ped_toolkit_print.pdf.</p> <p>Pursuant to the California Complete Streets Act of 2008 (AB 1358, Gov. Code, §§ 65040.2 and 65302), commencing January 1, 2011, upon any substantive revision of the circulation element of the general plan, a city or county will be required to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users.</p>
<p>Connect parks and open space through shared pedestrian/bike paths and trails to encourage walking and bicycling. Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.</p>	<p>Walk Score ranks the "walkability" of neighborhoods in the largest 40 U.S. cities, including seven California cities. Scores are based on the distance to nearby amenities. Explore Walk Score at http://www.walkscore.com/.</p> <p>In many markets, homes in walkable neighborhoods are worth more than similar properties where walking is more difficult. See Hoak, <i>Walk appeal / Homes in walkable neighborhoods sell for more: study</i>, Wall Street Journal (Aug. 18, 2009), available at http://www.marketwatch.com/story/homes-in-walkable-neighborhoods-sell-for-more-2009-08-18.</p> <p>By creating walkable neighborhoods with more transportation choices, Californians could save \$31 million and cut greenhouse gas emissions by 34 percent, according to a study released by Transform, a coalition of unions and nonprofits. See <i>Windfall for All / How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy</i> (Nov. 2009), available at http://transformca.org/windfall-for-all#download-report.</p>
<p>Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.</p>	<p>In some communities, twenty to twenty-five percent of morning traffic is due to parents driving their children to school. Increased traffic congestion around schools in turn prompts even more parents to drive their children to school. Programs to create safe routes to schools can break this harmful cycle. See California Department of Public Health, <i>Safe Routes to School</i> (webpage) and associated links at http://www.cdph.ca.gov/HealthInfo/injviosaf/Pages/SafeRoutestoSchool.aspx.</p> <p>See also U.S. EPA, <i>Smart Growth and Schools</i> (webpage), available at http://www.epa.gov/dced/schools.htm.</p> <p>California Center for Physical Activity, <i>California Walk to School</i> (website) at http://www.cawalktoschool.com</p> <p>Regular school bus service (using lower-emitting buses) for children who cannot bike or walk to school could substantially reduce private vehicle congestion and air pollution around schools. See Air Resources Board, <i>Lower Emissions School Bus Program</i> (webpage) at http://www.arb.ca.gov/msprog/schoolbus/schoolbus.htm.</p>

<p>Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.</p>	<p>There are numerous sites on the web with resources for employers seeking to establish telework or flexible work programs. These include U.S. EPA's Mobility Management Strategies: Commuter Programs website at http://www.epa.gov/otaq/stateresources/rellinks/mms_commprograms.htm; and Telework, the federal government's telework website, at http://www.telework.gov/.</p> <p>Through a continuing FlexWork Implementation Program, the Traffic Solutions division of the Santa Barbara County Association of Governments sponsors flexwork consulting, training and implementation services to a limited number of Santa Barbara County organizations that want to create or expand flexwork programs for the benefit of their organizations, employees and the community. See http://www.flexworks.com/read_more_about_the_fSBp.html. Other local government entities provide similar services.</p>
<p>Provide information on alternative transportation options for consumers, residents, tenants and employees to reduce transportation-related emissions.</p>	<p>Many types of projects may provide opportunities for delivering more tailored transportation information. For example, a homeowner's association could provide information on its website, or an employer might create a Transportation Coordinator position as part of a larger Employee Commute Reduction Program. See, e.g., South Coast Air Quality Management District, Transportation Coordinator training, at http://www.aqmd.gov/trans/training.html.</p>
<p>Educate consumers, residents, tenants and the public about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; vehicle performance and efficiency (e.g., keeping tires inflated); and low or zero-emission vehicles.</p>	<p>See, for example U.S. EPA, SmartWay Transport Partnership: Innovative Carrier Strategies (webpage) at http://www.epa.gov/smartway/transport/what-smartway/carrier-strategies.htm. This webpage includes recommendations for actions that truck and rail fleets can take to make ground freight more efficient and cleaner.</p> <p>The Air Resources Board's Drive Clean website is a resource for car buyers to find clean and efficient vehicles. The web site is designed to educate Californians that pollution levels range greatly between vehicles. See http://www.driveclean.ca.gov/.</p> <p>The Oregon Department of Transportation and other public and private partners launched the Drive Less/Save More campaign. The comprehensive website contains fact sheets and educational materials to help people drive more efficiently. See http://www.driveless.savemore.com/.</p>
<p>Purchase, or create incentives for purchasing, low or zero-emission vehicles.</p>	<p>See Air Resources Board, Low-Emission Vehicle Program (webpage) at http://www.arb.ca.gov/msprog/levprog/levprog.htm.</p> <p>Air Resource Board, Zero Emission Vehicle Program (webpage) at http://www.arb.ca.gov/msprog/zevprog/zevprog.htm.</p> <p>All new cars sold in California are now required to display an Environmental Performance (EP) Label, which scores a vehicle's global warming and smog emissions from 1 (dirtiest) to 10 (cleanest). To search and compare vehicle EP Labels, visit www.DriveClean.ca.gov.</p>

<p>Create a ride sharing program. Promote existing ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.</p>	<p>For example, the 511 Regional Rideshare Program is operated by the Metropolitan Transportation Commission (MTC) and is funded by grants from the Federal Highway Administration, U.S. Department of Transportation, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District and county congestion management agencies. For more information, see http://rideshare.511.org/.</p> <p>As another example, San Bernardino Associated Governments works directly with large and small employers, as well as providing support to commuters who wish to share rides or use alternative forms of transportation. See http://www.sanbag.ca.gov/commuter/rideshare.html.</p> <p>Valleyrides.com is a ridesharing resource available to anyone commuting to and from Fresno and Tulare Counties and surrounding communities. See http://www.valleyrides.com/. There are many other similar websites throughout the state.</p>
<p>Create or accommodate car sharing programs, e.g., provide parking spaces for car share vehicles at convenient locations accessible by public transportation.</p>	<p>There are many existing car sharing companies in California. These include City CarShare (San Francisco Bay Area), see http://www.citycarshare.org/; and Zipcar, see http://www.zipcar.com/. Car sharing programs are being successfully used on many California campuses.</p>
<p>Provide a vanpool for employees.</p>	<p>Many local Transportation Management Agencies can assist in forming vanpools. See, for example, Sacramento Transportation Management Association, Check out Vanpooling (webpage) at http://www.sacramento-tma.org/vanpool.html.</p>
<p>Create local "light vehicle" networks, such as neighborhood electric vehicle systems.</p>	<p>See California Energy Commission, Consumer Energy Center, Urban Options - Neighborhood Electric Vehicles (NEVs) (webpage) at http://www.consumerenergycenter.org/transportation/urban_options/nev.html.</p> <p>The City of Lincoln has an innovative NEV program. See http://www.lincolnev.com/index.html.</p>
<p>Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles.</p>	<p>Under existing law, diesel-fueled motor vehicles with a gross vehicle weight rating greater than 10,000 pounds are prohibited from idling for more than 5 minutes at any location. The minimum penalty for an idling violation is now \$300 per violation. See http://www.arb.ca.gov/enf/complaints/idling_cv.htm.</p>
<p>Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.</p>	<p>For a list of existing alternative fuel stations in California, visit http://www.cleancarmaps.com/.</p> <p>See, e.g., Baker, <i>Charging-station network built along 101</i>, S.F. Chron. (9/23/09), available at http://articles.sfgate.com/2009-09-23/news/17207424_1_recharging-solar-array-tesla-motors.</p>

Agriculture and Forestry (additional strategies noted above)

<p>Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.</p>	<p>Air Resources Board (ARB), Economic Sectors Portal, Agriculture (webpage) at http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm. ARB's webpage includes information on emissions from manure management, nitrogen fertilizer, agricultural offroad equipment, and agricultural engines.</p> <p>"A full 90% of an agricultural business' electricity bill is likely associated with water use. In addition, the 8 million acres in California devoted to crops consume 80% of the total water pumped in the state." See Flex Your Power, Agricultural Sector (webpage) at http://www.fypower.org/agri/.</p> <p>Flex Your Power, Best Practice Guide / Food and Beverage Growers and Processors, available at http://www.fypower.org/bpg/index.html?b=food_and_bev.</p> <p>Antle et al., Pew Center on Global Climate Change, Agriculture's Role in Greenhouse Gas Mitigation (2006), available at http://www.pewclimate.org/docUploads/Agriculture's%20Role%20in%20GHG%20Mitigation.pdf.</p>
<p>Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.</p>	<p>"There are three general means by which agricultural and forestry practices can reduce greenhouse gases: (1) avoiding emissions by maintaining existing carbon storage in trees and soils; (2) increasing carbon storage by, e.g., tree planting, conversion from conventional to conservation tillage practices on agricultural lands; (3) substituting bio-based fuels and products for fossil fuels, such as coal and oil, and energy-intensive products that generate greater quantities of CO₂ when used." U.S. EPA, Carbon Sequestration in Agriculture and Forestry, Frequently Asked Questions (webpage) at http://www.epa.gov/sequestration/faq.html.</p> <p>Air Resources Board, Economic Sectors Portal, Forestry (webpage) at http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm.</p>
<p>Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance.</p>	<p>Tree preservation and planting is not just for rural areas of the state; suburban and urban forests can also serve as carbon sinks. See Cal Fire, Urban and Community Forestry (webpage) at http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php.</p>

Off-Site Mitigation

If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase verifiable carbon "credits" from another entity that will undertake mitigation.

The topic of off-site mitigation can be complicated. A full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related co-benefits of the mitigation may be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified. (The California Registry has developed a number of protocols for calculating, reporting and verifying greenhouse gas emissions. Currently, industry-specific protocols are available for the cement sector, power/utility sector, forest sector and local government operations. For more information, visit the California Registry's website at <http://www.climateregistry.org/>.)
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the off-site mitigation.

Offsite mitigation measures that could be funded through mitigation fees include, but are not limited to, the following:

- Energy efficiency audits of existing buildings.
- Energy efficiency upgrades to existing buildings not otherwise required by law, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization (perhaps targeted to specific communities, such as low-income or senior residents).
- Programs to encourage the purchase and use of energy efficient vehicles, appliances, equipment and lighting.
- Programs that create incentives to replace or retire polluting vehicles and engines.
- Programs to expand the use of renewable energy and energy storage.
- Preservation and/or enhancement of existing natural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Improvement and expansion of public transit and low- and zero-carbon transportation alternatives.

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August 30, 2012

Brooke O'Hanley
Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Comments on the Prologis Eucalyptus Industrial Park Project, Riverside County, California

Dear Ms. O'Hanley:

We have reviewed the July 2012 Draft Environmental Impact Report (DEIR) for Prologis Eucalyptus Industrial Park Project ("Project"). The Project would construct six buildings encompassing approximately 2.3 million square feet (or 53 acres) of warehouse space. The Project site would be located on a 123-acre lot in the eastern portion of the City of Moreno Valley in Riverside County, California.

We have reviewed the DEIR for issues associated with hazards and hazardous materials, greenhouse gases, air quality, and cumulative impacts. Project construction will result in potentially significant impacts to construction workers and nearby residents that are not adequately disclosed in the DEIR. A revised DEIR needs to be prepared to fully disclose, evaluate, and mitigate these impacts.

Hazards and Hazardous Materials:

Construction workers and nearby residents may be at risk during construction from failure to disclose baseline soil conditions at the Project site.

Residual pesticides in soil may pose health risks to workers and nearby residents

Currently, 57 acres of the Project site are used to grow grapefruit and 36 acres of the Project site are used for hay and alfalfa production (DEIR, p. 4.2-1). The DEIR and supporting documents do not provide any specific details on the types of pesticides that have been used on the Project site in association with

these agricultural operations. Our review has shown known and potential pesticide use at the Project site as follows:

- Data available online from the California Department of Pesticide Regulation show that 2,4-D, 2-Ethylhexyl Ester was used on the Project site.^{1,2} Occupational exposure to 2,4-D, 2-Ethylhexyl Ester can occur via inhalation or dermal contact and can result in skin irritation, respiratory failure, hyperventilation, and pulmonary enemas.³
- Organochlorine pesticides DDE and DDT were detected in soil samples collected at the Project site⁴, indicating past use. Use of organochlorine pesticides in the area is common: review of the Department of Toxic Substances Control's (DTSC) Envirostor database shows that the surrounding lands have been surveyed for organochlorine pesticides, DDE and DDT.⁵ These pesticides can persist in soil for hundreds of years despite being banned in the 1970s.⁶ Exposure to DDT can result in headaches, nausea, and convulsions.⁷ The U.S. EPA identifies DDT and DDE as probable human carcinogens.⁸
- The EPA states that soils at fruit orchards, such as the grapefruit orchard on the Project site, may contain high levels of arsenic from application as a pesticide.⁹ Another chemical used on fruit orchards is lead arsenate, a very persistent pesticide.¹⁰ Arsenic is a known human carcinogen and even short-term inhalation of arsenic dust can cause gastrointestinal effects¹¹ while lead is known to cause neurotoxicological effects.¹²

Pesticide use at the Project site was not disclosed in the DEIR and the detection of pesticide residuals in soil were not described in the Hazards and Hazardous Materials section.

Failure to disclose the presence of pesticide residuals in Project site soils may pose significant health risks to construction workers. Construction of the Project requires grading and the disturbance of subsurface soils and removal of citrus groves (DEIR, p. 4.7-21). During earthmoving activities, construction workers will be exposed, via inhalation of dust and dermal contact, to Project site soils which may contain harmful levels of pesticide residuals associated with agricultural activities on the site. To protect worker safety, Project site soils must be sampled for pesticides. Sampling results should be

¹ http://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104149.html

² http://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104217.html

³ <http://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+7309>

⁴ Phase I Environmental Site Assessment, 84 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 9 and Phase I Environmental Site Assessment, 37 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 8

⁵ http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000825 and

http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000931

⁶ <http://www.atsdr.cdc.gov/toxprofiles/tp35.pdf>, p. 3

⁷ <http://www.epa.gov/ttn/atw/hlthef/dde.html>

⁸ <http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=80&tid=20>

⁹ <http://water.epa.gov/drink/info/well/health.cfm>

¹⁰ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1551991/>

¹¹ <http://www.epa.gov/ttn/atw/hlthef/arsenic.html>

¹² <http://www.epa.gov/lead/pubs/learn-about-lead.html#effects>

compared to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels¹³ and California Human Health Screening Levels.¹⁴

Soil sampling results should also be evaluated for the protection of nearby residents, located 50 feet from the southern boundary and 200 feet from the northern boundary of the Project site (DEIR, p. 4.3-6). Inhalation of pesticides has been linked to asthma in recent research.^{15,16} A report prepared by the California Department of Health identifies pesticides as an asthma trigger.¹⁷ Offsite receptors, including any children living in the neighboring residences, may be exposed to pesticide residuals via dust generated during Project construction.

Construction activities, such as grading and excavation of soils, may generate dust that contains pesticides in concentrations that are harmful to the health of workers and nearby residents and which may act as an asthma trigger. Project site soils should be sampled and results should be compared to human health screening levels. A revised DEIR should be prepared to disclose the results of sampling and include any necessary mitigation to reduce impacts to the health of construction workers and nearby residents.

Phase I ESAs completed for the Project site are outdated and inadequate

The DEIR relies on the findings from two Phase I Environmental Site Assessments (ESAs) that were completed in October and November 2003, nearly nine years ago. The Phase I ESAs surveyed 121 acres of the 123-acre Project site. The Applicant purchased the Project site more than five years ago.¹⁸ A Phase I ESA, according to the U.S. EPA, must be conducted within one year of the acquisition of the property and on-site visual inspections must be completed within 180 days prior to acquiring ownership of the property.¹⁹

Because the Phase I ESAs are dated and omit two acres of the Project site, they cannot be used to evaluate conditions that are potentially hazardous to construction workers and future site personnel. Therefore, the DEIR's analysis of the Project site based on these Phase I ESAs is inadequate.

Review of Google Earth images shows that the Project site has been used for ongoing agricultural operations since the Phase I ESAs were completed in 2003. Limited pesticide sampling was conducted during the Phase I ESAs (a total of 8 soil samples for a 123-acre Project site) but because the samples were collected nine years ago and because they do not reflect continued agricultural use, the results are reflective of current site conditions.

¹³ <http://www.epa.gov/region9/superfund/prg/>

¹⁴ <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

¹⁵ <http://extension.psu.edu/ipm/resources/urbanphilly/partnerships/handouts/asthma-pests.pdf>

¹⁶ <http://www.ncbi.nlm.nih.gov/pubmed/21368619>

¹⁷ <http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan.5-5-08.pdf>, p. 22

¹⁸ <http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20120726-moreno-valley-officials-seek-comments-on-prologis-project.ece>

¹⁹ <http://www.epa.gov/brownfields/aai/aaicerclafs.pdf>

The Phase I ESAs cover 121 acres of the 123-acre Project site. We have created a map to show the areas of the Project site surveyed by the two 2003 Phase I ESAs and the boundaries for the current Project site (Attachment A). As the map shows, not all areas of the current Project site were included in the 2003 Phase I ESAs' site assessments.

The Phase I ESAs are outdated and do not cover the entire Project site; therefore, they cannot be used to define baseline conditions for the DEIR's Hazards and Hazardous Materials section. A revised DEIR should be prepared to include a new Phase I ESA that evaluates current Project site conditions.

Status of an underground storage tank is uncertain

A 13,400 gallon underground storage tank (UST), abandoned in the 1950s, was removed from the Project site in 2004 (Appendix F, p. 3/191). The Phase I ESA recommended an additional investigation to be conducted in the area of the former UST (Appendix F, p. 10/191). Accordingly, a permit for removal of the UST was submitted to the Riverside County's Department of Environmental Health in December 2003 and soil samples around the area of the UST were analyzed in 2004. However, the DEIR and supporting documents did not include any documentation that the UST was properly closed by the Riverside County Department of Environmental Health. If the UST removal was not approved, an Underground Storage Tank Closure Application and Permit²⁰, per the Riverside County Department of Environmental Health Guidelines,²¹ must be submitted. A revised DEIR should be prepared to disclose whether closure was granted by the Riverside County Department of Environmental Health.

Greenhouse Gas Emissions:

The Project's operational greenhouse gas (GHG) emissions, before mitigation, are estimated to be 79,000 metric tons of CO₂e/year (MT CO₂e/yr) which exceed the SCAQMD threshold of 10,000 MT CO₂e/yr and are therefore considered significant (DEIR, p. 4.13-19). After mitigation, the DEIR states that GHG emissions will be less than significant (DEIR, p. 4.13-21). However, the DEIR does not calculate what the Project's GHG emissions will be after the mitigation measures are implemented.

The Project's GHG emissions exceed the SCAQMD threshold by nearly eight times. The DEIR and its supporting documents, including a Greenhouse Gas Study attached as Appendix B, do not provide any evidence that the proposed mitigation measures will reduce GHG emissions by a factor of eight.

A revised DEIR should be prepared to show the efficiency of the Project's proposed mitigation measures in reducing greenhouse gases. If these measures do not account for an eight-fold reduction in the Project's estimated GHG levels, additional mitigation measures (listed below) that are routinely considered in other CEQA projects should be implemented:

- Require preparation of a traffic control plan;

²⁰ http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/UST_Closure_App.pdf

²¹ http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/Closure_by_removal_UST.pdf

- Demonstrate proper inspection and maintenance of construction equipment;
- Implement a carpool program for construction workers;
- Employ a construction site manager to verify that engines are properly maintained and keep a maintenance log;
- Configure construction parking to minimize traffic interference;
- Consolidate truck deliveries when possible;
- Provide dedicated turn lanes for movement of construction trucks and equipment on and off site;
- Suspend use of all construction equipment operations during second stage smog alerts;
- Establish a staging zone for trucks that are waiting to load or unload material at the work zone in a location where diesel emissions from the trucks will have minimum impact on abutters and the general public;
- Locate construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners and operable windows;
- Require all diesel trucks used by construction contractor(s) at the site, or for on-road hauling of construction material, to be post-1996 models; Diesel portable generators less than 50 hp shall not be allowed at the construction site;
- Use of hybrid and fuel efficient construction equipment and support vehicles (e.g., pick-up trucks);
- Use of grid electricity for smaller equipment such as saws, pumps, and welders;²²
- Reduction in vehicle miles travelled in construction crew commutes through trip carpooling, trip reduction, providing bus service for crews from work sites to carpool parking areas, and in providing incentives to carpool; and
- Use of a Heavy-Duty Off-Road Vehicle Plan to ensure compliances with construction mitigation measures (e.g., hourly meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment).²³

Air Quality:

The Project is located in the South Coast Air Basin and Riverside County²⁴, both of which are designated non-attainment for PM10 and ozone (DEIR, p. 4.3-6). Significant emissions of PM10 and ozone and contributing factors such as NOx and ROG will lead to a worsening of regional air quality. The Project's estimates of construction emissions need to be properly disclosed and mitigated to ensure that the Project has a less than significant impact on regional air quality.

Estimates and impacts of project's construction and operational emissions

²² <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>, p. 47

²³ Ibid., p. 431

²⁴ <http://www.epa.gov/oagps001/greenbk/ancl.html>

Project construction and operation will result in significant emissions of ROG, NOx, and PM10 even after mitigation (DEIR, pp. 4.3-29, 4.3-34).

Construction emissions

The DEIR estimates that the Project's construction emissions of NOx and ROG will be significant as they exceed the SCAQMD thresholds of 100 lbs/day and 75 lbs/day, respectively (DEIR, p. 4.3-23) and identifies mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-23 – 4.3-29). Even with mitigation, the Project's emissions of NOx and ROG will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-29).

Operational emissions

The DEIR estimates that the Project's emissions of ROG, NOx, and PM10 from operational activities will be significant as they exceed the SCAQMD thresholds of 55 lbs/day, 55 lbs/day, and 150 lbs/day, respectively (DEIR, p. 4.3-33). The DEIR proposes mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-33 – 4.3-34) but, even with mitigation, the Project's emissions will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-34).

Gaseous particles such as NOx can react in the atmosphere to form PM10.^{25,26} Because Riverside County and the South Coast Air Basin are both designated non-attainment for PM10, significant emissions of NOx can lead to a further degradation of regional air quality. NOx emissions can also react to produce ground-level ozone.²⁷ Exposure to NOx emissions and its products (ozone and PM10) can lead to the airway inflammation and can cause or exacerbate conditions such as emphysema and bronchitis.²⁸

ROG can react to form ozone and contributes to smog formation.^{29,30} Exposure to ozone can result in coughing, throat irritation, and chest pain, burning, and discomfort.³¹ Smog exposure can lead to sneezing, nausea, coughing, headaches, and chest constriction.³² A study published in the New England Journal of Medicine concluded that the risk of dying from respiratory diseases is three times higher in areas of concentrated ozone.³³

Exposure to PM10 can cause bronchitis, increase the number and severity of asthma attacks, damage to lung tissue, and even premature death.³⁴ Research identifies that dust from construction is a major

²⁵ <http://www.fhwa.dot.gov/resourcecenter/teams/airquality/brochure/particulatebrochure.pdf>

²⁶ <http://www.epa.gov/captrade/documents/power.pdf>

²⁷ *Ibid.*

²⁸ <http://www.epa.gov/air/nitrogenoxides/health.html>

²⁹ <http://www.arb.ca.gov/research/health/fs/fs2/fs2.htm>

³⁰ <http://www.arb.ca.gov/html/gloss.htm#smog>

³¹ <http://www.epa.gov/o3healthtraining/population.html>

³² <http://are.berkeley.edu/courses/EEP101/spring03/AllThatSmog/extern.html>

³³ <http://www.nytimes.com/gwire/2009/03/12/12greenwire-study-links-smog-exposure-to-premature-death-10098.html>

³⁴ <http://www.epa.gov/airtrends/aqtrnd95/pm10.html> and <http://www.arb.ca.gov/html/brochure/pm10.htm>

contributor to PM10 and that PM10 exposure is associated with asthma.³⁵ Inhalation of PM10 can exacerbate asthma especially in children who are susceptible to higher risks from PM10 exposure.³⁶

The Project will have significant emissions of ROG, NOx, and PM10. Because Riverside County and the South Coast Air Basin are designated non-attainment areas for ozone and PM10, Project construction and operation will further degrade regional air quality. Exposure to ROG, NOx, and PM10 has adverse health effects and can impact offsite receptors, especially children in the nearby residences – a significant and undisclosed public health impact that the DEIR does not consider.

A revised DEIR should be prepared to disclose impacts to offsite receptors from Project construction and operation. Additional mitigation measures must be implemented to ensure that Project emissions of ROG, NOx, and PM10 are reduced to the maximum extent feasible.

Cumulative Impacts:

The DEIR identifies 13 proposed projects encompassing approximately 7.3 million square feet of space within five miles of the Project site (DEIR, p. 3-16). The DEIR does not identify the construction schedule of these projects except to state that “a number of individual projects may be under construction simultaneously with the proposed project” (DEIR, p. 4.3-37). The WestRidge Commerce Center Project (which will be built adjacent to the proposed Project) is scheduled to be constructed in 2012, a schedule similar to the proposed Project. Simultaneous construction of these projects, along with other potential projects, is likely to result in PM10, NOx, and ROG emissions that will have a cumulatively significant impact.

The construction timetables of all projects within the vicinity of the Project site should be identified. Any cumulatively significant emissions should be disclosed and impacts to workers and nearby residents should be addressed in a revised DEIR.

Sincerely,



Uma Bhandaram



Matt Hagemann, P.G., C.Hg.

³⁵ http://scerpfiles.org/cont_mgt/doc_files/EH-01-2.pdf

³⁶ <http://www.co.imperial.ca.us/airpollution/attainment%20plans/final%20ic%202009%20pm10%20sip%20document.pdf>



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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
CEQA Review
Investigation and Remediation Strategies
Litigation Support and Testifying Expert**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certification:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Partner, SWAPE:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

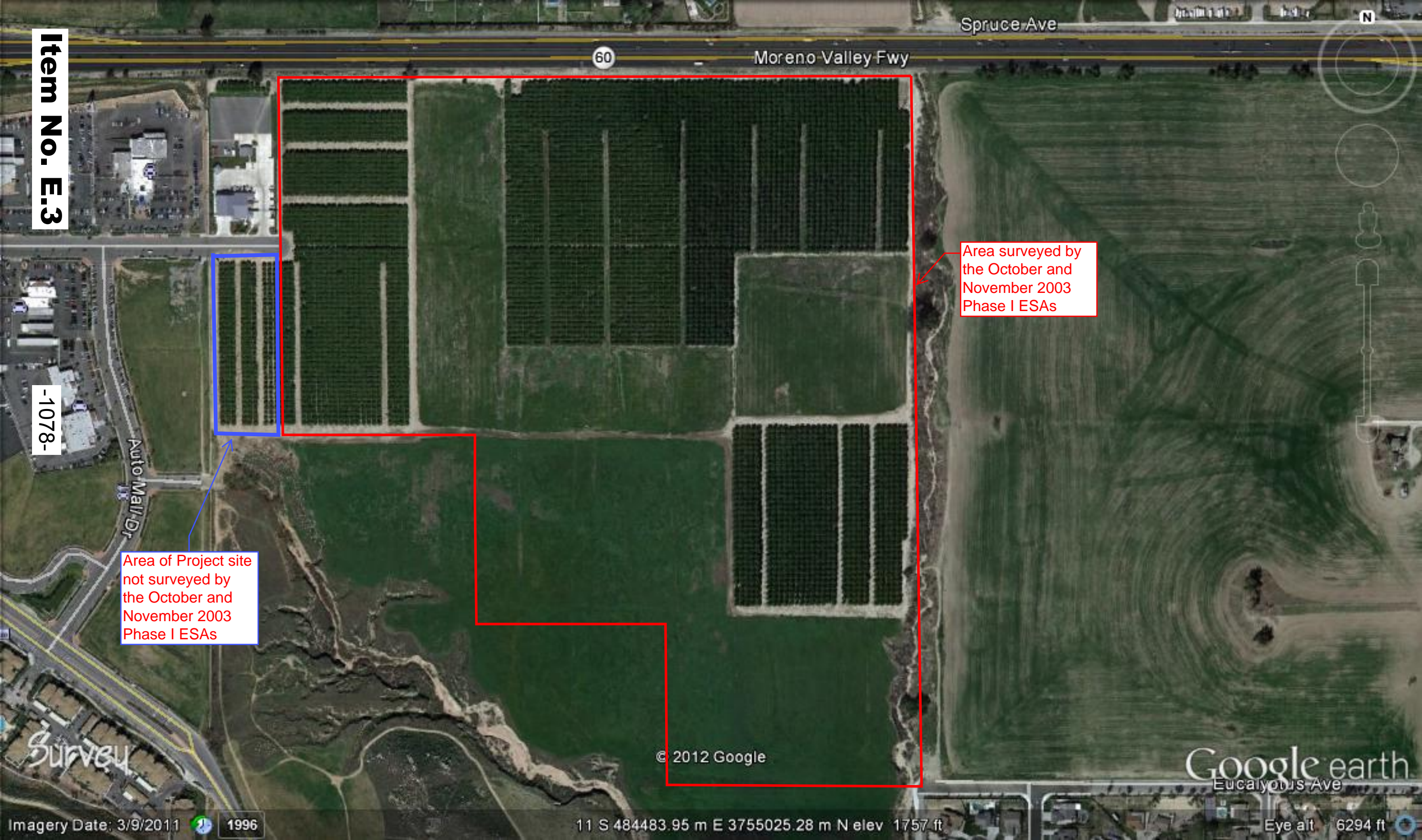
ATTACHMENT A

Item No. E.3

-1078-

Area of Project site not surveyed by the October and November 2003 Phase I ESAs

Area surveyed by the October and November 2003 Phase I ESAs



60

Moreno Valley Fwy

Spruce Ave

Auto Mall Dr

Survey

© 2012 Google

Google earth
Eucalyptus Ave

Imagery Date: 3/9/2011 1996

11 S 484483.95 m E 3755025.28 m N elev 1757 ft

Eye alt 6294 ft

Selected References

Query returned the following data:

There are 4 records returned.

YEAR	DATE	COUNTY NAME	COMTRS	SITE NAME	PRODUCT NAME	POUNDS PRODUCT APPLIED	CHEMICAL NAME	POUNDS CHEMICAL APPLIED	AMOUNT TREATED	UNIT TREATED	AERIAL GROUND INDICATOR
2010	20-MAR-10	RIVERSIDE	33S03S03W02	WHEAT, GENERAL	NUFARM WEEDONE LV6 EC BROADLEAF HERBICIDE	56.4474	2,4-D, 2-ETHYLHEXYL ESTER	48.8834484	72	A	A
2010	20-MAR-10	RIVERSIDE	33S03S03W02	WHEAT, GENERAL	NUFARM WEEDONE LV6 EC BROADLEAF HERBICIDE	38.2196	2,4-D, 2-ETHYLHEXYL ESTER	33.0981736	65	A	A
2010	18-MAR-10	RIVERSIDE	33S03S03W02	WHEAT, GENERAL	NUFARM WEEDONE LV6 EC BROADLEAF HERBICIDE	104.6629	2,4-D, 2-ETHYLHEXYL ESTER	90.6380714	133	A	G
2010	20-MAR-10	RIVERSIDE	33S03S03W02	WHEAT, GENERAL	NUFARM WEEDONE LV6 EC BROADLEAF HERBICIDE	29.3997	2,4-D, 2-ETHYLHEXYL ESTER	25.4601402	37	A	A

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Query returned the following data:

There are 1 records returned.

YEAR	DATE	COUNTY NAME	COMTRS	SITE NAME	PRODUCT NAME	POUNDS PRODUCT APPLIED	CHEMICAL NAME	POUNDS CHEMICAL APPLIED	AMOUNT TREATED	UNIT TREATED	AERIAL GROUND INDICATOR
2008	01-MAR-08	RIVERSIDE	33S03S03W02	WHEAT, GENERAL	NUFARM WEEDONE LV6 EC BROADLEAF HERBICIDE	76.4392	2,4-D, 2-ETHYLHEXYL ESTER	66.1963472	65	A	G

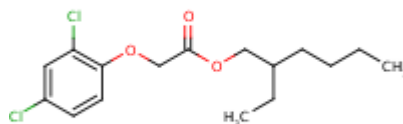
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2,4-D 2-ETHYLHEXYL ESTER

CASRN: 1928-43-4



For more information, search the NLM [HSDB](#) database.

Human Health Effects:

Probable Routes of Human Exposure:

Occupational exposure to 2,4-D, 2-ethylhexyl ester may occur through inhalation and dermal contact with this compound at workplaces where 2,4-D, 2-ethylhexyl ester is produced or used. (SRC)

PEER REVIEWED

Emergency Medical Treatment:

Emergency Medical Treatment:

EMT Copyright Disclaimer:

Portions of the POISINDEX(R) and MEDITEXT(R) database have been provided here for general reference. THE COMPLETE POISINDEX(R) DATABASE OR MEDITEXT(R) DATABASE SHOULD BE CONSULTED FOR ASSISTANCE IN THE DIAGNOSIS OR TREATMENT OF SPECIFIC CASES. The use of the POISINDEX(R) and MEDITEXT(R) databases is at your sole risk. The POISINDEX(R) and MEDITEXT(R) databases are provided "AS IS" and "as available" for use, without warranties of any kind, either expressed or implied. Micromedex makes no representation or warranty as to the accuracy, reliability, timeliness, usefulness or completeness of any of the information contained in the POISINDEX(R) and MEDITEXT(R) databases. ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE OR USE ARE HEREBY EXCLUDED. Micromedex does not assume any responsibility or risk for your use of the POISINDEX(R) or MEDITEXT(R) databases. Copyright 1974-2012 Thomson MICROMEDEX. All Rights Reserved. Any duplication, replication, "downloading," sale, redistribution or other use for commercial purposes is a violation of Micromedex' rights and is strictly prohibited.

The following Overview, *** CHLOROPHENOXY COMPOUNDS *** , is relevant for this

HSDB record chemical.

Life Support:

- o This overview assumes that basic life support measures have been instituted.

Clinical Effects:

0.2.1 SUMMARY OF EXPOSURE

0.2.1.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) ACUTE INGESTION - Miosis, coma, fever, hypotension, emesis, tachycardia, bradycardia, ECG abnormalities, muscle rigidity, possible respiratory failure, pulmonary edema, and rhabdomyolysis may occur. Deaths have resulted from cardiorespiratory arrest.
 - a) Concentrated formulations of 2,4-D-esters may contain petroleum solvents, contributing to the overall toxicity. Please refer to the HYDROCARBONS management for further information.
- 2) PATHOPHYSIOLOGY - These agents are primarily irritants, but one case of degenerative brain cell changes and CNS toxicity has been reported.

0.2.3 VITAL SIGNS

0.2.3.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) Fever of sudden but delayed onset may occur following ingestion.

0.2.4 HEENT

0.2.4.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) Eye, nose, and mouth irritation are possible with direct contact.

0.2.5 CARDIOVASCULAR

0.2.5.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) Tachycardia, bradycardia, ECG abnormalities, asystole, other dysrhythmias, and hypotension have been reported with overdose. Deaths have resulted from cardiorespiratory arrest.

0.2.6 RESPIRATORY

0.2.6.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) Ingestion of large amounts may cause bradypnea, respiratory failure, hyperventilation, or pulmonary edema.

0.2.7 NEUROLOGIC

0.2.7.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) LOW DOSE EXPOSURES - Vertigo, headache, malaise, and paresthesias may occur depending on the specific compound involved.
- 2) HIGH DOSE EXPOSURES - Muscle twitching, spasms, profound weakness, polyneuritis, and unconsciousness may occur depending on the specific compound involved.
- 3) IDIOSYNCRATIC REACTIONS - Peripheral neuropathies

0.2.8 GASTROINTESTINAL

0.2.8.1 ACUTE EXPOSURE

A) WITH POISONING/EXPOSURE

- 1) Nausea, vomiting, and diarrhea have been reported. Necrosis of the gastrointestinal mucosa has been reported.

- 0.2.9 HEPATIC
 - 0.2.9.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Elevated LDH, AST (SGOT), and ALT (SGPT) have been reported.
- 0.2.10 GENITOURINARY
 - 0.2.10.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Albuminuria and porphyria may occur; renal failure due to rhabdomyolysis is also possible.
- 0.2.12 FLUID-ELECTROLYTE
 - 0.2.12.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Ingestion of 2,4-D has produced hypocalcemia, hyperkalemia, and hypophosphatemia.
- 0.2.13 HEMATOLOGIC
 - 0.2.13.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Thrombocytopenia is the primary hematologic effect. Leukopenia has also been reported.
- 0.2.14 DERMATOLOGIC
 - 0.2.14.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Direct contact may cause skin irritation. Chlorodioxin contamination of products may produce chloracne with heavy exposure.
- 0.2.15 MUSCULOSKELETAL
 - 0.2.15.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Muscle cramps, muscle rigidity, elevated creatine kinase, and rhabdomyolysis were reported after ingestion of MCPP. EMG abnormalities, elevated creatine kinase, and proximal muscle weakness have been described following 2,4-D ester exposure.
- 0.2.16 ENDOCRINE
 - 0.2.16.1 ACUTE EXPOSURE
 - A) WITH POISONING/EXPOSURE
 - 1) Hypoglycemia has been reported in cases of acute 2,4-D poisoning. Animal studies showed decreased T3 and T4 levels, but this effect has not been reported in humans.
- 0.2.20 REPRODUCTIVE HAZARDS
 - A) 2,4-D and 2,4,5-T have caused adverse reproductive effects in experimental animals. Allegations of human birth defects due to these compounds have not been confirmed.
- 0.2.21 CARCINOGENICITY
 - 0.2.21.1 IARC CATEGORY
 - A) IARC Carcinogenicity Ratings for CAS94-75-7 (IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2006; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2007; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010a; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2008; IARC, 2004):
 - 1) Not Listed
 - B) IARC Carcinogenicity Ratings for CAS93-76-5 (IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2006; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2007; IARC Working

Group on the Evaluation of Carcinogenic Risks to Humans, 2010; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010a; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2008; IARC, 2004):

1) Not Listed

C) IARC Carcinogenicity Ratings for CAS94-74-6 (IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2006; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2007; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010a; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2008; IARC, 2004):

1) Not Listed

D) IARC Carcinogenicity Ratings for CAS93-65-2 (IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2006; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2007; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2010a; IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, 2008; IARC, 2004):

1) Not Listed

0.2.21.2 HUMAN OVERVIEW

A) Human studies show conflicting results. Some studies have suggested a relationship between chlorophenoxy herbicides and both soft tissue sarcoma and non-Hodgkin's lymphoma, while others have not.

0.2.21.3 ANIMAL OVERVIEW

A) Animal studies are limited, but have generally been negative.

0.2.22 GENOTOXICITY

- A) The chlorophenoxy herbicides have produced mixed negative and positive responses in various genotoxicity test systems. A recent review found no evidence of genotoxic or mutagenic potential in vitro and in vivo for 2,4-D.
- B) One study was conducted to determine whether or not New Zealand Vietnam War veterans showed evidence of genetic disturbances arising as a consequence of their now confirmed exposure to chlorophenoxy herbicides. During 1965 to 1971, more than 76 million liters of phenoxylic herbicides were sprayed over parts of Southern Vietnam and Laos. A sample group of 24 New Zealand Vietnam War veterans and 23 control volunteers were compared using a sister chromatid exchange (SCE) analysis. The results showed a significant difference between the mean of the experimental group and the mean of the control group (11.05 vs 8.18; $p < 0.001$). The experimental group also had an extremely elevated proportion of cells with high SCE frequencies (HFCs) above the 95th percentile compared to the controls (11% and 0.07%, respectively) (Rowland et al, 2007).

Laboratory:

- A) These herbicides can be measured in the urine, but the values are not clinically useful. Plasma levels also appear to be poorly correlated with clinical effects.

- B) Erythrocyte cholinesterase is not affected by these herbicides.
- C) Obtain baseline CBC, platelet count, serum electrolytes, and renal/hepatic function tests. Monitor LDH, AST (SGOT), ALT (SGPT), alkaline phosphatase, CPK, arterial pH, and bicarbonate.
- D) Monitor urine for pH, protein, RBC's, myoglobin, and urinary output.
- E) Monitor the patient for at least 6 to 12 hours as there is a potential for delayed onset of symptoms.

Treatment Overview:

0.4.2 ORAL EXPOSURE

- A) Treat ingestions of greater than 40 mg/kg with gastric decontamination if within 4 hours of ingestion.
- B) ACTIVATED CHARCOAL: Administer charcoal as a slurry (240 mL water/30 g charcoal). Usual dose: 25 to 100 g in adults/adolescents, 25 to 50 g in children (1 to 12 years), and 1 g/kg in infants less than 1 year old.
- C) URINARY ALKALINIZATION: May enhance elimination. Should be considered with severe poisoning.
- D) VENTRICULAR DYSRHYTHMIAS/SUMMARY: Institute continuous cardiac monitoring, obtain an ECG, and administer oxygen. Evaluate for hypoxia, acidosis, and electrolyte disorders. Lidocaine and amiodarone are generally first line agents for stable monomorphic ventricular tachycardia, particularly in patients with underlying impaired cardiac function. Amiodarone should be used with caution if a substance that prolongs the QT interval and/or causes torsades de pointes is involved in the overdose. Unstable rhythms require immediate cardioversion.
- E) LIDOCAINE: ADULT: LOADING DOSE: 1 to 1.5 mg/kg IV push; for refractory VT/VF may give an additional bolus of 0.5 to 0.75 mg/kg over 3 to 5 min. Do not exceed 3 mg/kg or 200 to 300 mg over one hour. INFUSION: Once circulation restored begin infusion of 1 to 4 mg/min. PEDIATRIC: LOADING DOSE: 1 mg/kg; INFUSION: 20 to 50 mcg/kg/min. Monitor ECG continuously.

0.4.3 INHALATION EXPOSURE

- A) INHALATION: Move patient to fresh air. Monitor for respiratory distress. If cough or difficulty breathing develops, evaluate for respiratory tract irritation, bronchitis, or pneumonitis. Administer oxygen and assist ventilation as required. Treat bronchospasm with inhaled beta2 agonist and oral or parenteral corticosteroids.
- B) ACUTE LUNG INJURY: Maintain ventilation and oxygenation and evaluate with frequent arterial blood gas or pulse oximetry monitoring. Early use of PEEP and mechanical ventilation may be needed.

0.4.4 EYE EXPOSURE

- A) DECONTAMINATION: Irrigate exposed eyes with copious amounts of room temperature water for at least 15 minutes. If irritation, pain, swelling, lacrimation, or photophobia persist, the patient should be seen in a health care facility.

0.4.5 DERMAL EXPOSURE

- A) OVERVIEW
 - 1) DECONTAMINATION: Remove contaminated clothing and jewelry. Wash the skin, including hair and nails, vigorously; do repeated soap washings. Discard

contaminated clothing.

- 2) Treat dermal irritation or burns with standard topical therapy. Patients developing dermal hypersensitivity reactions may require treatment with systemic or topical corticosteroids or antihistamines.

Range of Toxicity:

- A) Limited data are available.
- B) Fatalities have been seen following ingestion of 80 mg/kg.
- C) Intravenous injection of 28 mg/kg of 2,4-D was tolerated; 50 mg/kg produced toxicity.

[Rumack BH POISINDEX(R) Information System Micromedex, Inc., Englewood, CO, 2012; CCIS Volume 154, edition expires Nov, 2012. Hall AH & Rumack BH (Eds): TOMES(R) Information System Micromedex, Inc., Englewood, CO, 2012; CCIS Volume 154, edition expires Nov, 2012.] **PEER REVIEWED**

Antidote and Emergency Treatment:

Skin decontamination: Flush contaminating chemicals from eyes with copious amounts of water for 10 to 15 minutes. If irritation persists, an ophthalmological examination should be performed. /Chlorophenoxy Herbicides/

[U.S. Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances. Reigart, J.R., Roberts, J.R. Recognition and Management of Pesticide Poisonings. 5th ed. 1999. EPA Document No. EPA 735-R-98-003, and available in electronic format at: <http://www.epa.gov/pesticides/safety/healthcare> p. 97] **PEER REVIEWED**

Ingestions of these herbicides are likely to be followed by vomiting and diarrhea due to the irritant properties. ... Activated charcoal is probably effective in limiting irritant effects and reducing absorption of most or all of these herbicides.

Aluminum hydroxide antacids may be useful in neutralizing the irritant actions of these acidic agents. Sorbitol should be given to induce catharsis if bowel sounds are present and if spontaneous diarrhea has not already commenced.

Dehydration and electrolyte disturbances may be severe enough to require intravenous fluids. There are no specific antidotes for poisoning by these herbicides. /Other Herbicides/

[U.S. Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances. Reigart, J.R., Roberts, J.R. Recognition and Management of Pesticide Poisonings. 5th ed. 1999. EPA Document No. EPA 735-R-98-003, and available in electronic format at: <http://www.epa.gov/pesticides/safety/healthcare> p. 123] **PEER REVIEWED**

Administer intravenous fluids to accelerate excretion of the chlorophenoxy compound, and to limit concentration of the toxicant in the kidney. A urine flow of 4-6 mL/minute is desirable. Intravenous saline/dextrose has sufficed to rescue comatose patients who drank 2,4-D and mecoprop several hours before hospital admission. CAUTION: Monitor urine protein, cells. BUN, serum creatine, serum electrolytes, and fluid intake/output carefully to insure that renal function remains unimpaired and that fluid overload does not occur. /Chlorophenoxy Herbicides/

[U.S. Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances. Reigart, J.R., Roberts, J.R. Recognition and Management of Pesticide Poisonings. 5th ed. 1999. EPA Document No. EPA 735-R-98-003, and available in electronic format at: <http://www.epa.gov/pesticides/safety/healthcare> p. 97] **PEER REVIEWED**

Forced alkaline diuresis has been used successfully in management of suicidal ingestions of chlorophenoxy compounds, especially when initiated early. Alkalinizing the urine by including sodium bicarbonate ... in the intravenous solution accelerates excretion of 2,4-D dramatically and mecoprop excretion substantially. Urine pH should be maintained between 7.6 and 8.8. Include potassium chloride to offset increased potassium losses. ... It is crucial to monitor serum electrolytes carefully, especially potassium and calcium. There may possibly be some hazard to the kidneys when urine concentrations of toxicant are very high, so the integrity of renal function and fluid balance should be monitored carefully as the chlorophenoxy compound is excreted. Renal failure has occurred in patients with severe intoxication during alkaline diuresis. /Chlorophenoxy Herbicides/

[U.S. Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances. Reigart, J.R., Roberts, J.R. Recognition and Management of Pesticide Poisonings. 5th ed. 1999. EPA Document No. EPA 735-R-98-003, and available in electronic format at: <http://www.epa.gov/pesticides/safety/healthcare> p. 97] **PEER REVIEWED**

Hemodialysis is not likely to be of significant benefit in poisonings by chlorophenoxy compounds. It has been used in four patients who survived intoxication. However, given the highly protein-bound nature of these herbicides and lack of any other evidence, hemodialysis is not recommended. /Chlorophenoxy Herbicides/

[U.S. Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances. Reigart, J.R., Roberts, J.R. Recognition and Management of Pesticide Poisonings. 5th ed. 1999. EPA Document No. EPA 735-R-98-003, and available in electronic format at: <http://www.epa.gov/pesticides/safety/healthcare> p. 97] **PEER REVIEWED**

Animal Toxicity Studies:

Non-Human Toxicity Excerpts:

/LABORATORY ANIMALS: Acute Exposure/ English pointer dogs dosed po with encapsulated 2,4-dichlorophenoxyacetic acid (2,4-D) at 1.3, 8.8, 43.7, 175 or 220 mg/kg body weight failed to exhibit abnormalities in hematologic, serum biochemical, urinalysis, or electrocardiographic parameters. At the 3 lowest doses, no changes were noted in electro-encephalograms (EEGs). In the dog given 175 mg/kg, at 24 h postdosing mild sedation was accompanied by excessive slowing in the EEG with loss of low voltage fast activity. In the dog given 220 mg/kg, nonspecific alterations in the EEG suggestive of irritation and mild seizure activity was detected 7 hr, but the EEG returned to normal by 24 hr. /2,4-D/

[Arnold EK et al; Vet Hum Toxicol 33 (5): 446-9 (1991)] **PEER REVIEWED** [PubMed Abstract](#)

/LABORATORY ANIMALS: Acute Exposure/ The acute toxicity of 2,4-dichlorophenoxyacetic acid (2,4-D), a herbicide, was studied in chicks dosed with 100, 300, 500, or 600 mg 2,4-D/kg BW, by the oral route. Clinical, laboratory, and histopathological methods were used as indicators of toxicity. After acute exposure, the herbicide decreased motor activity and induced muscular weakness and motor incoordination; decreased weight gain; increased serum creatine kinase (CK) and alkaline phosphatase (AP) activities and serum uric acid (UA), creatinine (CR), and total proteins (TP) levels; and did not change serum aspartate aminotransferase (AST) or alanine aminotransferase (ALT) activities. These changes were time- and dose-dependent and reversible. The LD50 (lethal dose 50%) calculated for oral 2,4-D in chicks was 420 mg/kg BW (385 to 483). Chromatographic analysis of the serum of the intoxicated chicks showed the presence of the herbicide; the amount found was dose- and time-dependent, increasing from 2 to 8 hr after exposure and decreasing afterwards. Histopathological post-mortem studies conducted on intoxicated chicks showed hepatic (vacuolar degeneration of the hepatocytes), renal (tubular nephrosis), and intestinal (hemorrhagic) lesions. /2,4-D/

[Morgulis MS, et al; Poult Sci 77 (4): 509-515 (1998)] **PEER REVIEWED** [PubMed Abstract](#)

/LABORATORY ANIMALS: Subchronic or Prechronic Exposure/ Forms of 2,4-dichlorophenoxyacetic acid (collectively known as 2,4-D) are herbicides used to control a wide variety of broadleaf and woody plants. Subchronic toxicity studies in rats were conducted on three forms of 2,4-D: the parent form, 2,4-D acid; 2,4-D dimethylamine salt (DMA); and 2,4-D 2-ethylhexyl ester (2-EHE). Doses in the subchronic studies (on an acid equivalent basis) were 0, 1, 15, 100, and 300 mg/kg/day. Major treatment related findings in the three studies included decreases in red cell mass, decreases in T3 and T4 levels, decreases in ovary and testes weights, increases in liver, kidney, and thyroid weights, and cataracts and retinal degeneration (high-dose females). These data demonstrated the comparable toxicities of 2,4-D acid, DMA, and 2-EHE and support a subchronic no-observed-effect level of 15 mg/kg/day for all three forms.

[Charles JM, et al; Fundam Appl Toxicol 33 (2): 161-165 (1996)] **PEER REVIEWED** [PubMed Abstract](#)

/LABORATORY ANIMALS: Subchronic or Prechronic Exposure/ The influence of sublethal doses of 2,4-dichlorophenoxyacetic acid (2,4-D) on serum T3 & T4 concns in Hsd Cpb: Wistar rats of both sexes was studied. The trial was performed on 24 males & females respectively, each divided into three groups of 8 animals (control, groups 1 & 2). Aqueous soln of the compound (11 mg/kg bw--group 1 & 110 mg/kg bw--group 2) or clean tap water (control group) was used. Aliquots of 2.4 mL/kg bw were administered with a stomach tube from the 1st-10th day of the experiment. Three days before the first treatment & on the 6th & 13th day of the experiment the serum T3 & T4 concns were determined by commercial radioimmunoassay kits (Byk-Sangtec Diagnostica), validated for rats. A significant decr of serum T4 (P<0.01) & T3 (P<0.001) was determined in males of groups 1 & 2 during the experiment. On the 6th day of experiment serum T4 & T3 values were significantly lower (P<0.001 & 0.01 respectively) in group 2 than in the controls & group 1 of both males & females. During the whole experiment serum T4 levels were lower in females than in males (P<0.05). /2,4-D/

[Kobal S, et al; Pflugers Arch 440 (5 Suppl): R171-172 (2000)] **PEER REVIEWED**

/LABORATORY ANIMALS: Chronic Exposure or Carcinogenicity/ Groups of 25 male & 25 female 3 wk old Osborne-Mendel rats were fed for 2 yrs on diets containing 0, 5, 25, 125, 625 or 1250 mg/kg of diet 2,4-D. 2,4-D was 96.7% pure & contained no detectable levels of 2,7-dichloro- or 2,3,7,8-tetrachlorodibenzo-p-dioxin Numbers of male & female rats with malignant tumors were 6 in controls & 8, 7, 7, 8 & 14 in the treated groups, respectively. Tumors were randomly distributed & were also found in aging rats of this strain. ... A statistical increase (p< 0.05) in number of treated rats with malignant tumors over controls were found only in males receiving ... 1250 mg/kg. /2,4-D/

[IARC. Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man. Geneva: World Health Organization, International Agency for Research on Cancer, 1972-PRESENT. (Multivolume work). Available at: <http://monographs.iarc.fr/index.php> p. V15 117 (1977)] **PEER REVIEWED**

/LABORATORY ANIMALS: Chronic Exposure or Carcinogenicity/ 6xC3H/Anf) F1 mice & 18 male & 18 female (C57BL/6xAKR)F1 mice received commercial 2,4-D (90%, mp 136-140 deg C) according to the following dose schedule: 46.4 mg/kg body wt in 0.5% gelatin by stomach tube at 7 days of age & the same amount (not adjusted for incr body wt) daily up to 28 days of age; subsequently, the mice were given 149 mg/kg of diet /feed/. ... The experiment was terminated when the mice were about 78 weeks of age ... Tumor incidences were compared with those observed among groups of ... control mice, which had been untreated or had received gelatin only: the incidences were not significantly greater (p> 0.05) when any group or combination of groups were considered. Similar results were obtained in groups of mice given 2,4-D isopropyl, butyl, or isoctyl esters (99%, 99%, and 97% pure) at doses of 46.6 mg/kg body wt from 7-28 days of age and, subsequently 111, 149, & 130 mg/kg of diet /feed/ respectively up to 78 weeks of age. /2,4-D/

[IARC. Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man. Geneva: World Health Organization, International Agency for Research on Cancer, 1972-PRESENT. (Multivolume work). Available at: <http://monographs.iarc.fr/index.php> p. V15 117 (1977)] **PEER REVIEWED**

/LABORATORY ANIMALS: Developmental or Reproductive Toxicity/ When 2,4-D was administered at a concentrations of 500 mg/kg of diet during entire pregnancy of a sow, anorexia was noted; newborn piglets were underdeveloped & apathetic & 10/15 died within 24 hr. Continued feeding of 50 mg/kg of diet to survivors until ... 8 months of age caused growth depression, persistent anemia, & moderate degenerative changes of liver & kidneys. /2,4-D/
 [IARC. Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man. Geneva: World Health Organization, International Agency for Research on Cancer, 1972-PRESENT. (Multivolume work). Available at: <http://monographs.iarc.fr/index.php> p. V15 123 (1977)]
 PEER REVIEWED

/LABORATORY ANIMALS: Developmental or Reproductive Toxicity/ The reproductive toxicity of 2,4-D has been studied at dietary doses of 0, 5, 20, and 80 mg/kg/day in a two generation reproductive study in Fischer 344 rats. The parental Fo group was treated with 2,4-D for 15 weeks prior to mating. No adverse effects on fertility were observed in the 5 and 20 mg/kg daily dose groups, although reduced pup weights were noted in the 20 mg/kg F2a litters. A daily NOAEL of 5 mg/kg for reproductive toxicity was established from this study. In addition to this reproduction study, recent subchronic and chronic studies in rats, mice and dogs produced no evidence of treatment related histopathological changes in the testes at any of the dose levels ... /2,4-D/
 [Bingham, E.; Cochrssen, B.; Powell, C.H.; Patty's Toxicology Volumes 1-9 5th ed. John Wiley & Sons. New York, N.Y. (2001)., p. V4 493]
 PEER REVIEWED

/LABORATORY ANIMALS: Developmental or Reproductive Toxicity/ The cytogenetic effect of 2,4-dichlorophenoxy acetic acid (2,4-D) & its metabolite 2,4-dichlorophenol (2,4-DCP) was studied in bone-marrow, germ cells & sperm head abnormalities in the treated mice. Swiss mice were treated orally by gavage with 2,4-D at 1.7, 3.3 and 33 mg kg(-1)BW (1/200, 1/100 and 1/10 of LD(50)). 2,4-DCP was intraperitoneally (i.p.) injected at 36, 72 and 180 mg kg(-1)BW (1/10, 1/5, 1/2 of LD(50)). A significant increase in the percentage of chromosome aberrations in bone-marrow and spermatocyte cells was observed after oral administration of 2,4-D at 3.3 mg kg(-1)BW for three and five consecutive days. This percentage increased and reached 10.8+/-0.87 (P<0.01) in bone-marrow and 9.8+/-0.45 (P<0.01) in spermatocyte cells after oral administration of 2,4-D at 33 mg kg(-1)BW for 24 hr. This percentage was, however, lower than that induced in bone-marrow and spermatocyte cells by mitomycin C (positive control). 2,4-D induced a dose-dependent increase in the percentage of sperm head abnormalities. The genotoxic effect of 2,4-DCP is weaker than that of 2,4-D, as indicated by the lower percentage of the induced chromosome aberrations (in bone-marrow and spermatocyte cells) and sperm head abnormalities. /2,4-D/
 [Amer SM, Aly FA; Mutat Res 25; 494 (1-2): 1-12 (2001)] **PEER REVIEWED**

/LABORATORY ANIMALS: Neurotoxicity/ The acute effects of 2,4-dichlorophenoxyacetic acid (2,4-D) administered orally to female mongrel dogs in doses of 25, 50, 75, 100 or 125 mg/kg were investigated by means of neurological examinations, electromyography and motor nerve conduction velocity tests carried out at various times following treatment. On day one after treatment with 125 mg/kg, one of four dogs was lethargic but recovered by day three. Also on day one, myotonic dimpling was evident in one dog each in the groups treated with 50, 100, 125 mg/kg. Dogs treated with more than 50 mg/kg had generalized myotonic discharges which increased according to the dose and were resolved by day 14 but not day seven. Treatment failed to affect motor nerve conduction velocity. Pathologic changes in teased nerve fibers involved occasional fiber degeneration, paranodal demyelination and intercalated internodes. Transverse semi-thin sections showed mild focal fiber degeneration and eventual medial plantar nerve depletion in five dogs treated with 25, 100 and 125 mg/kg and in lateral plantar nerve of two dogs treated with 125 mg/kg and one control. A single exposure to sublethal oral doses of 2,4-D is not associated with evidence of polyneuropathy. /2,4-D/
 [Steiss JE et al; J Neurol Sci 78 (3): 295-301 (1987)] **PEER REVIEWED** [PubMed Abstract](#)

/LABORATORY ANIMALS: Neurotoxicity/ Forms of 2,4-dichlorophenoxyacetic acid ... are herbicides used to control a wide variety of broadleaf and woody plants. Single-dose acute and 1-year chronic neurotoxicity screening studies in male and female Fischer 344 rats (10/sex/dose) were conducted on 2,4-D according to the U.S. EPA 1991 guidelines. The studies emphasized a Functional Observational Battery (which included grip performance and hindlimb splay tests), automated motor activity testing, and comprehensive neurohistopathology of perfused tissues. Dosages were up to 250 mg/kg by gavage for the single-dose study, and up to 150 mg/kg/day in the diet for 52 weeks in the repeated-dose study. In the acute study, gavage with 250 mg/kg test material caused slight transient gait and coordination changes and clearly decreased motor activity at the time of maximal effect on the day of treatment (day 1). Mild locomotor effects occurred in one mid-dose rat (75 mg/kg), on Day 1 only. No gait, coordination, or motor activity effects were noted by day 8. In the chronic study, the only finding of neurotoxicologic significance was retinal degeneration in females in the high-dose group (150 mg/kg/day). Body weights of both sexes were slightly less than controls in the mid-dose group, and 10% less than controls in the high-dose group. /2,4-D/
 [Mattsson JL, et al; Fundam Appl Toxicol 40 (1): 111-119 (1997)] **PEER REVIEWED** [PubMed Abstract](#)

/GENOTOXICITY/ 2,4-D, 2-Ethylhexyl ester, 98.0% purity, at concentrations of 0 (DMSO), 0.501, 1.00, 2.50, 5.00, 10.0, or 25.0 ug/mL, was assayed with primary rat hepatocytes. The treatment period was 19 hours. 2,4-D, 2-Ethylhexyl ester, did not induce unscheduled DNA synthesis.
 [California Environmental Protection Agency/Department of Pesticide Regulation; Toxicology Data Review Summaries. Available from: <http://www.cdpr.ca.gov/docs/toxsums/toxsumlist.htm> on 2,4-D as of February 1, 2005.] **PEER REVIEWED**

/GENOTOXICITY/ 2,4-D, 2-Ethylhexyl Ester [grouped with 2,4-D free acid as of 7/23/91], purity of 98.0%, at

concentrations of 0 (DMSO), 333, 667, 1000, 3330, 6670, or 10000 ug/plate without and with metabolic activation (Aroclor 1254-induced rat liver) was assayed with Salmonella typhimurium strains TA98, TA100, TA1535, TA1537 and TA1538. Incubation period was for 48 hours. 2,4-D,-2-Ethylhexyl Ester did not increase the number of revertants in either the initial or repeat assay.

[California Environmental Protection Agency/Department of Pesticide Regulation; Toxicology Data Review Summaries. Available from: <http://www.cdpr.ca.gov/docs/toxsums/toxsumlist.htm> on 2,4-D as of February 1, 2005.] **PEER REVIEWED**

/GENOTOXICITY/ 2,4-D, 2-Ethylhexyl Ester, purity 98.0%, LOT # 04KF54479, was administered as a single dose by gavage at 0 (corn oil), 50, 167, or 500 mg/kg to 5 ICR mice/sex/group. Bone marrow was harvested at 24, 48, and 72 hours after dosing. Polychromatic erythrocytes were scored for micronuclei and the PCE/NCE ratio determined. One thousand PCE's were scored per animal. The test substance did not induce a significant increase in micronuclei in bone marrow polychromatic erythrocytes.

[California Environmental Protection Agency/Department of Pesticide Regulation; Toxicology Data Review Summaries. Available from: <http://www.cdpr.ca.gov/docs/toxsums/toxsumlist.htm> on 2,4-D as of February 1, 2005.] **PEER REVIEWED**

/GENOTOXICITY/ Using the Curly-Lobe-Plum method in Drosophila melanogaster, this herbicide, manifested a significant mutagenic effect: frequency of the lethal recessive mutations was 6 times higher in the group of flies treated with the herbicide than in the untreated, control group.

[Coman N et al; Studia Universitatis Babes-Bolyai Biologia 37 (1): 65-70 (1992)] **PEER REVIEWED**

/OTHER TOXICITY INFORMATION/ The effects of daily dosing with the 2-ethyl hexyl ester of 2,4-D and its components at 250 mg/kg on blood urea nitrogen and plasma Mg:Ca ratios in cattle and sheep are tabulated. The formulation of the herbicide (emulsifiable concentrate or technical grade) showed no difference in the effects. Treatment with the compound resulted in a decrease in plasma Ca and an increase in plasma Mg significantly changing the ratio in the plasma of two sheep and a yearling heifer that died. In some cases, there was a 50% ratio decrease. Increased blood urea nitrogen (in one case increased from 4 to 40 mg/100 mL) was noted in the herbicide-treated animals. Kidney damage and swollen blood-engorged thyroids were commonly noted during the postmortem examinations.

[Hunt LM et al; Bull Environ Contam Toxicol 5 (1): 54-60 (1970)] **PEER REVIEWED**

Ecotoxicity Excerpts:

/AQUATIC SPECIES/ In studies conducted according to the guidelines of the US Environmental Protection Agency, 2,4-D acid and ethylhexyl ester had no effect on the early life stages, embryo hatch, larval weight, or larval length of the fathead minnow (*Pimephales promelas*) at concentrations of 12.6-102 mg/L for up to 32 days (acid). The 32-day NOEC for the acid was 63.4 mg/L, comparable to the 33-day NOEC for the diethanolamine salt of 29.1 mg/L. The ethylhexyl ester was more toxic, with a 32-day NOEC of 0.12 mg/L...

[FAO/WHO; Pesticide Residues in Food: Toxicological and Environmental Evaluations: 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (1997). Available from, as of February 1, 2005: <http://www.inchem.org/documents/jmpr/jmpmono/v097pr16.htm> **PEER REVIEWED**

/AQUATIC SPECIES/ The esters of 2,4-D are clearly more toxic to invertebrate species such as the tidewater silverside (*Menidia beryllina*), Atlantic silverside (*Menidia menidia*), grass shrimp (*Palaemonetes pugio*), pink shrimp (*Panaeus duorarum*), and Dungeness crab (*Cancer magister*) than is the dimethylamine salt or the acid. The same is true for formulated 2-ethylhexyl ester.

[FAO/WHO; Pesticide Residues in Food: Toxicological and Environmental Evaluations: 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (1997). Available from, as of February 2, 2005: <http://www.inchem.org/documents/jmpr/jmpmono/v097pr16.htm> **PEER REVIEWED**

Non-Human Toxicity Values:

LD50 Rat (male) oral 982 mg/kg

[European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**

LD50 Rat (female) oral 864 mg/kg

[European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**

LD50 Mouse oral 673 mg/kg

[European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**

LD50 Rat oral 896 mg/kg

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British Crop Protection Council.] **PEER REVIEWED**

LD50 Rabbit dermal >2000 mg/kg

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British Crop Protection Council.] **PEER REVIEWED**

LC50 Rat inhalation >5.4 mg/L air/4 hr

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British

Crop Protection Council.] **PEER REVIEWED**

Ecotoxicity Values:LD50 *Anas platyrhynchos* (Mallard duck, juvenile) oral 663 mg/kg/14 days[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**LD50 *Anas platyrhynchos* (Mallard duck, 14 day old) oral >4640 mg/kg/8 days[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**LC50 *Anas platyrhynchos* (Mallard duck, juvenile) dietary >5620 ppm/8 days[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**LC50 *Colinus virginianus* (Northern bobwhite, juvenile) dietary 7187 ppm/8 days[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**EC50 *Anabaena flosaquae* (Blue-green algae; population abundance) >0.32 ppm/5 days; static /formulated product/[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**EC50 *Selenastrum capricornutum* (Green algae; population abundance) >30.0 ppm/5 days; static /formulated product/[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**EC50 *Crassostrea virginica* (American oyster; intoxication immobilization) >3.0 ppb/96 hr; flow-through /formulated product/[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**LC50 *Gammarus fasciatus* (Scud) 2400 ppb/96 hr (95% confidence interval: 1900-3000 ppb); static /formulated product/[USEPA, Office of Pesticide Programs; Pesticide Ecotoxicity Database (2000) on 2,4-D, 2-Ethylhexyl ester (1928-43-4). Available from, as of January 26, 2005: http://cfpub.epa.gov/ecotox/quick_query.htm **PEER REVIEWED**LC50 *Oncorhynchus Mykiss* (Rainbow trout) 7.2 mg/L/96 hr; flow-through[European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**EC50 *Navicula pelliculosa* (algae) 4.1 mg/L 5 days endpoint: growth rate; NOEC = 0.1875[European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**EC50 *Skeletonema costatum* (Algae; growth inhibition) 0.23 mg/L/5 days; static /from table/[FAO/WHO; Pesticide Residues in Food: Toxicological and Environmental Evaluations: 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (1997). Available from, as of February 1, 2005: <http://www.inchem.org/documents/jmpr/jmpmono/v097pr16.htm> **PEER REVIEWED**LD50 Honeybee (*Apis mellifera*) oral or contact >100 mg/bee/72 hr[FAO/WHO; Pesticide Residues in Food: Toxicological and Environmental Evaluations: 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (1997). Available from, as of February 2, 2005: <http://www.inchem.org/documents/jmpr/jmpmono/v097pr16.htm> **PEER REVIEWED****Metabolism/Pharmacokinetics:****Metabolism/Metabolites:**

The pharmacokinetics of the 2-ethylhexyl ester of 2,4-D were investigated following a single oral administration of 130 mg/kg body weight dose to both male and female Fischer 344 rats. Blood samples were drawn from 24 rats per sex in serial groups of 3 at intervals of 0.25, 0.5, 1, 2, 4, 8, 24, and 72 hours post dosing and urine was collected from the 72 hours group at 12 hour intervals. The most significant finding from this evaluation was the absence of any 2-ethylhexyl ester of 2,4-D in either the blood or urine for either sex evaluated (limit of quantification 10 ppb). Conversely 2,4-D acid was detected in both blood and urine. The present data indicate that the 2-ethylhexyl ester of 2,4-D is converted very rapidly to 2,4-D acid, and that the acid is then excreted into the urine. A similarity exists in interval excretion data with that seen in previous investigations with 2,4-D acid. Indications are that the 2,4-D acid is probably derived via the hydrolysis of the 2-ethylhexyl ester moiety and is eliminated from the body in the same manner as the orally administered 2,4-D acid. It is therefore anticipated from these results that the 2-ethylhexyl ester of 2,4-D should be toxicologically comparable to 2,4-D acid itself.

[European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**

2,4-D 2-ethylhexyl ester is hydrolysed to 2,4-D by esterase enzymes present in the gut wall, in blood plasma, in liver cells and in skin. Any 2,4-D /ethylhexyl ester/ absorbed orally or dermally is hydrolysed to 2,4-D, the acid ionic form. [European Chemicals Bureau; IUCLID Dataset, 2-ethylhexyl 2,4-dichlorophenoxyacetate (1928-43-4) (2000 CD-ROM edition). Available from, as of January 13, 2005: <http://esis.jrc.ec.europa.eu/> **PEER REVIEWED**

Absorption, Distribution & Excretion:

A maximum 2,4-D concentration in serum of 1075 ppm was detected 5 hr after /English pointer dogs were given a/ po dose of 220 mg/kg. A maximum 2,4-D, concentration in urine of 1792 ppm was detected 2 hr after a po dose of 175 mg/kg, while 25 hr after that dose kidney tissue contained 271 ppm. /2,4-D/ [Arnold EK et al; Vet Hum Toxicol 33 (5): 446-9 (1991)] **PEER REVIEWED** [PubMed Abstract](#)

Pharmacology:

Environmental Fate & Exposure:

Environmental Fate/Exposure Summary:

2,4-D, 2-ethylhexyl ester's production may result in its release to the environment through various waste streams; its use as a herbicide will result in its direct release to the environment. If released to air, a vapor pressure of 3.59×10^{-4} mm Hg at 25 deg C indicates 2,4-D, 2-ethylhexyl ester will exist solely as a vapor in the ambient atmosphere. Vapor-phase 2,4-D, 2-ethylhexyl ester will be degraded in the atmosphere by reaction with photochemically-produced hydroxyl radicals; the half-life for this reaction in air is estimated to be 27 hours. If released to soil, 2,4-D, 2-ethylhexyl ester is expected to have no mobility based upon an estimated Koc of 33,000. Volatilization from moist soil surfaces is expected to be an important fate process based upon a Henry's Law constant of 1.8×10^{-5} atm-cu m/mole. If released into water, 2,4-D, 2-ethylhexyl ester is expected to adsorb to suspended solids and sediment based upon the estimated Koc. 2,4-D, 2-ethylhexyl ester is expected to hydrolyze and form the parent compound 2,4-D acid. The estimated hydrolysis half-lives of this reaction are 35 and 3.5 days at pH values of 7 and 8, respectively. Field studies have resulted in half-lives of 1 to 51 days when applied as a spray and 4-16 days when applied in granule form. These results are similar to those found in the parent compound, 2,4-D acid. Volatilization from water surfaces is expected to be an important fate process based upon this compound's Henry's Law constant. Estimated volatilization half-lives for a model river and model lake are 94 hours and 821 hours, respectively. However, volatilization from water surfaces is expected to be attenuated by adsorption to suspended solids and sediment in the water column. The estimated volatilization half-life from a model pond is 51 months if adsorption is considered. An estimated BCF of 5,600 suggests the potential for bioconcentration in aquatic organisms is very high. Occupational exposure to 2,4-D, 2-ethylhexyl ester may occur through inhalation and dermal contact with this compound at workplaces where 2,4-D, 2-ethylhexyl ester is produced or used. (SRC)

PEER REVIEWED

Probable Routes of Human Exposure:

Occupational exposure to 2,4-D, 2-ethylhexyl ester may occur through inhalation and dermal contact with this compound at workplaces where 2,4-D, 2-ethylhexyl ester is produced or used. (SRC)

PEER REVIEWED

Artificial Pollution Sources:

2,4-D, 2-ethylhexyl ester production may result in its release to the environment through various waste streams; its use as a herbicide(1) will result in its direct release to the environment(SRC).

[(1) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Environmental Fate:

TERRESTRIAL FATE: Based on a classification scheme(1), an estimated Koc value of 33,000(SRC), determined from a log Kow of 5.78(2) and a regression-derived equation(3), indicates that 2,4-D, 2-ethylhexyl ester is expected to be immobile in soil(SRC). Volatilization of 2,4-D, 2-ethylhexyl ester from moist soil surfaces is expected to be an important fate process(SRC) given a Henry's Law constant of 1.8×10^{-5} atm-cu m/mole(2). However, adsorption to soil is expected to attenuate volatilization(SRC). 2,4-D, 2-ethylhexyl ester is not expected to volatilize from dry soil surfaces(SRC) based upon a vapor pressure of 3.59×10^{-4} mm Hg(2). Field studies have resulted in half-lives of 1 to 51 days when applied as a spray and 4-16 days when applied in granulate form(3).

[(1) Swann RL et al; Res Rev 85: 17-28 (1983) (2) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003) (3) Wilson RD et al; Environ Tox Chem 16: 1239-1246 (1997)] **PEER REVIEWED**

AQUATIC FATE: Based on a classification scheme(1), an estimated Koc value of 33,000(SRC), determined from a log Kow of 5.78(2) and a regression-derived equation(3), indicates that 2,4-D, 2-ethylhexyl ester is expected to adsorb to suspended solids and sediment(SRC). Volatilization from water surfaces is expected(3) based upon a Henry's Law constant of 1.8×10^{-5} atm-cu m/mole(2). Using this Henry's Law constant and an estimation method(3), volatilization half-lives for a model river and model lake are 94 hours and 820 hours, respectively(SRC). However, volatilization from water surfaces is expected to be attenuated by adsorption to suspended solids and sediment in the water column(SRC). The estimated volatilization half-life from a model pond is 51 months if adsorption is considered(4). According to a classification scheme(5), an estimated BCF of 5,600(SRC), from its log Kow(2) and a regression-derived equation(6), suggests the potential for bioconcentration in aquatic organisms is very high(SRC). Hydrolysis of 2,4-D, 2-ethylhexyl ester is expected to yield the parent compound 2,4-D acid(SRC). A base-catalyzed second-order hydrolysis rate constant of 2.3 L/mole-sec(SRC) was estimated using a structure estimation method(7); this corresponds to half-lives of 35 and 3.5 days at pH values of 7 and 8, respectively(7). Biodegradation data were not available(SRC, 2005).

[(1) Swann RL et al; Res Rev 85: 17-28 (1983) (2) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003) (3) Lyman WJ et al; Handbook of Chemical Property Estimation Methods. Washington, DC: Amer Chem Soc pp. 4-9, 15-1 to 15-29 (1990) (4) US EPA; EXAMS II Computer Simulation (1987) (5) Franke C et al; Chemosphere 29: 1501-14 (1994) (6) Meylan WM et al; Environ Toxicol Chem 18: 664-72 (1999) (7) Mill T et al; Environmental Fate and Exposure Studies Development of a PC-SAR for Hydrolysis: Esters, Alkyl Halides and Epoxides. EPA Contract No. 68-02-4254. Menlo Park, CA: SRI International (1987)] **PEER REVIEWED**

ATMOSPHERIC FATE: According to a model of gas/particle partitioning of semivolatile organic compounds in the atmosphere(1), 2,4-D, 2-ethylhexyl ester, which has a vapor pressure of 3.59×10^{-4} mm Hg at 25 deg C(2) is expected to exist solely as a vapor in the ambient atmosphere. Vapor-phase 2,4-D, 2-ethylhexyl ester is degraded in the atmosphere by reaction with photochemically-produced hydroxyl radicals(SRC); the half-life for this reaction in air is estimated to be 27 hrs(SRC), calculated from its rate constant of 15×10^{-12} cu cm/molecule-sec at 25 deg C(SRC) that was derived using a structure estimation method(3). 2,4-D, 2-ethylhexyl has been reported to be stable to light(2).

[(1) Bidleman TF; Environ Sci Technol 22: 361-367 (1988) (2) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003) (3) Meylan WM, Howard PH; Chemosphere 26: 2293-99 (1993)] **PEER REVIEWED**

Environmental Abiotic Degradation:

The rate constant for the vapor-phase reaction of 2,4-D, 2-ethylhexyl ester with photochemically-produced hydroxyl radicals has been estimated 15×10^{-12} cu cm/molecule-sec at 25 deg C(SRC) using a structure estimation method(1). This corresponds to an atmospheric half-life of about 27 hours at an atmospheric concentration of 5×10^5 hydroxyl radicals per cu cm(1). Hydrolysis of 2,4-D, 2-ethylhexyl ester is expected to yield the parent compound 2,4-D acid(SRC). A base-catalyzed second-order hydrolysis rate constant of 2.3 L/mole-sec(SRC) was estimated using a structure estimation method(2); this corresponds to half-lives of 35 and 3.5 days at pH values of 7 and 8, respectively(2). 2,4-D, 2-ethylhexyl has been reported to be stable to light(3).

[(1) Meylan WM, Howard PH; Chemosphere 26: 2293-99 (1993) (2) Mill T et al; Environmental Fate and Exposure Studies Development of a PC-SAR for Hydrolysis: Esters, Alkyl Halides and Epoxides. EPA Contract No. 68-02-4254. Menlo Park, CA: SRI International (1987) (3) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Environmental Bioconcentration:

An estimated BCF of 5,600 was calculated for 2,4-D, 2-ethylhexyl ester(SRC), using a log Kow of 5.78(1) and a regression-derived equation(2). According to a classification scheme(3), this BCF suggests the potential for bioconcentration in aquatic organisms is very high(SRC), provided the compound is not altered physically or chemically once released into the environment(SRP).

[(1) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003) (2) Meylan WM et al; Environ Toxicol Chem 18: 664-72 (1999) (3) Franke C et al; Chemosphere 29: 1501-14 (1994)] **PEER REVIEWED**

Soil Adsorption/Mobility:

The Koc of 2,4-D, 2-ethylhexyl ester is estimated as 33,000(SRC), using a log Kow of 5.78(1) and a regression-derived equation(2). According to a classification scheme(3), this estimated Koc value suggests that 2,4-D, 2-ethylhexyl ester is expected to be immobile in soil.

[(1) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003) (2) Lyman WJ et al; Handbook of Chemical Property Estimation Methods. Washington, DC: Amer Chem Soc pp. 4-9 (1990) (3) Swann RL et al; Res Rev 85: 17-28 (1983)] **PEER REVIEWED**

Volatilization from Water/Soil:

The Henry's Law constant for 2,4-D, 2-ethylhexyl ester is 1.8×10^{-5} atm-cu m/mole(1). This Henry's Law constant indicates that 2,4-D, 2-ethylhexyl ester is expected to volatilize from water surfaces(2). Based on this Henry's Law constant, the volatilization half-life from a model river (1 m deep, flowing 1 m/sec, wind velocity of 3 m/sec)(2) is estimated as 94.4 hours(SRC). The volatilization half-life from a model lake (1 m deep, flowing 0.05 m/sec, wind velocity of 0.5 m/sec)(2) is

estimated as 34.2 days(SRC). However, volatilization from water surfaces is expected to be attenuated by adsorption to suspended solids and sediment in the water column. The estimated volatilization half-life from a model pond is 51 months when adsorption is considered(3). Volatilization of 2,4-D, 2-ethylhexyl ester from moist soil surfaces is expected to be an important fate process(SRC) given a Henry's Law constant of 1.8×10^{-5} atm-cu m/mole(1). However, adsorption to soil is expected to attenuate volatilization(SRC). 2,4-D, 2-ethylhexyl ester is not expected to volatilize from dry soil surfaces(SRC) based upon its vapor pressure of 3.59×10^{-4} mm Hg(1).

[(1) Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003) (2) Lyman WJ et al; Handbook of Chemical Property Estimation Methods. Washington, DC: Amer Chem Soc pp. 15-1 to 15-29 (1990) (3) US EPA; EXAMS II Computer Simulation (1987)] **PEER REVIEWED**

Environmental Standards & Regulations:

FIFRA Requirements:

Tolerances are established for residues of 2,4-D at: barley, grain; blueberry; corn, forage; corn, fresh, sweet, kernel plus cob with husk removed; corn, grain; corn, stover; cranberry; fruit, stone; grapes; grass hay; grasses, pasture; grasses, rangeland; millet, forage; millet, grain; millet, straw; nut; oat, forage; oat, grain; pistachio; rice, grain; rice, straw; rye, forage; rye, grain; sorghum, forage; sorghum, grain; sorghum, grain, stover; sugarcane, cane; sugarcane, forage; wheat, forage; and wheat, grain. (Residues on all the above may result from application of 2,4-D in acid form, or in the form of one or more of the following esters: amyl (pentyl), butoxyethoxypropyl, butoxyethyl, butoxypolyethylene glycol butyl ether, butoxypropyl, butyl, dipropylene glycol isobutyl ether, ethoxyethoxyethyl, ethoxyethoxypropyl, ethyl, ethoxypropyl, isobutyl, isoctyl (including, but not limited to, 2-ethylhexyl, 2-ethyl-4-methylpentyl, and 2-octyl), isopropyl, methyl, polyethylene glycol 200, polypropoxybutyl, polypropylene glycol, propylene glycol, propylene glycol butyl ether, propylene glycol isobutyl ether, tetrahydrofurfuryl, and tripropylene glycol isobutyl ether.)

[40 CFR 180.142(a)(2); U.S. National Archives and Records Administration's Electronic Code of Federal Regulations. Available from, as of February 1, 2005: <http://www.gpoaccess.gov/ecfr> **PEER REVIEWED**

As the federal pesticide law FIFRA directs, EPA is conducting a comprehensive review of older pesticides to consider their health and environmental effects and make decisions about their future use. Under this pesticide reregistration program, EPA examines health and safety data for pesticide active ingredients initially registered before November 1, 1984, and determines whether they are eligible for reregistration. In addition, all pesticides must meet the new safety standard of the Food Quality Protection Act of 1996. Isoctyl(2-ethylhexyl) 2,4-dichlorophenoxyacetate is found on List A, which contains most food use pesticides and consists of the 194 chemical cases (or 350 individual active ingredients) for which EPA issued registration standards prior to FIFRA '88. Case No: 0073; Pesticide type: fungicide, herbicide (growth regulator); Registration Standard Date: 9/1/88 PB89-102396; Case Status: OPP is reviewing data from the pesticide's producers regarding its human health and/or environmental effects, or OPP is determining the pesticide's eligibility for reregistration and developing the RED document.; Active ingredient (AI): isoctyl(2-ethylhexyl) 2,4-dichlorophenoxyacetate; Data Call-in (DCI) Date(s): 3/25/94; AI Status: The producers of the pesticide have made commitments to conduct the studies and pay the fees required for reregistration, and are meeting those commitments in a timely manner. /RED scheduled for May 2005/

[United States Environmental Protection Agency/ Prevention, Pesticides and Toxic Substances; Status of Pesticides in Registration, Reregistration, and Special Review. (1998) EPA 738-R-98-002, p. 71] **PEER REVIEWED**

Allowable Tolerances:

Tolerances are established for residues of 2,4-D at: barley, grain: 0.5 ppm; blueberry: 0.1 ppm; corn, forage: 20 ppm; corn, fresh, sweet, kernel plus cob with husk removed: 0.5 ppm; corn, grain: 0.5 ppm; corn, stover: 20 ppm; cranberry: 0.5 ppm; fruit, stone: 0.2 ppm; grapes: 0.5 ppm; grass hay: 300 ppm; grasses, pasture: 1,000 ppm; grasses, rangeland: 1,000 ppm; millet, forage: 20 ppm; millet, grain: 0.5 ppm; millet, straw: 20 ppm; nut: 0.2 ppm; oat, forage: 20 ppm; oat, grain: 0.5 ppm; pistachio: 0.2 ppm; rice, grain: 0.1 ppm; rice, straw: 20 ppm; rye, forage: 20 ppm; rye, grain: 0.5 ppm; sorghum, forage: 20 ppm; sorghum, grain: 0.5 ppm; sorghum, grain, stover: 20 ppm; sugarcane, cane: 2 ppm; sugarcane, forage: 20 ppm; wheat, forage: 20 ppm; and wheat, grain: 0.5 ppm. (Residues on all the above may result from application of 2,4-D in acid form, or in the form of one or more of the following esters: amyl (pentyl), butoxyethoxypropyl, butoxyethyl, butoxypolyethylene glycol butyl ether, butoxypropyl, butyl, dipropylene glycol isobutyl ether, ethoxyethoxyethyl, ethoxyethoxypropyl, ethyl, ethoxypropyl, isobutyl, isoctyl (including, but not limited to, 2-ethylhexyl, 2-ethyl-4-methylpentyl, and 2-octyl), isopropyl, methyl, polyethylene glycol 200, polypropoxybutyl, polypropylene glycol, propylene glycol, propylene glycol butyl ether, propylene glycol isobutyl ether, tetrahydrofurfuryl, and tripropylene glycol isobutyl ether.)

[40 CFR 180.142(a)(2); U.S. National Archives and Records Administration's Electronic Code of Federal Regulations. Available from, as of February 1, 2005: <http://www.gpoaccess.gov/ecfr> **PEER REVIEWED**

Chemical/Physical Properties:

Molecular Formula:

C16-H22-Cl2-O3

[National Library of Medicine, SIS; ChemIDplus Record for 2,4-D-2-ethylhexyl (1928-43-4). Available from, as of March 2, 2005:
<http://chem.sis.nlm.nih.gov/chemidplus/direct.jsp?regno=1928-43-4> **PEER REVIEWED**

Molecular Weight:

333.28

[Lewis, R.J. Sax's Dangerous Properties of Industrial Materials. 10th ed. Volumes 1-3 New York, NY: John Wiley & Sons Inc., 1999., p. V2: 1103] **PEER REVIEWED**

Color/Form:

Golden yellow, non viscous liquid

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Odor:

Sweet slightly pungent odor

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Boiling Point:

>300 deg C (decomp)

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Melting Point:

<-37 deg C

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Density/Specific Gravity:

1.148 at 20 deg C

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Octanol/Water Partition Coefficient:

log Kow = 5.78 at 25 deg C

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Solubilities:

In water, 0.086 mg/L at 25 deg C

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Vapor Pressure:47.9 mPa /3.59X10⁻⁴ mm Hg/ at 25 deg C (Calculated)

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Other Chemical/Physical Properties:

In water, 0.0324 mg/L

[Ahrens, W.H. Herbicide Handbook of the Weed Science Society of America. 7th ed. Champaign, IL: Weed Science Society of America, 1994., p. 79] **PEER REVIEWED**

Henry's Law constant = 1.8 Pa cu m/mol (1.8X10⁻⁵ atm-cu m/mol)

[Tomlin CDS, ed; The e-Pesticide Manual. 2,4-D-2-ethylhexyl. 13th ed. PC CD-ROM, Version 3.0, 2003-04. Surrey, UK: British Crop Protection Council (2003)] **PEER REVIEWED**

Hydroxyl radical reaction rate constant = 15X10⁻¹² cu cm/molec-sec at 25 deg C /Estimated/

[US EPA; Estimation Programs Interface (EPI). ver. 3.11. U.S. EPA version for Windows. Washington, DC: U.S. EPA (2003). Available from,

as of Dec 15, 2004: <http://www.epa.gov/oppt/exposure/pubs/episuitedl.htm> **PEER REVIEWED**

Chemical Safety & Handling:

Flash Point:

171 deg C (Cleveland open cup)

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British Crop Protection Council.] **PEER REVIEWED**

Stability/Shelf Life:

Hydrolysis DT50 <1 hr. Stable to light, DT50 >100 days. Stable at 54 deg C.

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British Crop Protection Council.] **PEER REVIEWED**

Disposal Methods:

SRP: The most favorable course of action is to use an alternative chemical product with less inherent propensity for occupational exposure or environmental contamination. Recycle any unused portion of the material for its approved use or return it to the manufacturer or supplier. Ultimate disposal of the chemical must consider: the material's impact on air quality; potential migration in soil or water; effects on animal, aquatic, and plant life; and conformance with environmental and public health regulations.

PEER REVIEWED

Occupational Exposure Standards:

Manufacturing/Use Information:

Major Uses:

For 2,4-D, 2-ethylhexyl ester (USEPA/OPP Pesticide Code: 030063) ACTIVE products with label matches. /SRP: Registered for use in the U.S. but approved pesticide uses may change periodically and so federal, state and local authorities must be consulted for currently approved uses./

[U.S. Environmental Protection Agency/Office of Pesticide Program's Chemical Ingredients Database on 2,4-D, 2-Ethylhexyl Ester (1928-43-4). Available from, as of February 1, 2005: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Manufacturers:

Dow Agrosciences LLC, 9330 Zionsville Rd., Indianapolis, IN 46268, (317) 337-3000; Production site: Midland, MI 48667 /2,4-D and esters and salts/

[SRI Consulting. 2004 Directory of Chemical Producers. SRI International, Menlo Park, CA 2004., p. 766] **PEER REVIEWED**

Nufarm, Inc., 1333 Burr Ridge Pkwy., Suite 125A, Burr Ridge, IL 60521-0866, (800) 345-3330; Production site: Burr Ridge, IL 60521-0866 /2,4-D and esters and salts/

[SRI Consulting. 2004 Directory of Chemical Producers. SRI International, Menlo Park, CA 2004., p. 766] **PEER REVIEWED**

Riverdale (a Nufarm Co.), 1333 Burr Ridge Pkwy., Suite 125A, Burr Ridge, IL 60521-0866, (800) 345-3330; Production site: Chicago Heights, IL 60411 /2,4-D and esters and salts/

[SRI Consulting. 2004 Directory of Chemical Producers. SRI International, Menlo Park, CA 2004., p. 766] **PEER REVIEWED**

AgriLiance LLC, 64089 St. Paul, MN 55164-0089, 712-234-2853 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

AgSCO, 13458, Grand Forks, ND 58208-3458, 701-775-532 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Albaugh Inc., 2127, Valdosta, GA 31604-2127, 229-244-3288 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

AMREP Inc., 990 Industrial Dr., Marietta, GA 30062, 770-422-2071 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

AMVAC Chemical Corp., 4695 Macarthur Court, Suite 1250, Newport Beach, CA 92660-1706, 949-260-1212; Athea Laboratories Inc., 240014. Milwaukee, WI 53224, 800-743-6417 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Atanor S.A., 2127 Valdosta, GA 31604-2127 229-244-3288 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Bayer Cropscience LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709, 919-549-2365 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Helena Chemical Co., 225 Schilling Blvd., Suite 300, Collierville, TN 38017 901-752-4410 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Hill Manufacturing Corp., 1500 Jonesboro Rd., SE Atlanta, GA 30315 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Loveland Products Inc., 1286, Greeley, CO 80632, 970-347-1470 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Lubar Chemical Co., 208 Iron North, Kansas City, MO 64116, 816-472-5515 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Micro-Flo Co., LLC, 530 Oak Court Dr., Memphis TN 38117 901-432-5000 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Nufarm Limited, 2300 Frederick Ave., Suite 208, St. Joseph, MO 64504, 816-676-9000 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

PBI/Gordon Corp., 014090, 1217 West 12th St., Kansas City, MO 64101-0090, 816-460-6292. /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Rockland Chemical Corp., 71 Carolyn Blvd., Farmingdale, NY 11735, 978-887-1424 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Universal Cooperatives Inc., 1300 Corporate Center Curve, Eagan, MN 55121, 651-239-1128 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Value Gardens Supply, 585, St. Joseph, MO 64502, 540-864-8100 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Voluntary Purchasing Group Inc., 1806 Auburn Dr., Carrollton, TX 75007-1451, 972-939-8390 /Registrant/

[US EPA; USEPA/OPP Pesticide Related Database Queries. Chemical Ingredient Database on 2,4-D, 2-ethylhexyl ester. (1928-43-4). Available from, as of Dec 22, 2004: <http://ppis.ceris.purdue.edu/htbin/epachem.com> **PEER REVIEWED**

Formulations/Preparations:

Selected products: 'Esteron 6E'; 'Esteron 99C'; 'Lentemul'; ... 'Barrage'; 'Brush-Rhap'; 'Fivestar'; 'Low Vol 4 Ester'; 'Salvo'; 'Weed Rhap LV-4D'; 'Weedone LV4'; 'Weed-Rhap'. Mixtures: 'Adrenalin' (+ imazamox); 'B-4' (+bromoxynil heptanoate+ bromoxynil octanoate); 'Broadsword' (+dicamba+ triclopyr-butotyl) (dicamba as butotyl ester); 'Oasis' (+imazapic); 'Shotgun' (+atrazine); 'Tiller' (+fenoxaprop-P-ethyl+ MCPA-2-ethylhexyl); 'Weedone 638 Solventless' (+2,4-D).

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British Crop Protection Council.] **PEER REVIEWED**

Laboratory Methods:

Analytic Laboratory Methods:

Method: 8321A: Procedure: high performance liquid chromatography coupled with either thermospray-mass spectrometry and/or ultraviolet detection; Analyte: 2,4-D, ethylhexyl ester; Matrix: wastewater, ground water, and soil/sediment matrices; Detection Limit: 1.2 ng.

[[U.S. Environmental Protection Agency. Solid Waste Test Methods SW-846 with Update III. CD-ROM (ISO 9660, V381SW8). Solutions Software Corp (1998)]] **PEER REVIEWED**

Special References:**Synonyms and Identifiers:****Related HSDB Records:**

[202 \[2,4-D\] \(hydrolysis product\)](#)

Synonyms:

USEPA/OPP Pesticide Code: 030063

PEER REVIEWED

Isooctyl(2-ethylhexyl) 2,4-dichlorophenoxyacetate

PEER REVIEWED

2,4-D, 2-Ethylhexyl

PEER REVIEWED

2-Ethylhexyl (2,4-dichlorophenoxy)acetate

PEER REVIEWED

Acetic acid, (2,4-dichlorophenoxy)-, 2-ethylhexyl ester

PEER REVIEWED

(2,4-Dichlorophenoxy)acetic acid 2-ethylhexyl ester

PEER REVIEWED

Formulations/Preparations:

Selected products: 'Esteron 6E'; 'Esteron 99C'; 'Lentemul'; ...'Barrage'; 'Brush-Rhap'; 'Fivestar'; 'Low Vol 4 Ester'; 'Salvo'; 'Weed Rhap LV-4D'; 'Weedone LV4'; 'Weed-Rhap'. Mixtures: 'Adrenalin' (+ imazamox); 'B-4' (+bromoxynil heptanoate+ bromoxynil octanoate); 'Broadsword' (+dicamba+ triclopyr-butotyl) (dicamba as butotyl ester); 'Oasis' (+imazapic); 'Shotgun' (+atrazine); 'Tiller' (+fenoxaprop-P-ethyl+ MCPA-2-ethylhexyl); 'Weedone 638 Solventless' (+2,4-D).

[Tomlin CDS, ed. 2,4-D-2-ethylhexyl (1928-43-4). In: The e-Pesticide Manual, 13th Edition Version 3.0 (2003-04). Surrey UK, British Crop Protection Council.] **PEER REVIEWED**

Administrative Information:

Hazardous Substances Databank Number: 7309

Last Revision Date: 20051114

Last Review Date: Reviewed by SRP on 5/5/2005

Update History:

Field Update on 2012-04-07, 1 fields added/edited/deleted

Field Update on 2012-04-07, 1 fields added/edited/deleted

Field Update on 2012-04-07, 1 fields added/edited/deleted

Field Update on 2012-04-07, 1 fields added/edited/deleted

Complete Update on 2005-11-14, 36 fields added/edited/deleted

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL
ENVIROSTOR

MOUNTAIN VIEW MIDDLE SCHOOL EXPANSION (60000825)

[SIGN UP FOR EMAIL ALERTS](#)

13130 MORRISON AVENUE
 MORENO VALLEY, CA 92555
 RIVERSIDE COUNTY
SITE TYPE: SCHOOL

SUPERVISOR: SHAHIR HADDAD
OFFICE: SOUTHERN CALIFORNIA SCHOOLS & BROWNFIELDS OUTREACH
SCHOOL DISTRICT: MORENO VALLEY UNIFIED SCHOOL DISTRICT

Site Information

CLEANUP STATUS

NO FURTHER ACTION AS OF 6/16/2008

<u>SITE TYPE:</u> SCHOOL	<u>SCHOOL DISTRICT:</u>	MORENO VALLEY UNIFIED SCHOOL DISTRICT
<u>NATIONAL PRIORITIES LIST:</u> NO	<u>ENVIROSTOR ID:</u>	60000825
<u>ACRES:</u> 0.42 ACRES	<u>SITE CODE:</u>	404779
<u>APN:</u> NONE SPECIFIED	<u>SPECIAL PROGRAM:</u>	
<u>CLEANUP OVERSIGHT AGENCIES:</u>	<u>FUNDING:</u>	SCHOOL DISTRICT
DTSC - SITE CLEANUP PROGRAM - LEAD	<u>ASSEMBLY DISTRICT:</u>	61
	<u>SENATE DISTRICT:</u>	31

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

AGRICULTURAL - ROW CROPS, SCHOOL - MIDDLE

POTENTIAL CONTAMINANTS OF CONCERN

ARSENIC

[ORGANOCHLORINE PESTICIDES \(8081 OCPS\)](#)

POTENTIAL MEDIA AFFECTED

SOIL

Site History

The Site comprises approximately 0.42-acres within the existing Mountain View Middle School property. The Site has been historically used for agricultural purposes from approximately 1938 to 1980. The school was constructed in 1980. Surrounding properties consist of Valley View High School to the east, and residential to the north, south, and west. To evaluate the impact from historical operations, the site was investigated for arsenic and organochlorine pesticides. DTSC concurred with the conclusion in the PEA that no further action is necessary for the Site.

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL
ENVIROSTOR

PROPOSED HIGH SCHOOL (60000931)

[SIGN UP FOR EMAIL ALERTS](#)

IRONWOOD / QUINCY	SUPERVISOR:	SHAHIR HADDAD
MORENO VALLEY, CA 92555	OFFICE:	SOUTHERN CALIFORNIA SCHOOLS & BROWNFIELDS OUTREACH
RIVERSIDE COUNTY	SCHOOL DISTRICT:	MORENO VALLEY UNIFIED SCHOOL DISTRICT
SITE TYPE: SCHOOL		

Site Information

CLEANUP STATUS

NO FURTHER ACTION AS OF 10/23/2008

SITE TYPE: SCHOOL	SCHOOL DISTRICT:	MORENO VALLEY UNIFIED SCHOOL DISTRICT
NATIONAL PRIORITIES LIST: NO	ENVIROSTOR ID:	60000931
ACRES: 56 ACRES	SITE CODE:	404806
APN: NONE SPECIFIED	SPECIAL PROGRAM:	
CLEANUP OVERSIGHT AGENCIES:	FUNDING:	SCHOOL DISTRICT
DTSC - SITE CLEANUP PROGRAM - LEAD	ASSEMBLY DISTRICT:	61
	SENATE DISTRICT:	31

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

AGRICULTURAL - ROW CROPS

POTENTIAL CONTAMINANTS OF CONCERN

ARSENIC

[ORGANOCHLORINE PESTICIDES \(8081 OCPS\)](#)

POTENTIAL MEDIA AFFECTED

SOIL

Site History

The Site is approximately 55.6-acres and has historically been used for agricultural purposes since 1938. Surrounding properties consist of vacant land to the north, residential properties to the east, residential and agricultural properties to the west (across Quincy Wash), and residential and agricultural properties to the south (across Ironwood Avenue). To evaluate the impact from historical operations, the site was investigated for arsenic, copper and organochlorine pesticides. The PEA concludes that no further action is necessary for the Site. DTSC concurred with a No Further Action determination.

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**TOXICOLOGICAL PROFILE FOR
DDT, DDE, and DDD**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Agency for Toxic Substances and Disease Registry**

September 2002

1. PUBLIC HEALTH STATEMENT

Large amounts of DDT were released into the air and on soil or water when it was sprayed on crops and forests to control insects. DDT was also sprayed in the environment to control mosquitos. Although the use of DDT is no longer permitted in the United States, DDT may be released into the atmosphere in other countries where it is still manufactured and used, including Mexico. DDT, DDE and DDD may also enter the air when they evaporate from contaminated water and soil. DDT, DDE, and DDD in the air will then be deposited on land or surface water. This cycle of evaporation and deposition may be repeated many times. As a result, DDT, DDE, and DDD can be carried long distances in the atmosphere. These chemicals have been found in bogs, snow, and animals in the Arctic and Antarctic regions, far from where they were ever used. Some DDT may have entered the soil from waste sites. DDT, DDE, and DDD may occur in the atmosphere as a vapor or be attached to solids in air. Vapor phase DDT, DDE, and DDD may break down in the atmosphere due to reactions caused by the sun. The half-life of these chemicals in the atmosphere as vapors (the time it takes for one-half of the chemical to turn into something else) has been calculated to be approximately 1.5–3 days. However, in reality, this half-life estimate is too short to account for the ability of DDT, DDE, and DDD to be carried long distances in the atmosphere.

DDT, DDE, and DDD last in the soil for a very long time, potentially for hundreds of years. Most DDT breaks down slowly into DDE and DDD, generally by the action of microorganisms. These chemicals may also evaporate into the air and be deposited in other places. They stick strongly to soil, and therefore generally remain in the surface layers of soil. Some soil particles with attached DDT, DDE, or DDD may get into rivers and lakes in runoff. Only a very small amount, if any, will seep into the ground and get into groundwater. The length of time that DDT will last in soil depends on many factors including temperature, type of soil, and whether the soil is wet. DDT lasts for a much shorter time in the tropics where the chemical evaporates faster and where microorganisms degrade it faster. DDT disappears faster when the soil is flooded or wet than when it is dry. DDT disappears faster when it initially enters the soil. Later on, evaporation slows down and some DDT moves into spaces in the soil that are so small that microorganisms cannot reach the DDT to break it down efficiently. In tropical areas, Σ DDT may disappear in much less than a year. In temperate areas, half of the Σ DDT initially present

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Technology Transfer Network

[Air Toxics Web Site](#) [EPA Home](#) [Air & Radiation](#) [TTN Web - Technology Transfer Network](#) [Air Toxics Web site](#) [DDE](#)

http://www.epa.gov/ttn/atw/hlthef/dde.html
Last updated on Tuesday, November 06, 2007

DDE

(A)

DDE (1,1-DICHLORO-2,2-BIS(p-CHLOROPHENYL) ETHYLENE)

72-55-9

Hazard Summary-Created in April 1992; Revised in January 2000

1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE) is a breakdown product of DDT, which was used in the past as an insecticide. No information is available on the acute (short-term) or chronic (long-term) effects of DDE. Acute, oral exposure to high doses of DDT in humans results in central nervous system (CNS) effects, such as headaches, nausea, and convulsions. The only effect noted in epidemiologic studies of workers exposed to DDT and other pesticides was an increase in activity of liver enzymes. Animal studies have reported effects on the liver, immune system, and CNS from chronic oral exposure to DDT. Human studies are inconclusive regarding DDE and cancer. Animal studies have reported an increased incidence of liver tumors in mice and hamsters, and thyroid tumors in female rats from oral exposure to DDE. EPA has classified DDE as a Group B2, probable human carcinogen.

Please Note: The main source of information for this fact sheet is the Agency for Toxic Substances and Disease Registry's (ATSDR's) *Toxicological Profile for 4,4-DDT, 4,4-DDE, and 4,4-DDD* and EPA's Integrated Risk Information System (IRIS), which contains information on the carcinogenic effects of DDE including the unit cancer risk for oral exposure.

Uses

- DDT was extensively used in the past for the control of malaria, typhus, and other insect-transmitted diseases. It was banned for use in the United States in 1972, except in the case of a public health emergency. (1)
- DDE is a breakdown product of DDT and has no uses. (1)

Sources and Potential Exposure

- DDE is found in the environment as a result of the breakdown of DDT, an insecticide. (1)
- Human exposure to DDE appears to be primarily through food; in the United States in 1981, consumption of DDE in foods was estimated to be 0.001 parts per million per day (ppm/d). However, the levels of DDE in foods have been decreasing and are expected to continue to decrease. (1)
- Levels of DDE in air and water samples are very low. (1)
- DDE has been listed as a pollutant of concern to EPA's Great Waters Program due to its persistence in the environment, potential to bioaccumulate, and toxicity to humans and the environment (2).

Assessing Personal Exposure

- DDE can be detected in fat, blood, urine, semen, and breast milk. (1)

Health Hazard Information

Acute Effects:

- No studies are available on the acute effects of DDE in humans. (1)
- Acute oral exposure to high doses of DDT in humans results in CNS effects, such as headaches, nausea, and convulsions. (1)
- Case reports in humans have noted that doses as high as 285 milligrams DDT per kilogram body weight per day (mg/kg/d) have been ingested accidentally with no fatal results. (1)
- Tests involving acute exposure of rats, guinea pigs, and rabbits have shown DDT to have moderate acute toxicity from oral exposure. (3)

Chronic Effects (Noncancer):

- The only effect noted in epidemiologic studies of workers exposed to DDT and other pesticides was an increase in activity of liver enzymes. No adverse effects on the blood, liver, heart, or CNS were noted. (1)
- Animal studies have reported effects on the liver, immune system, and CNS from chronic oral administration of DDT. (1,4,9)
- EPA has not established a Reference Concentration (RfC) or a Reference Dose (RfD) for DDE. (5)
- EPA has established an RfD of 0.0005 milligrams per kilogram body weight per day (mg/kg/d) for DDT based on liver effects in rats. The RfD is an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous ingestion exposure to the human population (including sensitive subgroups), that is likely to be without appreciable risk of deleterious noncancer effects during a lifetime. It is not a direct estimator of risk but rather a reference point to gauge the potential effects. At exposures increasingly greater than the RfD, the potential for adverse health effects increases. Lifetime exposure above the RfD does not imply that an adverse health effect would necessarily occur. (5)

Reproductive/Developmental Effects:

- No information is available on the reproductive or developmental effects of DDT or DDE in humans via inhalation exposure. (1)
- No studies are available on the developmental effects in humans after oral exposure to DDT or DDE. However, DDT and DDE have been found in human blood, placental tissue, and umbilical cord blood. (1)
- Epidemiologic studies did not find an association between DDT maternal blood levels and miscarriages or premature rupture of fetal membranes in humans. (1)
- Oral animal studies have reported reproductive effects, such as reduced fertility, adverse effects on spermatogenesis, and decreased testicular and ovarian weights from DDT exposure. Developmental effects, such as embryotoxicity and fetotoxicity, but not teratogenicity (birth defects) have also been observed in oral animal studies. (1)
- DDT has been shown to elicit estrogenic activity in rats after oral exposure (1).

Cancer Risk:

- Studies of workers exposed to DDT have yielded conflicting results. Three studies reported that tissue levels of DDT and DDE were higher in cancer victims than in those dying of other diseases. In other studies, no such relationship was seen. (5,9)
- Animal studies have reported an increased incidence of liver tumors in mice and hamsters and thyroid tumors in female rats from oral exposure to DDE. (5)
- EPA has classified DDE as a Group B2, probable human carcinogen. (5)
- EPA uses mathematical models, based on animal studies to estimate the probability of a person developing cancer from ingesting water containing a specified concentration of a chemical. EPA has calculated an oral cancer slope factor of $0.34 \text{ (mg/kg/d)}^{-1}$ and a unit risk estimate of $9.7 \times 10^{-6} \text{ (}\mu\text{g/L)}^{-1}$. EPA estimates that, if an individual were to continuously ingest water containing an average of DDE at $0.1 \text{ }\mu\text{g/L}$ over his or her entire lifetime, that person would theoretically have no more than a one-in-a-million increased chance of developing cancer as a direct result of ingesting water containing this chemical. Similarly, EPA estimates that ingesting water containing $1.0 \text{ }\mu\text{g/L}$ would result in not greater than a one-in-a-hundred-thousand increased chance of developing cancer, and water containing $10.0 \text{ }\mu\text{g/L}$ would result in not greater than a one-in-ten thousand increased chance of developing cancer. For a detailed discussion of confidence in the potency estimates, please see IRIS. (5)

Physical Properties

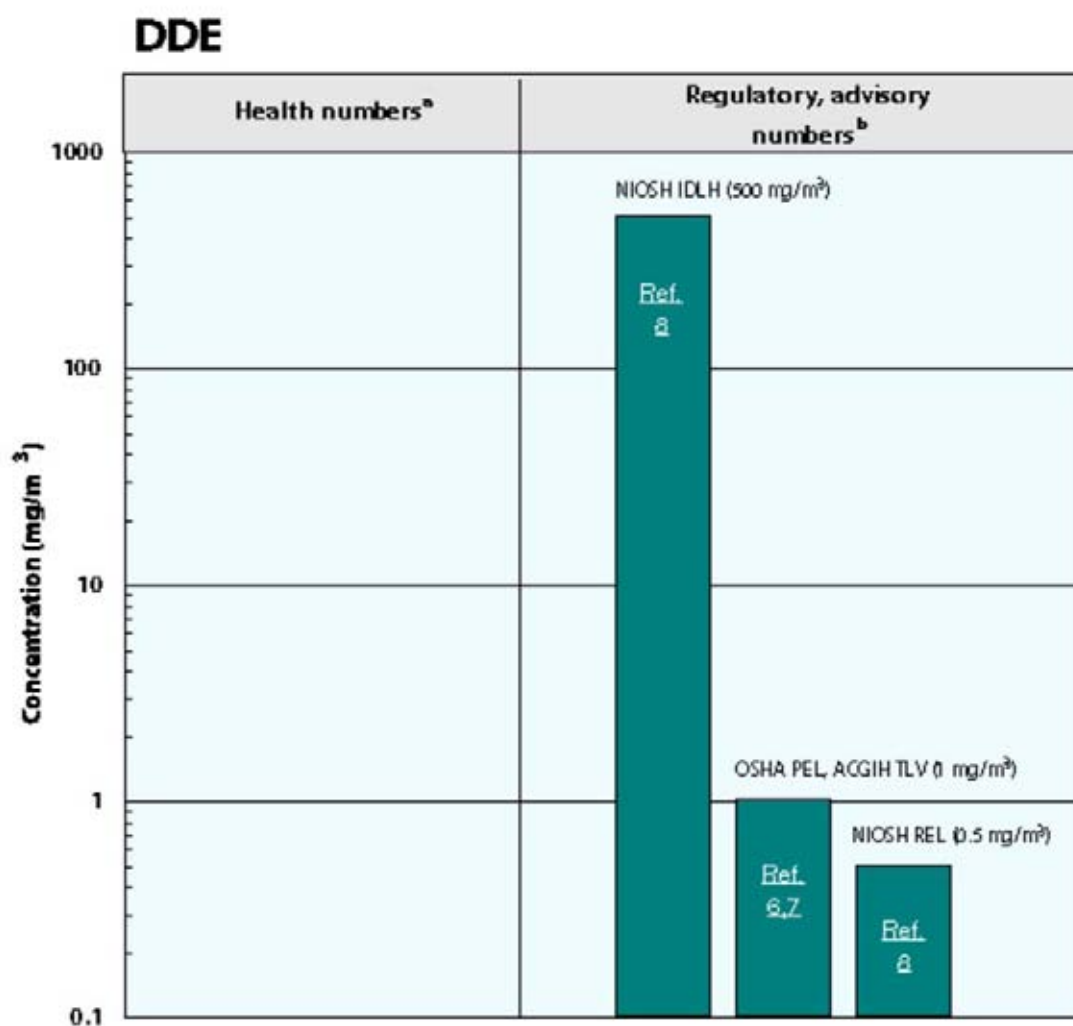
- DDE is also known as 1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene and *p,p*-dichlorodiphenyldichloroethylene.

- DDE is a white crystalline solid. (1)
- The odor threshold for DDE is not available. (1)
- The chemical formula for DDE is $C_{14}H_8Cl_4$, and the molecular weight is 318.03 g/mol. (1)
- The vapor pressure for DDE is 6.5×10^{-6} torr at 20 °C, and it has a log octanol/water partition coefficient ($\log K_{ow}$) of 7.0. (1)

Conversion Factors:

To convert concentrations in air (at 25 °C) from ppm to mg/m^3 : $mg/m^3 = (ppm) \times (\text{molecular weight of the compound}) / (24.45)$. For DDE: 1 ppm = 13.0 mg/m^3 ; for DDT: 1 ppm = 14.5 mg/m^3 .

Health Data from Inhalation Exposure*



ACGIH TLV--American Conference of Governmental and Industrial Hygienists' threshold limit value expressed as a time-weighted average; the concentration of a substance to which most workers can be exposed without adverse effects.

NIOSH IDLH--National Institute of Occupational Safety and Health's immediately dangerous to life or health limit; NIOSH recommended exposure limit to ensure that a worker can escape from an exposure condition that is likely to cause death or immediate or delayed permanent adverse health effects or prevent escape from the environment.

NIOSH REL--NIOSH's recommended exposure limit; NIOSH-recommended exposure limit for an 8- or 10-h time-weighted-average exposure and/or ceiling.

OSHA PEL--Occupational Safety and Health Administration's permissible exposure limit expressed as a time-weighted average; the concentration of a substance to which most workers can be exposed without adverse effect averaged over a normal 8-h workday or a 40-h workweek.

* All health and regulatory numbers are for DDT.

The health and regulatory values cited in this fact sheet were obtained in December 1999.

^a Health numbers are toxicological numbers from animal testing or risk assessment values developed by EPA.

^b Regulatory numbers are values that have been incorporated in Government regulations, while advisory numbers are nonregulatory values provided by the Government or other groups as advice. OSHA numbers are regulatory, whereas NIOSH and ACGIH numbers are advisory.

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A. This fact sheet focuses on the health effects of DDE. However, since DDE is a breakdown product of DDT, in those cases where no information is available on DDE and there is information on DDT, the information on DDT is presented.

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Agency for Toxic Substances & Disease Registry

ToxFAQs™ for DDT, DDE, and DDD

([DDT, DDE y DDD \(/es/toxfaqs/es_tfacts35.html\)](/es/toxfaqs/es_tfacts35.html))

September 2002

CAS#: DDT 50-29-3; DDE 72-55-9; DDD 72-54-8

 (</tfacts35.pdf>) **PDF Version, 55 KB** (</tfacts35.pdf>)

This fact sheet answers the most frequently asked health questions about DDT, DDE, and DDD. For more information, you may call the ATSDR Information Center at 1-888-422-8737. This fact sheet is one in a series of summaries about hazardous substances and their health effects. This information is important because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

Highlights

Exposure to DDT, DDE, and DDD occurs mostly from eating foods containing small amounts of these compounds, particularly meat, fish and poultry. High levels of DDT can affect the nervous system causing excitability, tremors and seizures. In women, DDE can cause a reduction in the duration of lactation and an increased chance of having a premature baby. DDT, DDE, and DDD have been found in at least 441 of the 1,613 National Priorities List sites identified by the Environmental Protection Agency (EPA).

What are DDT, DDE, and DDD?

DDT (dichlorodiphenyltrichloroethane) is a pesticide once widely used to control insects in agriculture and insects that carry diseases such as malaria. DDT is a white, crystalline solid with no odor or taste. Its use in the U.S. was banned in 1972 because of damage to wildlife, but is still used in some countries.

DDE (dichlorodiphenyldichloroethylene) and DDD (dichlorodiphenyldichloroethane) are chemicals similar to DDT that contaminate commercial DDT preparations. DDE has no commercial use. DDD was also used to kill pests, but its use has also been banned. One form of DDD has been used medically to treat cancer of the adrenal gland.

What happens to DDT, DDE, and DDD when they enter the environment?

- DDT entered the environment when it was used as a pesticide; it still enters the environment due to current use in other countries.
- DDE enters the environment as contaminant or breakdown product of DDT; DDD also enters the environment as a breakdown product of DDT.
- DDT, DDE, and DDD in air are rapidly broken down by sunlight. Half of what's in air breaks down within 2 days.
- They stick strongly to soil; most DDT in soil is broken down slowly to DDE and DDD by microorganisms; half the DDT in soil will break down in 2-15 years, depending on the type of soil.
- Only a small amount will go through the soil into groundwater; they do not dissolve easily in

water.

- DDT, and especially DDE, build up in plants and in fatty tissues of fish, birds, and other animals.
-

How might I be exposed to DDT, DDE, and DDD?

- Eating contaminated foods, such as root and leafy vegetable, fatty meat, fish, and poultry, but levels are very low.
 - Eating contaminated imported foods from countries that still allow the use of DDT to control pests.
 - Breathing contaminated air or drinking contaminated water near waste sites and landfills that may contain higher levels of these chemicals.
 - Infants fed on breast milk from mothers who have been exposed.
 - Breathing or swallowing soil particles near waste sites or landfills that contain these chemicals.
-

How can DDT, DDE, and DDD affect my health?

DDT affects the nervous system. People who accidentally swallowed large amounts of DDT became excitable and had tremors and seizures. These effects went away after the exposure stopped. No effects were seen in people who took small daily doses of DDT by capsule for 18 months.

A study in humans showed that women who had high amounts of a form of DDE in their breast milk were unable to breast feed their babies for as long as women who had little DDE in the breast milk. Another study in humans showed that women who had high amounts of DDE in breast milk had an increased chance of having premature babies.

In animals, short-term exposure to large amounts of DDT in food affected the nervous system, while long-term exposure to smaller amounts affected the liver. Also in animals, short-term oral exposure to small amounts of DDT or its breakdown products may also have harmful effects on reproduction.

How likely are DDT, DDE, and DDD to cause cancer?

Studies in DDT-exposed workers did not show increases in cancer. Studies in animals given DDT with the food have shown that DDT can cause liver cancer.

The Department of Health and Human Services (DHHS) determined that DDT may reasonable be anticipated to be a human carcinogen. The International Agency for Research on Cancer (IARC) determined that DDT may possibly cause cancer in humans. The EPA determined that DDT, DDE, and DDD are probable human carcinogens.

How can DDT, DDE, and DDD affect children?

There are no studies on the health effects of children exposed to DDT, DDE, or DDD. We can assume that children exposed to large amounts of DDT will have health effects similar to the effects seen in adults. However, we do not know whether children differ from adults in their susceptibility to these substances.

There is no evidence that DDT, DDE, or DDD cause birth defects in people. A study showed that teenage boys whose mothers had higher DDE amounts in the blood when they were pregnant were taller than those whose mothers had lower DDE levels. However, a different study found the opposite in preteen girls. The reason for the discrepancy between these studies is unknown.

Studies in rats have shown that DDT and DDE can mimic the action of natural hormones and in this way affect the development of the reproductive and nervous systems. Puberty was delayed in male

rats given high amounts of DDE as juveniles. This could possibly happen in humans. A study in mice showed that exposure to DDT during the first weeks of life may cause neurobehavioral problems later in life.

How can families reduce the risk of exposure to DDT, DDE, and DDD?

- Most families will be exposed to DDT by eating food or drinking liquids contaminated with small amounts of DDT.
 - Cooking will reduce the amount of DDT in fish.
 - Washing fruit and vegetables will remove most DDT from their surface.
 - Follow health advisories that tell you about consumption of fish and wildlife caught in contaminated areas.
-

Is there a medical test to show whether I've been exposed to DDT, DDE, and DDD?

Laboratory tests can detect DDT, DDE, and DDD in fat, blood, urine, semen, and breast milk. These tests may show low, moderate, or excessive exposure to these compounds, but cannot tell the exact amount you were exposed to, or whether you will experience adverse effects. These tests are not routinely available at the doctor's office because they require special equipment.

Has the federal government made recommendations to protect human health?

The Occupational Safety and Health Administration (OSHA) sets a limit of 1 milligram of DDT per cubic meter of air (1 mg/m³) in the workplace for an 8-hour shift, 40-hour workweek.

The Food and Drug Administration (FDA) has set limits for DDT, DDE, and DDD in foodstuff at or above which the agency will take legal action to remove the products from the market.

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Where can I get more information?

If you have questions or concerns, please contact your community or state health or environmental quality department or:

For more information, contact:

Agency for Toxic Substances and Disease Registry
Division of Toxicology and Environmental Medicine
1600 Clifton Road NE, Mailstop F-62
Atlanta, GA 30333
Phone: 1-800-CDC-INFO · 888-232-6348 (TTY)
Fax: 1-770-488-4178
Email: cdcinfo@cdc.gov (<mailto:cdcinfo@cdc.gov>)

ATSDR can also tell you the location of occupational and environmental health clinics. These clinics specialize in recognizing, evaluating, and treating illnesses resulting from exposure to hazardous

substances.

Information line and technical assistance:

Phone: 888-422-8737

FAX: (770)-488-4178

To order toxicological profiles, contact:

National Technical Information Service

5285 Port Royal Road

Springfield, VA 22161

Phone: 800-553-6847 or 703-605-6000

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All ATSDR Toxicological Profile, Public Health Statement and ToxFAQs PDF files are electronic conversions from paper copy or other electronic ASCII text files. This conversion may have resulted in character translation or format errors. Users are referred to the original paper copy of the toxicological profile for the official text, figures, and tables. Original paper copies can be obtained via the directions on the [toxicological profile home page \(http://www.atsdr.cdc.gov/toxprofiles/index.asp\)](http://www.atsdr.cdc.gov/toxprofiles/index.asp), which also contains other important information about the profiles.

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30341

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Water: Private Wells

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Human Health

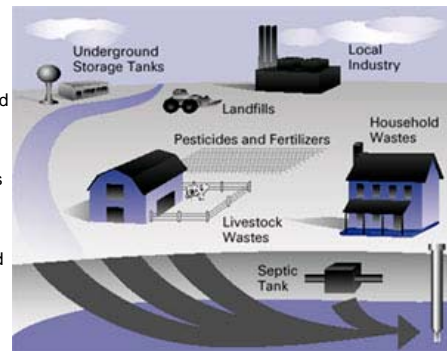
The first step to protect your health and the health of your family is learning about what may pollute your source of drinking water. Potential contamination may occur naturally, or as a result of human activity.

What are Some Naturally Occurring Sources of Pollution?

- **Microorganisms:** Bacteria, viruses, parasites and other microorganisms are sometimes found in water. Shallow wells — those with water close to ground level — are at most risk. Runoff, or water flowing over the land surface, may pick up these pollutants from wildlife and soils. This is often the case after flooding. Some of these organisms can cause a variety of illnesses. Symptoms include nausea and diarrhea. These can occur shortly after drinking contaminated water. The effects could be short-term yet severe (similar to food poisoning) or might recur frequently or develop slowly over a long time.
- **Radionuclides:** Radionuclides are radioactive elements such as uranium and radium. They may be present in underlying rock and ground water
- **Radon:** Radon is a gas that is a natural product of the breakdown of uranium in the soil — can also pose a threat. Radon is most dangerous when inhaled and contributes to lung cancer. Although soil is the primary source, using household water containing Radon contributes to elevated indoor Radon levels. Radon is less dangerous when consumed in water, but remains a risk to health.
- **Nitrates and Nitrites:** Although high nitrate levels are usually due to human activities (see below), they may be found naturally in ground water. They come from the breakdown of nitrogen compounds in the soil. Flowing ground water picks them up from the soil. Drinking large amounts of nitrates and nitrites is particularly threatening to infants (for example, when mixed in formula).
- **Heavy Metals:** Underground rocks and soils may contain arsenic, cadmium, chromium, lead, and selenium. However, these contaminants are not often found in household wells at dangerous levels from natural sources.
- **Fluoride:** Fluoride is helpful in dental health, so many water systems add small amounts to drinking water. However, excessive consumption of naturally occurring fluoride can damage bone tissue. High levels of fluoride occur naturally in some areas. It may discolor teeth, but this is not a health risk.

What Human Activities Can Pollute Ground Water?

- **Bacteria and Nitrates:** These pollutants are found in human and animal wastes. Septic tanks can cause bacterial and nitrate pollution. So can large numbers of farm animals. Both septic systems and animal manures must be carefully managed to prevent pollution. Sanitary landfills and garbage dumps are also sources. Children and some adults are at extra risk when exposed to water-borne bacteria. These include the elderly and people whose immune systems are weak due to AIDS or treatments for cancer. Fertilizers can add to nitrate problems. Nitrates cause a health threat in very young infants called “blue baby” syndrome. This condition disrupts oxygen flow in the blood.
- **Concentrated Animal Feeding Operations (CAFOs):** The number of CAFOs, often called “factory farms,” is growing. On these farms thousands of animals are raised in a small space. The large amounts of animal wastes/manures from these farms can threaten water supplies. Strict and careful manure management is needed to prevent pathogen and nutrient problems. Salts from high levels of manures can also pollute ground water.
- **Heavy Metals:** Activities such as mining and construction can release large amounts of heavy metals into nearby ground water sources. Some older fruit orchards may contain high levels of arsenic, once used as a pesticide. At high levels, these metals pose a health risk.
- **Fertilizers and Pesticides:** Farmers use fertilizers and pesticides to promote growth and reduce insect damage. These products are also used on golf courses and suburban lawns and gardens. The chemicals in these products may end up in ground water. Such pollution depends on the types and amounts of chemicals used and how they are applied. Local environmental conditions (soil types, seasonal snow and rainfall) also affect this pollution. Many fertilizers contain forms of nitrogen that can break down into harmful nitrates. This could add to other sources of nitrates mentioned above. Some underground agricultural drainage systems collect fertilizers and pesticides. This polluted water can pose problems to ground water and local streams and rivers. In addition, chemicals used to treat buildings and homes for termites or other pests may also pose a threat. Again, the possibility of problems depends on the amount and kind of chemicals. The types of soil and the amount of water moving through the soil also play a role.
- **Industrial Products and Wastes:** Many harmful chemicals are used widely in local business and industry. These can become drinking water pollutants if not well managed. The most common sources of such problems are:
 - **Local Businesses:** These include nearby factories, industrial plants, and even small businesses such as gas stations and dry cleaners. All handle a variety of hazardous chemicals that need careful management. Spills and improper disposal of these chemicals or of industrial wastes can threaten ground water supplies.
 - **Leaking Underground Tanks & Piping:** Petroleum products, chemicals, and wastes stored in underground storage tanks and pipes may end up in the ground water. Tanks and piping leak if they are constructed or installed improperly. Steel tanks and piping corrode with age. Tanks are often found on farms. The possibility of leaking tanks is great on old, abandoned farm sites. Farm tanks are exempt from the EPA rules for petroleum and chemical tanks.
 - **Landfills and Waste Dumps:** Modern landfills are designed to contain any leaking liquids. But floods can carry them over the barriers. Older dumpsites may have a wide variety of pollutants that can seep into ground water.
- **Household Wastes:** Improper disposal of many common products can pollute ground water. These include cleaning solvents, used motor oil, paints, and paint thinners. Even soaps and detergents can harm drinking water. These are often a problem from faulty septic tanks and septic leaching fields.
- **Lead & Copper:** Household plumbing materials are the most common source of lead and copper in home drinking water. Corrosive water may cause metals in pipes or soldered joints to leach into your tap water. Your water’s acidity or alkalinity (often measured as pH) greatly affects corrosion. Temperature and mineral content also affect how corrosive it is. They are often used in pipes, solder, or plumbing fixtures. Lead can cause serious damage to the brain, kidneys, nervous system, and red blood cells. The age of plumbing materials — in particular, copper pipes soldered with lead — is also important. Even in relatively low amounts these metals can be harmful. EPA rules under the Safe Drinking Water Act limit lead in drinking water to 15 parts per billion. Since 1988 the Act only allows “lead free” pipe, solder, and flux



Septic tanks are designed to have a “leach field” around them — an area where wastewater flows out of the tank. This wastewater can also move into the ground water.

in drinking water systems. The law covers both new installations and repairs of plumbing.

◦ For more information on avoiding lead in drinking water, visit the EPA's [Lead in Drinking Water web site](#).

- **Water Treatment Chemicals:** Improper handling or storage of water-well treatment chemicals (disinfectants, corrosion inhibitors, etc.) close to your well can cause problems.
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Environews
Focus

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The Apple Bites Back: Claiming Old Orchards for Residential Development

[Ernie Hood](#)

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As the U.S. population continues to grow, increasing demand for housing and related community resources means more land is being converted from agricultural uses to residential applications. According to the revised 1997 National Resources Inventory conducted by the USDA Natural Resources Conservation Service, more than 6 million acres of American farmland were converted to developed uses between 1992 and 1997. That is an annual conversion rate of roughly 1.2 million acres per year—a 51% increase over the average annual rate reported for the preceding decade.

Naturally, many of these areas were routinely treated with pesticides and other chemicals during their agricultural lifetimes. Although this legacy has been problematic in a wide variety of land conversion scenarios, one in particular seems to have attracted the attention and concern of environmental officials and property buyers in several states across the country: the residential development of historic orchard properties. In state after state, these old orchards (which most often produced apples, but also peaches, cherries, pears, and other tree crops) are metamorphosing into highly desirable subdivisions—desirable, that is, until it emerges that the soil beneath the feet of the proud new residents may be contaminated with lead and arsenic. These toxic by-products are left from the days before DDT and before organophosphates, when arsenical pesticides, particularly lead arsenate (LA), were the treatment of choice to prevent the ravages of insect damage.

They Loved LA

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LA was introduced in 1892 in Massachusetts for use against the gypsy moth. Two other arsenical pesticides (copper acetoarsenite, known as “Paris green,” and calcium arsenate) also were in use, although LA largely replaced them in the 1930s due to lower cost, greater efficacy, and lower phytotoxicity. Even though arsenic residue was recognized as a problem as early as 1919, LA was the most widely used pesticide in the nation—recommended by the USDA and applied to millions of acres of crops—until the late 1940s, when DDT (considered at the time to be safer and more effective) became available. LA continued to be used in some locations into the 1970s, and was ultimately banned in 1988.

LA was perhaps most commonly applied in apple orchards, due to its excellent control of the codling moth, a major apple pest. Today, apple orchard properties that were in production during the heyday of LA use are the focal point of environmental concerns; given the nature of the pests peculiar to orchard crops, growers tended to apply the chemicals frequently and in high concentrations, often over many years. “In some cases, they dusted the apple trees or peach trees every week, whereas most field crops may have had one or two applications during the growing season,” says Kevin Schick, a bureau chief with the Site Remediation and Waste Management Program in the New Jersey Department of Environmental Protection.

LA and the other arsenical pesticides were designed to be persistent, and it is that persistence that is causing environmental contamination problems decades after their use ended. “These chemicals have just tremendously long half-lives in the ground,” says North Carolina state toxicologist Ken Rudo. “They bind very tightly to the soil.”

Once LA reached the soil through over-spray, spillage, rainfall wash-off, or simply fallen fruit and leaves, the lead arsenate underwent hydrolysis, separating into lead and arsenic bound to organic particles in the soil. The lead, being poorly soluble, was immobilized, typically within the top 12 to 18 inches of topsoil. The fate of the arsenic was similar, but a bit more complicated. “Arsenic, as arsenate, even though somewhat sparingly soluble, *is* soluble, and it will move in water,” says Washington State University soil scientist Frank Peryea. “I’ve seen some sites where almost all of the arsenic is still in the topsoil, in the tillage zone, and I’ve seen sites where I’ve measured arsenic movement as deep as a meter or so.”

Carl Renshaw, a hydrogeologist at Dartmouth College, published a study in the January/February 2006 issue of the *Journal of Environmental Quality* showing that arsenate in the soil can be remobilized by being disturbed. He compared two fields in the same historic New Hampshire orchard. One field had never been disturbed, whereas the other had been tilled and replanted in the early 1990s. “What we found was that in the field that had been replanted, there was somewhat less arsenic on it than in the undisturbed field,” he says.

Given the assumption of virtually identical application rates over the years, the discrepancy apparently arose from a portion of the arsenic in the disturbed field having been mobilized and removed by surface water. Renshaw found arsenic in the sediment of a nearby stream in amounts that very closely matched the arsenic missing from the tilled field.

“The implication from our study,” says Renshaw, “is that if you’re not really careful about erosion, you’re going to end up sending a lot of arsenic down into the stream channel.” To date, researchers have seen no evidence of direct health effects in humans, animals, or plants exposed to this stream-bound arsenic. However, more study is needed to fully understand the ramifications—if any—of the mobilization.

How Dangerous?

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The potential danger posed to human health by lead and arsenic contamination in historic orchards is a complex issue, fraught with scientific uncertainties and competing interests. Arsenic is a known human carcinogen. Exposure to lead, especially prenatally and in childhood, can lead to neurological damage. There is no doubt that excessive exposure to either substance can adversely impact health, but in this case any risks are almost exclusively long-term—virtually no instances of acute adverse health effects have been documented in people living on historic orchard properties.

Regulatory agencies such as the EPA and state health and environmental departments determine allowable levels of chemicals in soils and water based upon formulas that take into account criteria such as toxicity, exposure, and naturally occurring background concentrations of the chemicals. For carcinogens such as arsenic, the calculations are based upon the amount of a chemical that is predicted to result in 1 additional cancer case occurring in 1 million people exposed over their lifetimes. But there is some flexibility in the standards based on local conditions and

practical considerations. In New Jersey, for example, where background arsenic concentrations are often high, the criterion for residential soil cleanup is set at 20 ppm—50 times the EPA's level of 0.4 ppm.

In historic orchard properties, cleanup action is often triggered when a so-called "hot spot" is discovered—typically an area where the pesticides had been mixed and loaded or stored, and where repeated spills or disposal of excess materials may have occurred. The contaminant concentrations in those hot spots can be significantly higher than in the tree crop areas. But locating hot spots after many decades can be very difficult.

The ATSDR is often called in to analyze the health risks at contaminated historic orchard properties. "We look at the contaminants, the concentrations, the pathway, how long [residents] are exposed to it—all of the different aspects of an exposure," says Robert Safay, an environmental health scientist with the agency. "For example, when you're looking at lead contamination in the soil, you're primarily concerned about young children playing out in the soil."

In all but the most extreme cases, the health risks of living atop contaminated historic orchard soil are ultimately characterized as very low and manageable. Exposure is the critical element. "The real issue here is direct contact—you want to limit the direct contact," says Lori Bowman, director of the Agrichemical Management Bureau in the Wisconsin Department of Agriculture, Trade, and Consumer Protection. As Safay explains, there must be a completed exposure pathway for there to be even the potential for health effects. Ultimately, the amount of risk depends on the level of contamination and the use of the land.

For the most part, residents are advised to limit their direct exposure to the soil if it's unremediated and to take simple measures such as wearing gardening gloves and wiping their feet before entering the house. Peryea says there is little risk from eating plants grown in this type of soil, but advises that home gardeners rinse off produce before bringing it into the home, then wash it again with a detergent and scrub brush to remove any remaining soil particles, paying particular attention to rough vegetables like broccoli and leafy vegetables like lettuce, which can trap and retain dust. He also advises paring root and tuber crops such as potatoes, carrots, and radishes, and not composting the peelings or other unused plant parts.

The risks involved may be modest and long-term in most cases, but low risk is not the same as no risk, and regulatory agencies across the country are finding themselves in a thorny situation as more and more contaminated historic orchard properties are developed. They are caught between their duty to protect public health and the environment, and the fact that the risks presented by most of these properties pale in comparison to those associated with other, more acute contamination sites, such as lands near smelters or toxic waste dumps. Naturally, budgets are limited, and priorities must be set. Yet the orchard situation cannot be ignored, and several states have been wrestling with how to deal with this issue for several years.

The sheer scope of the phenomenon adds another layer to the challenge of how to most effectively deal with it. "The magnitude of the problem is just staggering," says Peryea. Millions of acres across the nation are involved. In the state of Washington alone, Peryea says, some 188,000 acres are affected. In Wisconsin, 50,000 acres may be affected, and in New Jersey, up to 5% of the state's acreage is estimated to be impacted by the historical use of arsenical pesticides. Both New Jersey and Washington have had multistakeholder task forces examine the problem and issue recommendations and guidelines.

Wisconsin is likely to convene a similar task force later in 2006, according to Bowman. "We want to develop a protective, economical, and practical strategy to address potential residues of lead and arsenic in soils related to historic orchard use," she says. "The charge of the task force would be to evaluate the health and environmental impacts, and [also evaluate] what kind of alternatives and strategies we could put into place to limit exposure and to educate and provide outreach to homeowners and developers as to what types of precautions can be taken at these orchard sites to mitigate any risk."

What Can, Should, or Must Be Done

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Because contamination can be spread over large areas, remediation measures vary widely, depending upon the level of contamination, the current or intended use of the property, and state or local regulations. Each method has its advantages and its drawbacks, and each site has its own unique circumstances that will often dictate how, when, and even if the situation will be dealt with.

Excavation is the quickest and most thorough remediation method. This involves scraping up the contaminated topsoil, hauling it away to an approved landfill, and replacing it with clean dirt. Realistically, says Peryea, removal is the only way to eliminate risk, "but it's very expensive." Such total remediation can cost \$1 million per acre or more. And it's a huge undertaking. Peryea does the math for 1 acre: "If you have contamination down to three feet, you're looking at getting rid of three acre-feet of soil—that's twelve million pounds of soil."

Capping, which involves simply putting a 12- to 18-inch layer of clean soil over the contaminated soil, has been used in some locations. However, this requires enormous amounts of clean dirt. Further, capping cannot be considered a permanent solution—plants will grow on the soil caps, their roots will penetrate the contaminated soil, and the vegetation will eventually redistribute the lead and arsenic to the clean soil. Also, it is common for the soil caps to be disturbed by construction activities.

Soil blending is another alternative, and one that is growing in popularity, particularly when contaminant concentrations are only minimally in excess of actionable levels. This involves bringing clean soil to a site and mixing it with the existing topsoil, with the intent of reducing concentrations below levels that require health-protective actions. Although relatively effective, blending can be a hit-or-miss operation. The main reason is that operators can't always achieve 100% blending, and it very much matters where the subsequent samples are taken—even a few inches can make a difference. Sometimes it is necessary to repeat the procedure, which, of course, drives up costs. Also, disturbing the soil in this way could actually mobilize the arsenic, as Renshaw's research showed. Regardless of its shortcomings, however, blending is an option many states have chosen in recent years.

In some instances, a simple solution can be adequate. "What seems to do a good job of reducing exposure in areas where people aren't digging in the soil is just to keep turf on it, or keep it vegetated somehow," says Peryea. At some sites, simply moving the contaminated soil to another location on the site and capping it—for example, by burying it under a roadway—has been acceptable, although this option requires that a deed notice be executed, so that all of the records of the sampling and disposal of the contamination become part of the property's permanent title record.

Thus far, other remediation methods have proven to be ineffective, impractical, or counterproductive on these sites. Researchers such as David Butcher, a professor of analytical chemistry at Western Carolina University in Cullowhee, North Carolina, have explored the possibility of phytoremediation of these properties, in which plants are used to suck the contaminants out of the soil, after which the contaminated biomass is destroyed. But this method, though effective in certain remediation situations, doesn't appear to hold much promise in lead- and arsenic-contaminated orchard soils. Phytoremediation is quite slow, potentially taking decades or longer to effectively remove contaminants.

Butcher also was unable to discover a method of removing the lead from the soil without the addition of other chemicals (such as EDTA) to release the tightly bound element.

One way to release the lead is by adding phosphorus to the soil, but this also mobilizes the arsenic. "That creates an even bigger problem," Peryea says. "If you get the arsenic moving, and it moves down into the ground-water, cleanup becomes much more difficult than trying to keep it in the topsoil."

According to Peryea, you can scratch microbial volatilization as well. In that method, native soil microorganisms are stimulated to volatilize arsenic. The gaseous arsenic can then be trapped. But for this method to be effective, soils must be kept quite wet. Many of the historic orchard properties are well-drained, sloping sites, where it would be difficult to keep the soil adequately flooded. Plus, of course, as Peryea points out, "if you are evolving arsenic off your soil, and it flows down and contaminates your neighbor's property, that's going to create some problems."

Cleanup and real estate disclosure issues are usually handled at the state and local levels, where approaches vary considerably. As public awareness of the potential contamination of historic orchards increases in the affected areas, state agencies are fielding more and more calls from concerned property owners or prospective buyers. Chuck Warzecha, a risk assessor with the Wisconsin Department of Health and Family Services, fields 10 to 15 such calls a year. He tries to give concerned citizens a balanced message. "My first statement is that it's not a real scary issue and doesn't have to be a big problem on their property," he says. "It's something that now that they know about it, it's worth doing something about, but they shouldn't be concerned that past exposure is going to be a real serious issue for their families."

If callers haven't had their soil tested yet, Warzecha recommends that they do so. Then he advises them on how to manage the problem if there is one. If contamination hot spots are identified, cleanup may be required under Wisconsin's Agricultural Chemical Cleanup Program. In such cases the property owner would pay a 25% deductible, with the rest of the costs covered by the state, according to Bowman.

In Washington, the Model Toxics Control Act requires the reporting, study, and cleanup of sites where hazardous substances are above state-set cleanup levels. In residential developments, the state is working to increase awareness of the potential for contamination on historic orchard lands, particularly among developers. The goal is to get developers to incorporate that consideration at the outset of projects, when there are opportunities to deal with problems more easily than could be done once housing is in place. As in other states, several departments are involved in providing consultation, health assessment, and technical assistance on a case-by-case basis.

Washington has also chosen to be proactive in its cleanup efforts at sites where children are especially likely to be affected. "We have elected to focus on schools, child care facilities, and parks where groups of young children might be present, trying to take steps to reduce exposures for kids," says Dave Bradley, a toxicologist and risk assessor with the Toxics Cleanup Program in the Washington State Department of Ecology. "We've focused on a handful of counties, and have further focused on schools, trying to integrate with existing community processes such as school construction, and then trying to prioritize how we use either our authority or funds out of the state Superfund to actually perform some of the cleanup actions."

In New Jersey, the recommendations and guidelines put forth in the 1999 report of the Historic Pesticide Contamination Task Force set the agenda. Schick, whose department handles historic orchard contamination cases, says there's no excuse for ignorance on the part of New Jersey developers at this point, and it should be a standard element of their due diligence.

"It's common knowledge, the guidance is out there, it already involved the real estate agents, the bankers, the insurers, the farm bureau," Schick says. "It's been out there long enough that anyone making any kind of investment in developing farmland should have known about it, and they will be held at fault for not coming to the department or cleaning prior to development."

Paradise Lost, Paradise Regained?

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Today, Barber Orchard, a 500-acre subdivision located a few miles west of Waynesville, North Carolina, is "not a place where it looks like there are any problems," says Butcher. "It's not a place like where there's been a lot of mining and it looks like a moonscape. It looks beautiful up there." It may look beautiful, but that doesn't change the fact that Barber Orchard has had a troubled history.

Barber Orchard was a commercial apple orchard from 1903 until the mid-1980s, when the operation went bankrupt and the land was parceled off for development. In 1999, a pregnant resident heard rumors of birth defects from neighbors and friends in the area. She contacted Rudo, who, with the county health department, initiated an extensive investigation that included soil and water sampling and a series of public meetings with residents. In late 1999 through mid-2000, the federal EPA conducted a \$4 million emergency removal of a foot of topsoil from 28 residents' yards.

Reflecting the tremendous variation in contamination typical of historic orchard sites, the EPA found only trace amounts of lead and arsenic in some sampling locations, but several others were well in excess of the agency's cleanup goals of 40 ppm arsenic and 400 ppm lead. Samples came in as high as 400 ppm arsenic and 1,200 ppm lead. The highest levels were detected at spots where trees were still located, or had been cultivated in the past, reflecting the cumulative impact of long years of pesticide applications.

In 2001, the site was placed on the National Priorities List under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), an unusual step for a historic orchard. "CERCLA authority is hobbled when it comes to normal use of pesticides," says James Bateson, branch head of the Superfund Site Evaluation and Removal Branch of the North Carolina Department of Environment and Natural Resources. "In cases where [a pesticide has] been spilled or dumped in large quantities or misused, that's when CERCLA can have some authority. At Barber Orchard, the case was made that there was enough spillage associated with the way they handled things up there that it wasn't normal application of pesticide."

"The way they handled things" was by distributing the pesticides through a unique underground high-pressure piping system, with aboveground nozzles at the tree sites where sprayers were hooked up. The system left pesticide hot spots at several locations throughout the orchard property. "If there was spillage at a particular location above-ground where that particular distribution pipe was located, or if there was a fracture in the pipe, or a joint in the pipe that got a crack or leak in it, then we may have contamination locally at that one particular site, or along the connections along the way," explains Haywood County Health Department director Carmine Rocco. According to Bateson, the EPA has in fact found several places where pesticides had leaked into the soil because of poor maintenance of the piping system.

In 2004 the EPA issued a record of decision (a document specifying how the agency planned to clean up the site) for the orchard's soil, calling for much more removal of contaminated dirt, mainly from vacant lots on the property. "What we're doing right now is waiting

for funding to implement the cleanup for soil," says Jon Bornholm, the EPA's project manager for the Barber Orchard site. That phase of the cleanup, which should take less than a year, is projected to cost \$20 million, and there's no telling when the funds will be released by the EPA for it to take place.

The EPA is expected to render a record of decision for dealing with groundwater contamination on the site before the end of 2006. Bornholm expects that the agency will opt for "monitored natural attenuation"—in other words, let Mother Nature take care of the problem, and hope that contaminant concentrations will decrease over time through natural processes such as biodegradation and dispersion. He guesses that could take 30 to 50 years, with the EPA monitoring the situation continually. Residents have been advised to filter their well water since the problem was uncovered, and city water is now available to the site, although not all of the current homeowners have elected to hook up to the service.

Since the problem arose, the ATSDR has also been involved at Barber Orchard, evaluating the health situation. In April 2002, the agency released its official public health assessment for the site, which concluded that "current exposures to site contaminants are not likely to result in adverse health effects. . . . The exposure pathways for lead and arsenic were disrupted within a relatively short time frame, so past exposures are not likely to lead to health effects at this time."

Meanwhile, Barber Orchard's tax values have increased, and buying and selling of homes in the subdivision has not been hurt by the site's Superfund status. "The heat of the moment has passed, and I think we've gotten over the panic mode," says Ellis Morris, president of the Haywood County Board of Realtors. "Initially, people were tentative about buying in to that particular neighborhood, but that's been resolved, there's a comfort level now, and the real estate there is keeping pace with all of the other areas of Haywood County in terms of days on the market and selling price."

David Miller would agree with that assessment. He and his wife retired to Barber Orchard from Florida in 1997, and his 1.4-acre lot was one of the properties cleaned up by the EPA. He is unconcerned about the contamination at the site and thinks the whole situation has been overblown. "I haven't changed the way I live," he says. "I work in the garden just about every day, I've planted a vegetable garden and eaten the vegetables, I've planted some fruit and eaten the fruit. So it has not affected me or my wife in any way."

So it appears that Barber Orchard was paradise lost for a time, but is now paradise regained. Now, however, some neighbors just down the road may be facing a similar situation. In May 2006 residents of the Tan Woods and Orchard Estates subdivisions, built on what was once Francis Orchard, were notified that soil samples from a vacant lot at the site had tested positive for lead, arsenic, and other pesticides—a mix similar to that found at Barber Orchard. And like Barber Orchard, Francis Orchard was equipped with an underground pesticide piping system.

It's still early in the process, and the results of more thorough sampling and testing are not yet available, so it's too soon to predict whether Francis Orchard may eventually become a Superfund site. But this time around, according to Bateson, both residents and involved officials can benefit from the Barber Orchard experience. At Francis Orchard, he says, "the residents are well schooled after seeing what's gone on at Barber Orchard, and of course the county and state people have been around the block now too."

Questions Remain

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Despite the large scale scope of the problem, it appears that living on a historic orchard property contaminated by lead and arsenic does not constitute an immediate threat to human health. So it is still an open question whether it's really necessary to spend huge amounts of money, often from tax dollars, to ameliorate these sites.

Peryea thinks that what is needed is a solid epidemiologic study to document whether there really is a problem with people living on these arsenical pesticide-contaminated soils. "If that sort of study was done," he says, "and it was to show that there's no problem, or that the problem is controllable by setting up some sort of engineering controls or behavioral controls, like they do with urban lead nowadays, that would probably take care of a lot of the problem. The response—rather than trying to force a cleanup that would probably be wildly impractical, very expensive, and potentially ruin property values—would be that people would change their behavior a bit and end up minimizing the risk."

Online Resources

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New Jersey, Washington, and Wisconsin offer detailed advice to residents, developers, and other interested parties about what to do if they suspect or know their land is contaminated. Wisconsin has posted a variety of publications (http://www.datcp.state.wi.us/arm/agriculture/pestfert/pesticides/accp/lead_arsen_resources.jsp), including tips for safe gardening in lead- and arsenic-contaminated soil. Washington provides a comprehensive toolbox of resources stemming from its Area-Wide Soil Contamination Project, a task force that addressed not only historical orchard contamination, but also lead and arsenic contamination over widespread areas of the state from smelters and leaded gasoline combustion; see http://www.ecy.wa.gov/programs/tcp/area_wide/area_wide_hp.html. New Jersey offers the report of the Historic Pesticide Contamination Task Force (<http://www.state.nj.us/dep/special/hpctf/index.html>) and i-MapNJ, an environmental mapping tool that lets residents obtain detailed contamination information for specific locations (<http://www.state.nj.us/dep/gis/depsplash.htm>).



You spray, you pay?

A blooming problem?

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Technology Transfer Network

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http://www.epa.gov/ttn/atw/hlthef/arsenic.html

Last updated on Tuesday, November 06, 2007

Arsenic Compounds

ARSENIC COMPOUNDS^(A)

107-02-8

Hazard Summary-Created in April 1992; Revised in January 2000

Arsenic, a naturally occurring element, is found throughout the environment; for most people, food is the major source of exposure. Acute (short-term) high-level inhalation exposure to arsenic dust or fumes has resulted in gastrointestinal effects (nausea, diarrhea, abdominal pain); central and peripheral nervous system disorders have occurred in workers acutely exposed to inorganic arsenic. Chronic (long-term) inhalation exposure to inorganic arsenic in humans is associated with irritation of the skin and mucous membranes. Chronic oral exposure has resulted in gastrointestinal effects, anemia, peripheral neuropathy, skin lesions, hyperpigmentation, and liver or kidney damage in humans. Inorganic arsenic exposure in humans, by the inhalation route, has been shown to be strongly associated with lung cancer, while ingestion of inorganic arsenic in humans has been linked to a form of skin cancer and also to bladder, liver, and lung cancer. EPA has classified inorganic arsenic as a Group A, human carcinogen.

Arsine is a gas consisting of arsenic and hydrogen. It is extremely toxic to humans, with headaches, vomiting, and abdominal pains occurring within a few hours of exposure. EPA has not classified arsine for carcinogenicity.

Please Note: The main sources of information for this fact sheet are EPA's [Integrated Risk Information System](#) (IRIS), which contains information on inhalation chronic toxicity and the [RfC](#) for arsine, oral chronic toxicity and the [RfD](#) for inorganic arsenic, and the carcinogenic effects of inorganic arsenic including the unit cancer risk for inhalation exposure, and the Agency for Toxic Substances and Disease Registry's (ATSDR's) [Toxicological Profile for Arsenic](#).

Uses

- The major use for inorganic arsenic is in wood preservation; arsine is used in the microelectronics industry and in semiconductor manufacture. (2)
- Until the 1940s, inorganic arsenic solutions were widely used in the treatment of various diseases, such as syphilis and psoriasis. Inorganic arsenic is still used as an antiparasitic agent in veterinary medicine and in homeopathic and folk remedies in the United States and other countries. (2)

Sources and Potential Exposure

- Inorganic arsenic is found throughout the environment; it is released into the air by volcanoes, the weathering of arsenic-containing minerals and ores, and by commercial or industrial processes. (1,2)
- For most people, food is the largest source of arsenic exposure (about 25 to 50 micrograms per day [$\mu\text{g}/\text{d}$]), with lower amounts coming from drinking water and air. Among foods, some of the highest levels are found in fish and shellfish; however, this arsenic exists primarily as organic compounds, which are essentially nontoxic. (1)

- Elevated levels of inorganic arsenic may be present in soil, either from natural mineral deposits or contamination from human activities, which may lead to dermal or ingestion exposure. (1)
- Workers in metal smelters and nearby residents may be exposed to above-average inorganic arsenic levels from arsenic released into the air. (1)
- Other sources of inorganic arsenic exposure include burning plywood treated with an arsenic wood preservative or dermal contact with wood treated with arsenic. (2)
- Most arsenic poisoning incidents in industry have involved the production of arsine, a short-lived, extremely toxic gas. (3)

Assessing Personal Exposure

- Measurement of inorganic arsenic in the urine is the best way to determine recent exposure (within the last 1 to 2 days), while measuring inorganic arsenic in hair or fingernails may be used to detect high-level exposures that occurred over the past 6-12 months. (1)

Health Hazard Information

Acute Effects:

Inorganic Arsenic

- Acute inhalation exposure of workers to high levels of arsenic dusts or fumes has resulted in gastrointestinal effects (nausea, diarrhea, abdominal pain), while acute exposure of workers to inorganic arsenic has also resulted in central and peripheral nervous system disorders. (1)
- Acute oral exposure to inorganic arsenic, at doses of approximately 600 micrograms per kilogram body weight per day ($\mu\text{g}/\text{kg}/\text{d}$) or higher in humans, has resulted in death. Oral exposure to lower levels of inorganic arsenic has resulted in effects on the gastrointestinal tract (nausea, vomiting), central nervous system (CNS) (headaches, weakness, delirium), cardiovascular system (hypotension, shock), liver, kidney, and blood (anemia, leukopenia). (1,2)
- Acute animal tests in rats and mice have shown inorganic arsenic to have moderate to high acute toxicity. (5)

Arsine

- Acute inhalation exposure to arsine by humans has resulted in death; it has been reported that a half-hour exposure to 25 to 50 parts per million (ppm) can be lethal. (4)
- The major effects from acute arsine exposure in humans include headaches, vomiting, abdominal pains, hemolytic anemia, hemoglobinuria, and jaundice; these effects can lead to kidney failure. (4,8)
- Arsine has been shown to have extreme acute toxicity from acute animal tests. (5)

Chronic Effects (Noncancer):

Inorganic arsenic

- Chronic inhalation exposure to inorganic arsenic in humans is associated with irritation of the skin and mucous membranes (dermatitis, conjunctivitis, pharyngitis, and rhinitis). (1,2)
- Chronic oral exposure to inorganic arsenic in humans has resulted in gastrointestinal effects, anemia, peripheral neuropathy, skin lesions, hyperpigmentation, gangrene of the extremities, vascular lesions, and liver or kidney damage. (1,2)
- No chronic inhalation exposure studies have been performed in animals for any inorganic arsenic compound. (1)
- Some studies have suggested that inorganic arsenic is an essential dietary nutrient in goats, chicks, and rats. However, no comparable data are available for humans. EPA has concluded that essentiality, although not rigorously established, is plausible. (1,6)
- EPA has not established a Reference Concentration (RfC) for inorganic arsenic. (6)

- The California Environmental Protection Agency (CalEPA) has established a chronic inhalation reference level of 0.00003 milligrams per cubic meter (mg/m³) based on developmental effects in mice. The CalEPA reference exposure level is a concentration at or below which adverse health effects are not likely to occur. It is not a direct estimator of risk, but rather a reference point to gauge the potential effects. At lifetime exposures increasingly greater than the reference exposure level, the potential for adverse health effects increases. (7)
- The Reference Dose (RfD) for inorganic arsenic is 0.0003 milligrams per kilogram body weight per day (mg/kg/d) based on hyperpigmentation, keratosis, and possible vascular complications in humans. The RfD is an estimate (with uncertainty spanning perhaps an order of magnitude) of a daily oral exposure to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious noncancer effects during a lifetime. (6)
- EPA has medium confidence in the study on which the RfD for inorganic arsenic was based because, although an extremely large number of people were included in the assessment (>40,000), the doses were not well characterized and other contaminants were present. The supporting human toxicity database, while extensive, is somewhat flawed and, consequently, EPA has assigned medium confidence to the RfD. (6)

Arsine

- No information is available on the chronic effects of arsine in humans.
- The RfC for arsine is 0.00005 mg/m³ based on increased hemolysis, abnormal red blood cell morphology, and increased spleen weight in rats, mice, and hamsters. (4)
- EPA has medium confidence in the RfC based on: (1) high confidence in the studies on which the RfC for arsine was based because the sample sizes were adequate, statistical significance was reported, concentration dose-response relationships were documented, three species were investigated, and both a no-observed-adverse-effect level (NOAEL) and a lowest-observed-adverse-effect level (LOAEL) were identified, and (2) medium confidence in the database because while there were three inhalation animal studies and a developmental/reproductive study, there were no data available on human exposure. (4)

Reproductive/Developmental Effects:

Inorganic arsenic

- Several studies have suggested that women who work in, or live near, metal smelters may have higher than normal spontaneous abortion rates, and their children may exhibit lower than normal birthweights. However, these studies are limited because they were designed to evaluate the effects of smelter pollutants in general, and are not specific for inorganic arsenic. (1)
- Ingested inorganic arsenic can cross the placenta in humans, exposing the fetus to the chemical. (2)
- Oral animal studies have reported inorganic arsenic at very high doses to be fetotoxic and to cause birth defects. (1)

Arsine

- Human studies have indicated higher than expected spontaneous abortion rates in women in the microelectronics industry who were exposed to arsine. However, these studies have several limitations, including small sample size and exposure to other chemicals in addition to arsine. (4)

Cancer Risk:

Inorganic arsenic

- Human, inhalation studies have reported inorganic arsenic exposure to be strongly associated with lung cancer. (1,2,6)
- Ingestion of inorganic arsenic in humans has been associated with an increased risk of nonmelanoma skin cancer and also to an increased risk of bladder, liver, and lung cancer. (1,6)

- Animal studies have not associated inorganic arsenic exposure via the oral route with cancer, and no cancer inhalation studies have been performed in animals for inorganic arsenic. (1)
- EPA has classified inorganic arsenic as a Group A, human carcinogen. (6)
- EPA used a mathematical model, using data from an occupational study of arsenic-exposed copper smelter workers, to estimate the probability of a person developing cancer from continuously breathing air containing a specified concentration of inorganic arsenic. EPA calculated an inhalation unit risk estimate of $4.3 \times 10^{-3}(\mu\text{g}/\text{m}^3)^{-1}$. EPA estimates that, if an individual were to continuously breathe air containing inorganic arsenic at an average of $0.0002 \mu\text{g}/\text{m}^3$ ($2 \times 10^{-7} \text{mg}/\text{m}^3$) over his or her entire lifetime, that person would theoretically have no more than a one-in-a-million increased chance of developing cancer as a direct result of breathing air containing this chemical. Similarly, EPA estimates that continuously breathing air containing $0.002 \mu\text{g}/\text{m}^3$ ($2 \times 10^{-6} \text{mg}/\text{m}^3$) would result in not greater than a one-in-a-hundred thousand increased chance of developing cancer, and air containing $0.02 \mu\text{g}/\text{m}^3$ ($2 \times 10^{-5} \text{mg}/\text{m}^3$) would result in not greater than a one-in-ten thousand increased chance of developing cancer. For a detailed discussion of confidence in the potency estimates, please see IRIS. (6)
- EPA has calculated an oral cancer slope factor of $1.5 (\text{mg}/\text{kg}/\text{d})^{-1}$ for inorganic arsenic. (6)

Arsine

- No cancer inhalation studies in humans or animals are available for arsine. (1)
- EPA has not classified arsine for carcinogenicity. (4)

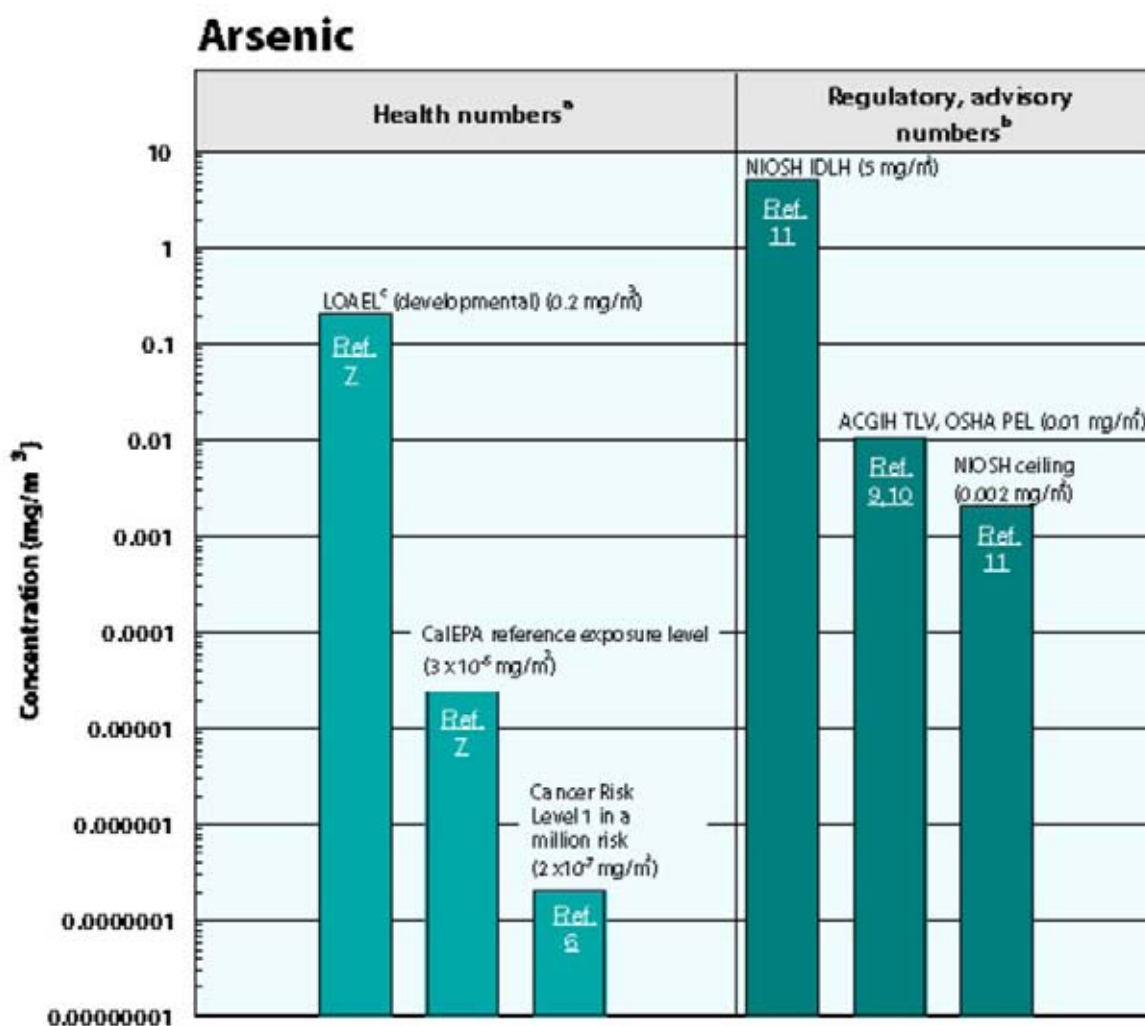
Physical Properties

- Inorganic arsenic is a naturally occurring element in the earth's crust. (1)
- Pure inorganic arsenic is a gray-colored metal, but inorganic arsenic is usually found combined with other elements such as oxygen, chlorine, and sulfur. (1)
- The chemical symbol for inorganic arsenic is As, and it has an atomic weight of 74.92 g/mol. (3)
- The chemical formula for arsine is AsH_3 , and it has a molecular weight of 77.95 g/mol. (8)
- Arsine is a colorless gas with a disagreeable garlic odor. (8)
- Arsenic combined with elements such as oxygen, chlorine, and sulfur forms inorganic arsenic; inorganic arsenic compounds include arsenic pentoxide, arsenic trioxide, and arsenic acid. Arsenic combined with carbon and hydrogen forms organic arsenic; organic arsenic compounds include arsanilic acid, arsenobetaine, and dimethylarsinic acid. (1)

Conversion Factors (only for the gaseous form):

To convert concentrations in air (at 25°C) from ppm to mg/m^3 : $\text{mg}/\text{m}^3 = (\text{ppm}) \times (\text{molecular weight of the compound})/(24.45)$. For inorganic arsenic: $1 \text{ ppm} = 3.06 \text{ mg}/\text{m}^3$. For arsine: $1 \text{ ppm} = 3.19 \text{ mg}/\text{m}^3$. To convert concentrations in air from $\mu\text{g}/\text{m}^3$ to mg/m^3 : $\text{mg}/\text{m}^3 = (\mu\text{g}/\text{m}^3) \times (1 \text{ mg}/1,000 \mu\text{g})$.

Health Data from Inhalation Exposure (Inorganic Arsenic)



ACGIH TLV--American Conference of Governmental and Industrial Hygienists' threshold limit value expressed as a time-weighted average; the concentration of a substance to which most workers can be exposed without adverse effects.

NIOSH IDLH--National Institute of Occupational Safety and Health's immediately dangerous to life or health concentration; NIOSH recommended exposure limit to ensure that a worker can escape from an exposure condition that is likely to cause death or immediate or delayed permanent adverse health effects or prevent escape from the environment.

NIOSH REL ceiling value--NIOSH's recommended exposure limit ceiling; the concentration that should not be exceeded at any time.

OSHA PEL--Occupational Safety and Health Administration's permissible exposure limit expressed as a time-weighted average; the concentration of a substance to which most workers can be exposed without adverse effect averaged over a normal 8-h workday or a 40-h workweek.

The health and regulatory values cited in this factsheet were obtained in December 1999.

^a Health numbers are toxicological numbers from animal testing or risk assessment values developed by EPA.

^b Regulatory numbers are values that have been incorporated in Government regulations, while advisory numbers are nonregulatory values provided by the Government or other groups as advice. OSHA numbers are regulatory, whereas NIOSH and ACGIH numbers are advisory.

^c The LOAEL is from the critical study used as the basis for the CalEPA chronic reference exposure level.

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A. * This fact sheet addresses the toxicity of the inorganic arsenic compounds as well as the toxicity of the gaseous arsenic trihydride: arsine.

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Lead

Learn about Lead

- [What is lead?](#)
- [Where is lead found?](#)
- [How can people be exposed to lead?](#)
- [Possible adverse health effects of exposures to lead](#)
- [Lead exposure data](#)

What is Lead?

Lead is a highly toxic metal and it is all around us. Lead was used for many years in paints and other products found in and around our homes. Lead-based paint and lead contaminated dust are the main sources of exposure for lead in U.S. children. Lead-based paints were banned for use in housing in 1978. There is a good chance that any home, building, school or day care center built before 1978 contains some lead paint.

One million children are affected by lead poisoning, but when you know what to look for and what to do, lead poisoning is entirely preventable.

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Where is Lead Found?

The most common source of lead is from paint in homes and buildings built before 1978. Lead also can be emitted into the air from industrial sources and leaded aviation gasoline, and lead can enter drinking water through plumbing materials.

It is also used in the production of batteries, ammunition, metal products (solder and pipes), and devices to shield X-rays. Because of health concerns, lead from paints and ceramic products, caulking, and pipe solder has been dramatically reduced in recent years. The use of lead as an additive to automobile gasoline was banned in 1996 in the United States.

Lead is also a naturally occurring element. Natural levels of lead in soil range between 50 parts per million (ppm) and 400 ppm. Mining, smelting, and refining activities have resulted in substantial increases in lead levels in the environment, especially near mining and smelting sites. For example, near some types of industrial and municipal facilities, and adjacent to highways ([Chaney et al., 1984](#); [Schacklette et al., 1984](#)) soil lead concentrations have been reported to be more than 11,000 ppm ([National Research Council, 1980](#)).

Read more about where lead can be found:

- [At home](#)
- [At schools and childcare facilities](#)
- [In products](#)
- [In drinking water](#)
- [In outdoor air](#)
- [In soil](#)

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How Can People Be Exposed to Lead?

Children

Lead is dangerous to children because babies and young children often put their hands and other objects that can have lead dust on them in their mouths. Also, children's growing bodies absorb more lead than adult bodies do, and their brains and nervous systems are more sensitive to the damaging effects of lead.

Children living at or below the poverty line who live in older housing are at greatest risk. Children of some racial and ethnic groups, and those living in older housing, are disproportionately affected by lead.

[Learn more about sources of lead exposure.](#)

Pregnant Women

Pregnant women can be exposed to lead by spending time in areas where lead-based paints are deteriorating into lead dust that they then breathe in. Likewise, eating and drinking from dishes or glasses that contain lead water, or using certain [folk remedies](#) to which lead is intentionally added can cause exposures to lead. In addition, working in a job or engaging in [hobbies](#) where lead is used, such as making stained glass, can increase exposure.

Adults

Adults are also susceptible to lead exposure. This may be from:

- Breathing in lead dust, especially during renovation or repair work that disturbs painted surfaces in older homes and buildings.
- Putting their hands or other objects covered with lead dust in their mouths.
- Eating or drinking contaminated food or water or using certain folk remedies.

- Working in a job or engaging in [hobbies](#) where lead is used.

[Learn more about sources of lead exposure.](#)

Lower Your Chances of Exposure to Lead

Simple steps like keeping your home clean and feeding your family a well-balanced diet will go a long way in preventing lead poisoning. You can lower the chances of exposure to lead in your home, both now and in the future, by taking these steps:

- Use only cold water to prepare food and drinks.
- Flush all water outlets used for drinking or food preparation.
- Clean debris out of all outlet screens or aerators on faucets on a regular basis.
- Keep your home clean and dust-free.
- Wipe up any paint chips or visible dust with a wet sponge or rag. Clean dust around areas where there is friction and dust can be generated, such as doors, windows, and drawers.
- Wash children's hands, bottles, pacifiers and toys often.
- Teach children to wipe and remove their shoes and wash hands after playing outdoors.
- Ensure that your family members eat well-balanced meals. Lead interferes with some of the body's basic functions. Our bodies can't tell the difference between lead and calcium, which is a mineral that strengthens bones. Children with healthy diets absorb less lead.
- Make sure your contractor is [Lead Safe Certified](#).

Determine if your family is at risk for lead poisoning with the [Lead Poisoning Home Checklist \(PDF\)](#) (1 pg, 47K, [About PDF](#)).

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Possible Adverse Health Effects of Exposures to Lead

Lead exposure affects the nervous system and can cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and younger are most at risk.

Children

If not detected early, children with high levels of lead in their bodies can suffer from:

- Damage to the brain and nervous system
- Behavior and learning problems, such as hyperactivity
- Slowed growth
- Hearing problems
- Headaches
- Anemia
- In rare cases of acute lead poisoning from ingestion of lead, seizures, coma and even death.

Pregnant Women

Lead can accumulate in our bodies over time, where it stores in bones along with calcium. During pregnancy, lead is released from bones as maternal calcium is used to help form the bones of the fetus. This is particularly true if a woman does not have enough dietary calcium. Lead can also be easily circulated from the mother's blood stream through the placenta to the fetus. Mothers with high levels of lead in their bodies can expose their developing fetuses, resulting in serious and developmental problems including:

- Miscarriages,
- Premature births or low birth weight,
- Brain damage, decreased mental abilities and learning difficulties, and/or
- Reduced growth in young children.

Find out more about lead's effects on pregnancy:

- [March of Dimes Healthy Pregnancy](#) [\[exit disclaimer\]](#)
- [Effects of Workplace Hazards on Female Reproductive Health](#), National Institute for Occupational Safety and Health.

Adults

Lead is also harmful to adults. Adults can suffer from:

- Hearing and vision impairment,
- Reproductive problems (in both men and women),
- High blood pressure and hypertension,
- Nerve disorders,
- Memory and concentration problems,
- Poor muscle coordination, and
- Muscle and joint pain.

[Read more on the health effects of lead at the Agency for Toxic Substances and Disease Registry \(ATSDR\).](#)

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Lead Exposure Data

The Centers for Disease Control's National Center for Health Statistics monitors blood lead levels in the United States.

[National Center for Health Statistics](#)

[Get information on the number of children with elevated blood lead levels, and number and percentage of children tested for lead in your area.](#)

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Regional Screening Level (RSL) Summary Table April 2012

= IRIS; P = PPRTV; A = ATSDR; C = Cal EPA; X = PPRTV Appendix; H = HEAST; J = New Jersey; Y = New York; O = EPA Office of Water; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; F = See FAQ; c = cancer; * = where n SL < 100x c SL; ** = where n SL < 10x c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Toxicity and Chemical-specific Information										Contaminant		Screening Levels							Protection of Ground Water SSLs							
FO	k	k	RfD _o	k	RfC _i	k	muta-	GIABS	ABS	C _{sat}	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)	
E-02	C	5.1E-06	C	1.5E-01	I			1	0.1		ALAR	1596-84-5	2.7E+01	c	9.6E+01	c	4.8E-01	c	2.4E+00	c	3.7E+00	c		8.2E-04		
E-03	I			4.0E-03	I			1	0.1		Acetaph	30560-19-1	5.6E+01	c**	2.0E+02	c*								1.7E-03		
		2.2E-06	I			9.0E-03	I	V		1	1.1E+05	Acetaldehyde	75-07-0	1.0E+01	c**	5.2E+01	c**	1.1E+00	c**	5.6E+00	c**	2.2E+00	c**		4.5E-04	
				2.0E-02	I				1	0.1	Acetochlor	34256-82-1	1.2E+03	n	1.2E+04	n								2.7E+02	n	2.2E-01
				9.0E-01	I	3.1E+01	A	V	1		1.1E+05	Acetone	67-64-1	6.1E+04	n	6.3E+05	nms	3.2E+04	n	1.4E+05	n	1.2E+04	n		2.4E+00	
				3.0E-03	P	6.0E-02	P	V	1		1.1E+05	Acetone Cyanohydrin	75-86-5	2.0E+02	n	2.1E+03	n	6.3E+01	n	2.6E+02	n	3.4E+01	n		6.9E-03	
						6.0E-02	I	V	1		1.3E+05	Acetonitrile	75-05-8	8.7E+02	n	3.7E+03	n	6.3E+01	n	2.6E+02	n	1.3E+02	n		2.6E-02	
3.8E+00	C	1.3E-03	C	1.0E-01	I			V	1	0.1	2.5E+03	Acetophenone	98-86-2	7.8E+03	ns	1.0E+05	nms							1.5E+03	n	4.5E-01
									1	0.1	2.5E+03	Acetylaminofluorene, 2-	53-96-3	1.3E-01	c	4.5E-01	c	1.9E-03	c	9.4E-03	c	1.4E-02	c		6.5E-05	
5.0E-01	I	1.0E-04	I	5.0E-04	I	2.0E-05	I	V	1		2.3E+04	Acrolein	107-02-8	1.5E-01	n	6.5E-01	n	2.1E-02	n	8.8E-02	n	4.1E-02	n		8.4E-06	
				2.0E-03	I	6.0E-03	I	M	1	0.1		Acrylamide	79-06-1	2.3E-01	c	3.4E+00	c	9.6E-03	c	1.2E-01	c	4.3E-02	c		9.1E-06	
				5.0E-01	I	1.0E-03	I		1	0.1		Acrylic Acid	79-10-7	3.0E+04	n	2.9E+05	nm	1.0E+00	n	4.4E+00	n	7.7E+03	n		1.6E+00	
5.4E-01	I	6.8E-05	I	4.0E-02	A	2.0E-03	I	V	1		1.1E+04	Acrylonitrile	107-13-1	2.4E-01	c*	1.2E+00	c*	3.6E-02	c*	1.8E-01	c*	4.5E-02	c*		9.8E-06	
						6.0E-03	P		1	0.1		Adiponitrile	111-69-3	8.5E+06	nm	3.6E+07	nm	6.3E+00	n	2.6E+01	n				7.5E-04	1.6E-03
				1.0E-02	I				1	0.1		Alachlor	15972-60-8	8.7E+00	c*	3.1E+01	c*					9.1E-01	c	2.0E+00		
				1.0E-03	I				1	0.1		Aldicarb	116-06-3	6.1E+01	n	6.2E+02	n					1.5E+01	n		3.8E-03	
				1.0E-03	I				1	0.1		Aldicarb Sulfone	1646-88-4	6.1E+01	n	6.2E+02	n					1.6E+01	n		3.4E-03	
1.7E+01	I	4.9E-03	I	3.0E-05	I				1	0.1		Aldrin	309-00-2	2.9E-02	c*	1.0E-01	c	5.0E-04	c	2.5E-03	c	2.1E-04	c		3.4E-05	
				2.5E-01	I				1	0.1		Allyl	74223-64-6	1.5E+04	n	1.5E+05	nm					3.8E+03	n		1.5E+00	
2.1E-02	C	6.0E-06	C	5.0E-03	I	1.0E-04	X		1	0.1		Allyl Alcohol	107-18-6	3.0E+02	n	3.1E+03	n	1.0E-01	n	4.4E-01	n	7.8E+01	n		1.6E-02	
				1.0E-03	I	1.0E-03	I	V	1	1.4E+03		Allyl Chloride	107-05-1	6.8E-01	c**	3.4E+00	c**	4.1E-01	c**	2.0E+00	c**	6.3E-01	c**		2.0E-04	
				1.0E+00	P	5.0E-03	P		1			Aluminum	7429-90-5	7.7E+04	n	9.9E+05	nm	5.2E+00	n	2.2E+01	n	1.6E+04	n		2.3E+04	
				4.0E-04	I				1			Aluminum Phosphide	20859-73-8	3.1E+01	n	4.1E+02	n					6.2E+00	n			
				3.0E-04	I				1	0.1		Amdro	67485-29-4	1.8E+01	n	1.8E+02	n					4.7E+00	n		1.7E+03	
2.1E+01	C	6.0E-03	C	9.0E-03	I				1	0.1		Ametryn	834-12-8	5.5E+02	n	5.5E+03	n					1.2E+02	n		1.2E-01	
				8.0E-02	P				1	0.1		Aminobiphenyl, 4-	92-67-1	2.3E-02	c	8.2E-02	c	4.1E-04	c	2.0E-03	c	2.6E-03	c		1.3E-05	
				2.0E-02	P				1	0.1		Aminophenol, m-	591-27-5	4.9E+03	n	4.9E+04	n					1.2E+03	n		4.7E-01	
				2.5E-03	I				1	0.1		Aminophenol, p-	123-30-8	1.2E+03	n	1.2E+04	n					3.1E+02	n		1.2E-01	
				1.0E-01	I				1	0.1		Amitraz	33089-61-1	1.5E+02	n	1.5E+03	n					5.9E+00	n		3.0E+00	
						1.0E-01	I		1			Ammonia	7664-41-7					1.0E+02	n	4.4E+02	n					
				2.0E-01	I				1			Ammonium Sulfamate	7773-06-0	1.6E+04	n	2.0E+05	nm					3.1E+03	n			
4.7E-03	I	1.6E-06	C	7.0E-03	P	1.0E-03	I		1	0.1		Aniline	62-53-3	8.5E+01	c**	3.0E+02	c*	1.0E+00	n	4.4E+00	n	1.2E+01	c**		3.9E-03	
4.0E-02	P			2.0E-03	X				1	0.1		Anthraquinone, 9,10-	84-65-1	1.2E+01	c*	4.3E+01	c*					1.2E+00	c*		1.2E-02	
				4.0E-04	I				0.15			Antimony (metallic)	7440-36-0	3.1E+01	n	4.1E+02	n					6.0E+00	n	6.0E+00		2.7E-01
				5.0E-04	H				0.15			Antimony Pentoxide	1314-60-9	3.9E+01	n	5.1E+02	n					7.5E+00	n			
				9.0E-04	H				0.15			Antimony Potassium Tartrate	11071-15-1	7.0E+01	n	9.2E+02	n					1.3E+01	n			
				4.0E-04	H				0.15			Antimony Tetroxide	1332-81-6	3.1E+01	n	4.1E+02	n					6.0E+00	n			
						2.0E-04	I		0.15			Antimony Trioxide	1309-64-4	2.8E+05	nm	1.2E+06	nm	2.1E-01	n	8.8E-01	n					
				1.3E-02	I				1	0.1		Apollo	74115-24-5	7.9E+02	n	8.0E+03	n					1.8E+02	n		1.1E+01	
2.5E-02	I	7.1E-06	I	5.0E-02	H				1	0.1		Aramite	140-57-8	1.9E+01	c	6.9E+01	c	3.4E-01	c	1.7E+00	c	2.7E+00	c		3.0E-02	
1.5E+00	I	4.3E-03	I	3.0E-04	I	1.5E-05	C		1	0.03		Arsenic, inorganic	7440-38-2	3.9E-01	c*	1.6E+00	c	5.7E-04	c*	2.9E-03	c*	4.5E-02	c*	1.0E+01	1.3E-03	2.9E-01
				3.5E-06	C	5.0E-05	I		1			Arsine	7784-42-1	2.7E-01	n	3.6E+00	n	5.2E-02	n	2.2E-01	n	5.4E-02	n			
				9.0E-03	I				1	0.1		Assure	76578-14-8	5.5E+02	n	5.5E+03	n					9.3E+01	n		1.4E+00	
				5.0E-02	I				1	0.1		Asulam	3337-71-1	3.1E+03	n	3.1E+04	n					7.8E+02	n		2.0E-01	
2.3E-01	C			3.5E-02	I				1	0.1		Atrazine	1912-24-9	2.1E+00	c	7.5E+00	c					2.6E-01	c	3.0E+00	1.7E-04	1.9E-03
8.8E-01	C	2.5E-04	C						1	0.1		Auramine	492-80-8	5.5E-01	c	2.0E+00	c	9.7E-03	c	4.9E-02	c	6.7E-02	c		6.1E-04	
				4.0E-04	I				1	0.1		Avermectin B1	65195-55-3	2.4E+01	n	2.5E+02	n					6.3E+00	c		1.1E+01	
1.1E-01	I	3.1E-05	I					V	1			Azobenzene	103-33-3	5.1E+00	c	2.3E+01	c	7.8E-02	c	4.0E-01	c	1.0E-01	c		8.0E-04	
				2.0E-01	I	5.0E-04	H		0.07			Barium	7440-39-3	1.5E+04	n	1.9E+05	nm	5.2E-01	n	2.2E+00	n	2.9E+03	n	2.0E+03	1.2E+02	8.2E+01
				4.0E-03	I				1	0.1		Baygon	114-26-1	2.4E+02	n	2.5E+03	n					6.1E+01	n		2.0E-02	
				3.0E-02	I				1	0.1		Bayleton	43121-43-3	1.8E+03	n	1.8E+04	n					4.3E+02	n		3.4E-01	
				2.5E-02	I				1	0.1		Baythroid	68359-37-5	1.5E+03	n	1.5E+04	n					8.7E+01	n		2.3E+01	
				3.0E-01	I				1	0.1		Benefin	1861-40-1	1.8E+04	n	1.8E+05	nm					1.2E+03	n		4.1E+01	
				5.0E-02	I				1	0.1		Benomyl	17804-35-2	3.1E+03	n	3.1E+04	n					7.5E+02	n		6.6E-01	
				3.0E-02	I				1	0.1		Bentazon	25057-89-0	1.8E+03	n	1.8E+04	n					4.4E+02	n		9.6E-02	
5.5E-02	I	7.8E-06	I	1.0E-01	I			V	1		1.2E+03	Benzaldehyde	100-52-7	7.8E+03	ns	1.0E+05	nms					1.5E+03	n		3.3E-01	
				4.0E-03	I	3.0E-02	I	V	1		1.8E+03	Benzene	71-43-2	1.1E+00	c*	5.4E+00	c*	3.1E-01	c	1.6E+00	c*	3.9E-01	c*	5.0E+00	2.0E-04	2.6E-03
				2.0E-04	X				1	0.1		Benzenediamine-2-methyl sulfate, 1,4-	6369-59-1	1.2E+01	n	1.2E+02	n					3.9E-01	n		8.7E-04	
2.3E+02	I	6.7E-02	I	1.0E-03	P			V	1		1.3E+03	Benzenethiol	108-98-5	7.8E+01	n	1.0E+03	n					1.3E+01	n		8.6E-03	
				3.0E-03	I			M	1	0.1		Benzydine	92-87-5	5.0E-04	c	7.5E-03	c	1.4E-05	c	1.8E-04	c	9.2E-05				

Regional Screening Level (RSL) Summary Table April 2012

Toxicity and Chemical-specific Information													Contaminant		Screening Levels							Protection of Ground Water SSLs					
SFO (mg/kg-day) ¹	ke y	IUR (ug/m ³ -day)	ke y	RfD _o	ke y	RfC ₁ (mg/m ³)	ke y	muta- gen	GIABS	ABS	C _{sat} (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)	
				1.0E-04	I					1	0.1	Bidrin	141-66-2	6.1E+00	n	6.2E+01	n					1.6E+00	n		3.6E-04		
				9.0E-03	P					1	0.1	Bifenox	42576-02-3	5.5E+02	n	5.5E+03	n					7.5E+01	n		5.7E-01		
8.0E-03	X			1.5E-02	I					1	0.1	Biphenrin	82657-04-3	9.2E+02	n	9.2E+03	n					2.3E+02	n		1.1E+03		
				5.0E-02	I	4.0E-04	X	V		1		Biphenyl, 1,1'-	92-52-4	5.1E+01	n	2.1E+02	n	4.2E-01	n	1.8E+00	n	8.3E-01	n		8.7E-03		
7.0E-02	H	1.0E-05	H	4.0E-02	I					1		Bis(2-chloro-1-methylethyl) ether	108-60-1	4.6E+00	c	2.2E+01	c	2.4E-01	c	1.2E+00	c	3.1E-01	c		1.1E-04		
1.1E+00	I	3.3E-04	I	3.0E-03	P					1	0.1	Bis(2-chloroethoxy)methane	111-91-1	1.8E+02	n	1.8E+03	n					4.7E+01	n		1.1E-02		
				2.0E-02	I					1	0.1	Bis(2-chloroethyl)ether	111-44-4	2.1E+01	c	1.0E+00	c	7.4E-03	c	3.7E-02	c	1.2E-02	c		3.1E-06		
1.4E-02	I	2.4E-06	C	2.0E-02	I					1	0.1	Bis(2-ethylhexyl)phthalate	117-81-7	3.5E+01	c*	1.2E+02	c	1.0E+00	c	5.1E+00	c	7.1E-02	c*	6.0E+00	1.7E-02	1.4E+00	
2.2E+02	I	6.2E-02	I							1		Bis(chloromethyl)ether	542-88-1	7.7E-05	c	3.9E-04	c	3.9E-05	c	2.0E-04	c	6.2E-05	c		1.5E-08		
				5.0E-02	I					1	0.1	Bisphenol A	80-05-7	3.1E+03	n	3.1E+04	n					5.8E+02	n		4.4E+01		
7.0E-01	I			2.0E-01	I	2.0E-02	H			1		Boron And Borates Only	7440-42-8	1.6E+04	n	2.0E+05	nm	2.1E+01	n	8.8E+01	n	3.1E+03	n		9.9E+00		
				4.0E-02	C	1.3E-02	C			1		Boron Trifluoride	7637-07-2	3.1E+03	n	4.1E+04	n	1.4E+01	n	5.7E+01	n	6.2E+02	n		6.2E+02		
				4.0E-03	I					1		Bromate	15541-45-4	9.1E-01	c	4.1E+00	c					9.6E-02	c	1.0E+01	7.4E-04	7.7E-02	
2.0E+00	X	6.0E-04	X							1	2.4E+03	Bromo-2-chloroethane, 1-	107-04-0	2.4E-02	c	1.2E-01	c	4.1E-03	c	2.0E-02	c	6.5E-03	c		1.8E-06		
				8.0E-03	I	6.0E-02	I	V		1		Bromobenzene	108-86-1	3.0E+02	n	1.8E+03	ns	6.3E+01	n	2.6E+02	n	5.4E+01	n		3.6E-02		
				4.0E-02	X	V				1		Bromochloromethane	74-97-5	1.6E+02	n	6.8E+02	n	4.2E+01	n	1.8E+02	n	8.3E+01	n		2.1E-02		
6.2E-02	I	3.7E-05	C	2.0E-02	I					1	9.3E+02	Bromodichloromethane	75-27-4	2.7E-01	c	1.4E+00	c	6.6E-02	c	3.3E-01	c	1.2E-01	c	8.0E+01(F)	3.2E-05	2.2E-02	
7.9E-03	I	1.1E-06	I	2.0E-02	I					1	0.1	Bromoform	75-25-2	6.2E+01	c*	2.2E+02	c*	2.2E+00	c	1.1E+01	c	7.9E+00	c*	8.0E+01(F)	2.1E-03	2.1E-02	
				1.4E-03	I	5.0E-03	I	V		1		Bromomethane	74-83-9	7.3E+00	n	3.2E+01	n	5.2E+00	n	2.2E+01	n	7.0E+00	n		1.8E-03		
				5.0E-03	H					1	0.1	Bromophos	2104-96-3	3.1E+02	n	3.1E+03	n					2.6E+01	n		1.1E-01		
				2.0E-02	I					1	0.1	Bromoxynil	1689-84-5	1.2E+03	n	1.2E+04	n					3.1E+02	n		2.7E-01		
				2.0E-02	I					1	0.1	Bromoxynil Octanoate	1689-99-2	1.2E+03	n	1.2E+04	n					1.0E+02	n		8.7E-01		
3.4E+00	C	3.0E-05	I			2.0E-03	I	V		1	6.7E+02	Butadiene, 1,3-	106-99-0	5.4E-02	c*	2.6E-01	c*	8.1E-02	c*	4.1E-01	c*	1.6E-02	c		8.6E-06		
1.9E-03	P			1.0E-01	I					1	0.1	Butanol, N-	71-36-3	6.1E+03	n	6.2E+04	n					1.5E+03	n		3.2E-01		
				2.0E-01	I					1	0.1	Butyl Benzyl Phthlate	85-68-7	2.6E+02	c*	9.1E+02	c					1.4E+01	c*		2.0E-01		
				2.0E+00	P	3.0E+01	P			1	0.1	Butyl alcohol, sec-	78-92-2	1.2E+05	nm	1.2E+06	nm	3.1E+04	n	1.3E+05	n	3.1E+04	n		6.3E+00		
				5.0E-02	I					1	0.1	Butylate	2008-41-5	3.1E+03	n	3.1E+04	n					3.4E+02	n		3.3E-01		
1.0E-04	C	5.7E-08	C							1	0.1	Butylated hydroxyanisole	25013-16-5	2.4E+03	c	8.6E+03	c	4.3E+01	c	2.2E+02	c	3.4E+02	c		6.3E-01		
				5.0E-02	P					1	1.1E+02	Butylbenzene, n-	104-51-8	3.9E+03	ns	5.1E+04	ns					7.8E+02	n		2.5E+00		
				1.0E+00	I					1	0.1	Butylphthalyl Butylglycolate	85-70-1	6.1E+04	n	6.2E+05	nm					1.6E+04	n		3.5E+02		
				2.0E-02	A					1	0.1	Cacodylic Acid	75-60-5	1.2E+03	n	1.2E+04	n					3.1E+02	n				
				1.8E-03	I	1.0E-03	I	2.0E-05	C	0.025	0.001	Cadmium (Diet)	7440-43-9	7.0E+01	n	8.0E+02	n										
				1.8E-03	I	5.0E-04	I	2.0E-05	C	0.05	0.001	Cadmium (Water)	7440-43-9					1.4E-03	c*	6.8E-03	c*	6.9E+00	n	5.0E+00	5.2E-01	3.8E-01	
				5.0E-01	I					1	0.1	Caprolactam	105-60-2	3.1E+04	n	3.1E+05	nm					7.7E+03	n		1.9E+00		
1.5E-01	C	4.3E-05	C	2.0E-03	I					1	0.1	Captafol	2425-06-1	3.2E+00	c*	1.1E+01	c	5.7E-02	c	2.9E-01	c	3.5E-01	c*		6.1E-04		
2.3E-03	C	6.6E-07	C	1.3E-01	I					1	0.1	Captan	133-06-2	2.1E+02	c*	7.5E+02	c	3.7E+00	c	1.9E+01	c	2.7E+01	c*		1.9E-02		
				1.0E-01	I					1	0.1	Carbaryl	63-25-2	6.1E+03	n	6.2E+04	n					1.4E+03	n		1.3E+00		
				5.0E-03	I					1	0.1	Carbofuran	1563-66-2	3.1E+02	n	3.1E+03	n					7.3E+01	n	4.0E+01	2.8E-02	1.6E-02	
7.0E-02	I	6.0E-06	I	1.0E-01	I	7.0E-01	I	V		1	7.4E+02	Carbon Disulfide	75-15-0	8.2E+02	ns	3.7E+03	ns	7.3E+02	n	3.1E+03	n	7.2E+02	n		2.1E-01		
				4.0E-03	I	1.0E-01	I	V		1	4.6E+02	Carbon Tetrachloride	56-23-5	6.1E-01	c	3.0E+00	c	4.1E-01	c	2.0E+00	c	3.9E-01	c	5.0E+00	1.5E-04	1.9E-03	
				1.0E-02	I					1	0.1	Carbosulfan	55285-14-8	6.1E+02	n	6.2E+03	n					1.6E+02	n		3.8E+00		
				1.0E-01	I					1	0.1	Carboxin	5234-68-4	6.1E+03	n	6.2E+04	n					1.5E+03	n		8.0E-01		
						9.0E-04	I			1		Ceric oxide	1306-38-3	1.3E+06	nm	5.4E+06	nm	9.4E-01	n	3.9E+00	n						
4.0E-01	H			1.0E-01	I					1	0.1	Chloral Hydrate	302-17-0	6.1E+03	n	6.2E+04	n					1.5E+03	n		3.1E-01		
				1.5E-02	I					1	0.1	Chloramben	133-90-4	9.2E+02	n	9.2E+03	n					2.3E+02	n		5.7E-02		
										1	0.1	Chloranil	118-75-2	1.2E+00	c	4.3E+00	c					1.7E-01	c		1.4E-04		
3.5E-01	I	1.0E-04	I	5.0E-04	I	7.0E-04	I			1	0.04	Chlordane	12789-03-6	1.6E+00	c*	6.5E+00	c*	2.4E-02	c*	1.2E-01	c*	2.7E-02	c*	2.0E+00	1.8E-03	1.4E-01	
1.0E+01	I	4.6E-03	C	3.0E-04	I					1	0.1	Chlordecone (Kepone)	143-50-0	4.9E-02	c	1.7E-01	c	5.3E-04	c	2.7E-03	c	3.0E-03	c		1.1E-04		
				7.0E-04	A					1	0.1	Chlorfenvinphos	470-90-6	4.3E+01	n	4.3E+02	n					8.6E+00	n		2.3E-02		
				2.0E-02	I					1	0.1	Chlorimuron, Ethyl-	90982-32-4	1.2E+03	n	1.2E+04	n					3.0E+02	n		1.0E-01		
				1.0E-01	I	1.5E-04	A			1		Chlorine	7782-50-5	7.5E+03	n	9.1E+04	n	1.5E-01	n	6.4E-01	n	1.6E+03	n		7.0E-01		
				3.0E-02	I	2.0E-04	I			1		Chlorine Dioxide	10049-04-4	2.3E+03	n	3.0E+04	n	2.1E-01	n	8.8E-01	n	4.7E+02	n				
				3.0E-02	I					1		Chlorite (Sodium Salt)	7758-19-2	2.3E+03	n	3.1E+04	n					4.7E+02	n	1.0E+03			
						5.0E+01	I	V		1	1.2E+03	Chloro-1,1-difluoroethane, 1-	75-68-3	5.8E+04	ns	2.4E+05	nms	5.2E+04	n	2.2E+05	n	1.0E+05	n		5.2E+01		
				3.0E-04	I	2.0E-02	H	2.0E-02	I	V	1	7.5E+02	Chloro-1,3-butadiene, 2-	126-99-8	9.4E-03	c	4.7E-02	c	8.1E-03	c	4.1E-02	c	1.6E-02	c		8.5E-06	
E-01	H									1	0.1	Chloro-2-methylaniline HCl, 4-	3165-93-3	1.1E+00	c	3.7E+00	c					1.3E-01	c		7.4E-05		
E-01	P	7.7E-05	C	3.0E-03	X					1	0.1	Chloro-2-methylaniline, 4-	95-69-2	4.9E+00	c*	1.7E+01	c	3.2E-02	c	1.6E-01	c	6.7E-01	c*		3.8E-04		
E-01	X									1	0.1	Chloroacetaldehyde, 2-	107-20-0	1.8E+00	c	6.4E+00	c					2.5E-01	c		5.0E-05		
				2.0E-03	H					1	0.1	Chloroacetic Acid	79-11-8	1.2E+02	n	1.2E+03	n					3.1E+01	n	6.0E+01	6.3E-03	1.2E-02	
						3.0E-05	I			1	0.1	Chloroacetophenone, 2-	532-27-4	4.3E+04	n	1.8E+05	nm	3.1E-02	n	1.3E-01	n						
E-01	P			4.0E-03	I					1																	

Regional Screening Level (RSL) Summary Table April 2012

= IRIS; P = PPRTV; A = ATSDR; C = Cal EPA; X = PPRTV Appendix; H = HEAST; J = New Jersey; Y = New York; O = EPA Office of Water; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; F = See FAQ; c = cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Toxicity and Chemical-specific Information										Contaminant		Screening Levels								Protection of Ground Water SSLs							
FO (g-day) ⁻¹	k _e	IUR (ug/m ³) ⁻¹	k _e	RFDo	k _e	RFCh	k _e	muta-	GIABS	ABS	C _{sat} (mg/kg)	Chemical Name	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)	
				4.0E-02	P	V		1			7.3E+02	Chlorobutane, 1-Chlorodifluoromethane	109-69-3 75-45-6	3.1E+03	ns	4.1E+04	ns	5.2E+04	n	2.2E+05	n	4.8E+02	n		2.0E-01		
				5.0E+01	I	V		1			1.7E+03			5.3E+04	ns	2.2E+05	nms	5.2E+04	n	2.2E+05	n	1.0E+05	n		4.3E+01		
E-02	C	2.3E-05	I	1.0E-02	I	9.8E-02	A	V	1		2.5E+03	Chloroform	67-66-3	2.9E-01	c	1.5E+00	c	1.1E-01	c	5.3E-01	c	1.9E-01	c	8.0E+01(F)	5.3E-05	2.2E-02	
2.4E+00	C	6.9E-04	C			9.0E-02	I	V	1		1.3E+03	Chloromethane	74-87-3	1.2E+02	n	5.0E+02	n	9.4E+01	n	3.9E+02	n	1.9E+02	n		4.9E-02		
								V	1		2.6E+04	Chloromethyl Methyl Ether	107-30-2	1.9E-02	c	9.4E-02	c	3.5E-03	c	1.8E-02	c	5.6E-03	c		1.2E-06		
				8.0E-02	I			V	1		1.8E+02	Chloronaphthalene, Beta-Chloronitrobenzene, o-Chloronitrobenzene, p-	91-58-7 88-73-3 100-00-5	6.3E+03	ns	8.2E+04	ns	1.0E-02	n	4.4E-02	n	2.0E-01	c		2.9E+00		
3.0E-01	P			3.0E-03	P	1.0E-05	X		1	0.1				1.6E+00	c	5.7E+00	c	6.3E-01	n	2.6E+00	n	9.4E+00	c**		1.9E-04	8.7E-03	
6.3E-03	P			1.0E-03	P	6.0E-04	P		1	0.1				6.1E+01	n	2.7E+02	c**	6.3E-01	n	2.6E+00	n	9.4E+00	c**		8.7E-03		
				5.0E-03	I			V	1		2.2E+04	Chlorophenol, 2-Chloropicrin	95-57-8 76-06-2	3.9E+02	n	5.1E+03	n	4.2E-01	n	1.8E+00	n	7.1E+01	n		5.7E-02		
3.1E-03	C	8.9E-07	C	1.5E-02	I	4.0E-04	C	V	1	0.1	6.2E+02	Chlorothalonil	1897-45-6	1.6E+02	c**	5.6E+02	c*	2.7E+00	c	1.4E+01	c	1.9E+01	c*		2.5E-04	4.3E-02	
				2.0E-02	I			V	1		9.1E+02	Chlorotoluene, o-Chlorotoluene, p-Chlorozotocin	95-49-8 106-43-4 54749-90-5	1.6E+03	ns	2.0E+04	ns	1.6E+03	ns	2.0E+04	ns	1.9E+02	n		1.7E-01		
2.4E+02	C	6.9E-02	C	2.0E-02	X			V	1	0.1	2.5E+02			2.0E+03	c	7.2E-03	c	3.5E-05	c	1.8E-04	c	2.8E-04	c		1.8E-01	6.2E-08	
				2.0E-01	I				1	0.1		Chlorpropham	101-21-3	1.2E+04	n	1.2E+05	nm	6.1E+01	n	6.2E+02	n	6.2E+03	n		1.9E+00		
				1.0E-03	A				1	0.1		Chlorpyrifos	2921-88-2	6.1E+01	n	6.2E+02	n	6.1E+02	n	6.2E+03	n	8.9E+01	n		9.2E-02		
				1.0E-02	H				1	0.1		Chlorpyrifos Methyl	5598-13-0	6.1E+02	n	6.2E+03	n	6.1E+02	n	6.2E+03	n	8.9E+01	n		4.1E-01		
				5.0E-02	I				1	0.1		Chlorsulfuron	64902-72-3	3.1E+03	n	3.1E+04	n	4.9E+01	n	4.9E+02	n	2.0E+00	n		6.5E-01		
				8.0E-04	H				1	0.1		Chlorthiophos	60238-56-4	4.9E+01	n	4.9E+02	n	1.2E+05	nm	1.5E+06	nm	2.0E+00	n		5.2E-02		
				1.5E+00	I				0.013			Chromium(III), Insoluble Salts	16065-83-1	1.2E+05	nm	1.5E+06	nm	1.2E+05	nm	1.5E+06	nm	2.0E+00	n		2.8E+07		
5.0E-01	J	8.4E-02	S	3.0E-03	I	1.0E-04	I	M		0.025		Chromium(VI)	18540-29-9	2.9E-01	c	5.6E+00	c	1.1E-05	c	1.5E-04	c	3.1E-02	c	1.0E+02	5.9E-04	1.8E+05	
				9.0E-03	P	3.0E-04	P	6.0E-06	P	1		Chromium, Total	7440-47-3	7440-47-3	2.3E+01	n	3.0E+02	n	2.7E-04	c*	1.4E-03	c*	4.7E+00	n		2.1E-01	
				6.2E-04	I				M	1	0.1	Coke Oven Emissions	8007-45-2	8007-45-2				1.5E-03	c	2.0E-02	c	6.2E+02	n		2.2E+01	4.6E+01	
				4.0E-02	H	6.0E-01	C		1	0.1		Copper	7440-50-8	3.1E+03	n	4.1E+04	n	1.5E-03	c	2.0E-02	c	6.2E+02	n	1.3E+03	2.2E+01	4.6E+01	
				5.0E-02	I	6.0E-01	C		1	0.1		Cresol, m-Cresol, o-Cresol, p-Cresol, p-chloro-m-Cresols	108-39-4 95-48-7 106-44-5 59-50-7	3.1E+03	n	3.1E+04	n	6.3E+02	n	2.6E+03	n	7.2E+02	n		5.7E-01		
				1.0E-01	A	6.0E-01	C		1	0.1				6.1E+03	n	6.2E+04	n	6.3E+02	n	2.6E+03	n	1.4E+03	n		1.1E+00		
				1.0E-01	A	6.0E-01	C		1	0.1				6.1E+03	n	6.2E+04	n	6.3E+02	n	2.6E+03	n	1.4E+03	n		1.2E+00		
-1.9E+00	H			1.0E-03	P	4.0E-01	I	V	1		1.7E+04	Crotonaldehyde, trans-Cumene	123-73-9 98-82-8	3.4E-01	c	1.5E+00	c	2.1E+03	ns	1.1E+04	ns	3.5E-02	c		7.1E-06		
				1.0E-01	I	4.0E-01	I	V	1		2.7E+02			2.1E+03	ns	1.1E+04	ns	4.2E+02	n	1.8E+03	n	3.9E+02	n		6.4E-01		
2.2E-01	C	6.3E-05	C	2.0E-03	H				1	0.1		Cupferron	135-20-6	2.2E+00	c	7.8E+00	c	3.9E-02	c	1.9E-01	c	3.1E-01	c		5.3E-04		
8.4E-01	H			2.0E-03	H				1	0.1		Cyanazine	21725-46-2	5.8E-01	c	2.1E+00	c	5.8E-01	c	2.1E+00	c	7.6E-02	c		3.5E-05		
				1.0E-03	I				1			~Calcium Cyanide	592-01-8	7.8E+01	n	1.0E+03	n	7.8E+01	n	1.0E+03	n	1.6E+01	n				
				5.0E-03	I				1			~Copper Cyanide	544-92-3	3.9E+02	n	5.1E+03	n	4.7E+01	n	6.1E+02	n	9.3E+00	n				
				6.0E-04	I			V	1	1.0E+07		~Cyanide (CN-)	57-12-5	4.7E+01	n	6.1E+02	n	4.7E+01	n	6.1E+02	n	9.3E+00	n	2.0E+02	9.4E-02	2.0E+00	
				1.0E-03	I			V	1			~Cyanogen	460-19-5	7.8E+01	n	1.0E+03	n	7.8E+01	n	1.0E+03	n	1.6E+01	n				
				9.0E-02	I			V	1			~Cyanogen Bromide	506-68-3	7.0E+03	n	9.2E+04	n	7.0E+03	n	9.2E+04	n	1.4E+03	n				
				5.0E-02	I			V	1			~Cyanogen Chloride	506-77-4	3.9E+03	n	5.1E+04	n	3.9E+03	n	5.1E+04	n	7.8E+02	n				
				6.0E-04	I	8.0E-04	I	V	1			~Hydrogen Cyanide	74-90-8	4.7E+01	n	6.1E+02	n	8.3E-01	n	3.5E+00	n	1.4E+00	n				
				2.0E-03	I				1			~Potassium Cyanide	151-50-8	1.6E+02	n	2.0E+03	n	1.6E+02	n	2.0E+03	n	3.1E+01	n				
				5.0E-03	I				0.04			~Potassium Silver Cyanide	506-61-6	3.9E+02	n	5.1E+03	n	3.9E+02	n	5.1E+03	n	5.9E+01	n				
				1.0E-01	I				0.04			~Silver Cyanide	506-64-9	7.8E+03	n	1.0E+05	nm	7.8E+03	n	1.0E+05	nm	1.3E+03	n				
				1.0E-03	I				1			~Sodium Cyanide	143-33-9	7.8E+01	n	1.0E+03	n	7.8E+01	n	1.0E+03	n	1.6E+01	n	2.0E+02			
				2.0E-04	P			V	1		4.6E+03	~Thiocyanate	463-56-9	1.6E+01	n	2.0E+02	n	1.6E+01	n	2.0E+02	n	3.1E+00	n		6.6E-04		
				5.0E-02	I				1			~Zinc Cyanide	557-21-1	3.9E+03	n	5.1E+04	n	3.9E+03	ns	5.1E+04	ns	7.8E+02	n				
2.3E-02	H			6.0E+00	I	V			1	0.1	1.2E+02	Cyclohexane	110-82-7	7.0E+03	ns	2.9E+04	ns	6.3E+03	n	2.6E+04	n	1.3E+04	n		1.3E+01		
									1	0.1		Cyclohexane, 1,2,3,4,5-pentabromo-6-chloro-	87-84-3	2.1E+01	c	7.5E+01	c	2.1E+01	c	7.5E+01	c	2.1E+00	c		1.2E-02		
				5.0E+00	I	7.0E-01	P		1	0.1		Cyclohexanone	108-94-1	3.1E+05	nm	3.1E+06	nm	7.3E+02	n	3.1E+03	n	7.7E+04	n		1.8E+01		
				2.0E-01	I				1	0.1		Cyclohexylamine	108-91-8	1.2E+04	n	1.2E+05	nm	3.1E+02	n	3.1E+03	n	3.0E+03	n		7.9E-01		
				5.0E-03	I				1	0.1		Cyhalothrin/karate	68085-85-8	3.1E+02	n	3.1E+03	n	3.1E+02	n	3.1E+03	n	7.8E+01	n		5.3E+01		
				1.0E-02	I				1	0.1		Cypermethrin	52315-07-8	6.1E+02	n	6.2E+03	n	6.1E+02	n	6.2E+03	n	1.6E+02	n		2.5E+01		
2.4E-01	I	6.9E-05	C	7.5E-03	I				1	0.1		Cyromazine	66215-27-8	4.6E+02	n	4.6E+03	n	4.6E+02	n	4.6E+03	n	1.2E+02	n		3.0E-02		
									1	0.1		DDD	72-54-8	2.0E+00	c	7.2E+00	c	3.5E-02	c	1.8E-01	c	2.8E-01	c		6.6E-02		
3.4E-01	I	9.7E-05	C						1	0.1		DDE, p,p'	72-55-9	1.4E+00	c	5.1E+00	c	2.5E-02	c	1.3E-01	c	2.0E-01	c		4.6E-02		
3.4E-01	I	9.7E-05	I	5.0E-04	I				1	0.03		DDT	50-29-3	1.7E+00	c*	7.0E+00	c*	2.5E-02	c	1.3E-01	c	2.0E-01	c*		6.7E-02		
				1.0E-02	I				1	0.1		Dacthal	1861-32-1	6.1E+02	n	6.2E+03	n	6.1E+02	n	6.2E+03	n	9.3E+01	n		1.1E-01		
				3.0E-02	I				1	0.1		Dalapon	75-99-0	1.8E+03	n	1.8E+04	n	4.3E+02	n	2.5E+03	c**	4.7E+02	n	2.0E+02	9.7E-02	4.1E-02	
7.0E-04	I			7.0E-03	I				1	0.1		Decabromodiphenyl ether, 2,2',3,3',4,4',5,5',6,6'- (BDE-209)	1163-19-5	4.3E+02	n	2.5E+03	c**	9.6E+01	c**	9.6E+01	c**	5.3E+01	c**		5.3E+01		
				4.0E-05	I				1	0.1		Demeton	8065-48-3	2.4E+00</													

Regional Screening Level (RSL) Summary Table April 2012

Toxicity and Chemical-specific Information														Contaminant		Screening Levels								Protection of Ground Water SSLs					
SFO (mg/kg-day) ¹	key	IUR (ug/m ³ -day) ¹	key	RfD ₀ (mg/kg-day)	key	RfC ₁ (mg/m ³)	key	key	key	key	key	key	key	C _{sat} (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)
8.0E-01	P	6.0E-03	P	2.0E-04	P	2.0E-04	I	V	M	1				9.8E+02	Dibromo-3-chloropropane, 1,2-Dibromobenzene, 1,4-Dibromochloromethane	96-12-8 106-37-6 124-48-1	5.4E-03 6.1E-02 6.8E-01	c n c	6.9E-02 6.2E+03 3.3E+00	c n c	1.6E-04 2.0E-03 9.0E-02	c c c	2.0E-03 4.5E-01 4.5E-01	c c c	3.2E-04 9.8E+01 1.5E-01	c n c	2.0E-01 8.0E+01(F)	1.4E-07 9.3E-02 3.9E-05	8.6E-05 2.1E-02
2.0E+00	I	6.0E-04	I	9.0E-03	I	9.0E-03	I	V		1			1.3E+03	Dibromoethane, 1,2-Dibromomethane (Methylene Bromide) Dibutyl Phthalate	106-93-4 74-95-3 84-74-2	3.4E-02 2.5E+01 6.1E+03	c n n	1.7E-01 1.1E+02 6.2E+04	c c n	4.1E-03 2.0E-02 4.2E+00	c c n	2.0E-02 1.8E+01 1.8E+01	c n n	6.5E-03 7.9E+00 6.7E+02	c n n	5.0E-02	1.8E-06 1.9E-03 1.7E+00	1.4E-05	
		4.2E-03	P	3.0E-04	P	3.0E-02	I			1	0.1		5.2E+02	Dibutyltin Compounds Dicamba Dichloro-2-butene, 1,4-	NA 1918-00-9 764-61-0	1.8E+01 1.8E+03 6.9E-03	n n c	1.8E+02 1.8E+04 3.5E-02	n n c	5.8E-04 2.9E-03 5.8E-04	c c c	2.9E-03 1.2E-03 1.2E-03	c c c	4.7E+00 4.4E+02 1.2E-03	n n c		1.1E-01 5.4E-07		
5.0E-02	I	4.2E-03	P	4.2E-03	P	4.0E-03	I			1	0.1		7.6E+02	Dichloro-2-butene, cis-1,4-Dichloro-2-butene, trans-1,4-Dichloroacetic Acid	1476-11-5 110-57-6 79-43-6	6.9E-03 6.9E-03 9.7E+00	c c c*	3.5E-02 3.5E-02 3.4E+01	c c c*	5.8E-04 2.9E-03 5.8E-04	c c c	2.9E-03 1.2E-03 1.3E+00	c c c*	1.2E-03 1.2E-03 1.3E+00	c c c*	6.0E+01	5.4E-07 5.4E-07 2.7E-04	1.2E-02	
5.4E-03	C	1.1E-05	C	7.0E-02	A	8.0E-01	I	V		1			3.8E+02	Dichlorobenzene, 1,2-Dichlorobenzene, 1,4-Dichlorobenzidine, 3,3'-	95-50-1 106-46-7 91-94-1	1.9E+03 2.4E+00 1.1E+00	ns c c	9.8E+03 1.2E+01 3.8E+00	ns c c	2.1E+02 2.2E-01 7.2E-03	n c c	8.8E+02 1.1E+00 3.6E-02	n c c	2.8E+02 4.2E-01 1.1E-01	n c c	6.0E+02 7.5E+01	2.7E-01 4.0E-04 7.1E-04	5.8E-01 7.2E-02	
5.7E-03	C	1.6E-06	C	9.0E-03	X	1.0E-01	X	V		1	0.1		8.5E+02	Dichlorobenzophenone, 4,4'-Dichlorodifluoromethane Dichloroethane, 1,1-	90-98-2 75-71-8 75-34-3	5.5E+02 9.4E+01 3.3E+00	n n c	5.5E+03 4.0E+02 1.7E+01	n n c	1.0E+02 4.0E+02 1.5E+00	n n c	4.4E+02 8.8E+02 7.7E+00	n c c	1.4E+02 1.9E+02 2.4E+00	n n c		8.5E-01 3.0E-01 6.8E-04		
9.1E-02	I	2.6E-05	I	6.0E-03	X	7.0E-03	P	V		1			3.0E+03	Dichloroethane, 1,2-Dichloroethylene, 1,1-Dichloroethylene, 1,2- (Mixed Isomers)	107-06-2 75-35-4 540-59-0	4.3E-01 2.4E-02 7.0E-02	c*	2.2E+00 1.1E+03 9.2E+03	c*	9.4E-02 2.1E+02 2.1E+02	c*	4.7E-01 8.8E+02 8.8E+02	c*	1.5E-01 2.6E+02 1.3E+02	c*	5.0E+00 7.0E+00	4.2E-05 9.3E-02 3.7E-02	1.4E-03 2.5E-03	
		2.4E+03	I	2.0E-02	I	6.0E-02	P	V		1			1.7E+03	Dichloroethylene, 1,2-cis-Dichloroethylene, 1,2-trans-Dichlorophenol, 2,4-	156-59-2 156-60-5 120-83-2	1.6E+02 1.5E+02 1.8E+02	n n n	2.0E+03 6.9E+02 1.8E+03	n n n	6.3E+01 2.6E+02 2.6E+02	n n n	8.2E+01 8.6E+01 3.5E+01	n n n	7.0E+01 1.0E+02	8.2E-03 2.5E-02 4.1E-02	2.1E-02 2.9E-02			
3.6E-02	C	1.0E-05	C	1.0E-02	I	4.0E-03	I	V		1	0.05		1.4E+03	Dichlorophenoxy Acetic Acid, 2,4-Dichlorophenoxybutyric Acid, 4-(2,4-Dichloropropane, 1,2-	94-75-7 94-82-6 78-87-5	6.9E+02 4.9E+02 9.4E-01	n n c*	7.7E+03 4.9E+03 4.7E+00	n n c*	2.4E-01 1.2E+00	c*	1.2E+00	c*	3.8E-01 9.1E+01 3.8E-01	c*	5.0E+00	3.5E-02 3.6E-02 1.3E-04	1.8E-02 1.7E-03	
1.0E-01	I	4.0E-06	I	2.0E-02	P	3.0E-03	I	V		1	0.1		1.6E+03	Dichloropropane, 1,3-Dichloropropanol, 2,3-Dichloropropene, 1,3-	142-28-9 616-23-9 542-75-6	1.6E+03 1.8E+02 1.7E+00	ns n c*	2.0E+04 1.8E+03 8.3E+00	ns n c*	6.1E-01 3.1E+00 6.1E-01	c*	3.1E+00 3.1E+00 3.1E+00	c*	4.1E-01 4.7E+01 4.1E-01	c*	9.9E-02 9.9E-03 1.5E-04			
1.6E+01	I	4.6E-03	I	5.0E-05	I	5.0E-04	I	V		1	0.1		1.3E+02	Dichlorvos Dicyclopentadiene Dieldrin	62-73-7 77-73-6 60-57-1	1.7E+00 3.1E+01 3.0E-02	c* n c	5.9E+00 1.3E+02 1.1E-01	c* n c	2.9E-02 7.3E+00 5.3E-04	c* n c	1.5E-01 3.1E+01 2.7E-03	c* n c	2.3E-01 1.2E+01 1.5E-03	c* n c	7.0E-05 4.3E-02 6.1E-05			
		3.0E-04	C	5.0E-03	I	3.0E-03	C			1	0.1		1.5E+03	Diesel Engine Exhaust Diethanolamine Diethyl Phthalate	NA 111-42-2 84-66-2	4.3E+06 4.9E+04 4.9E+06	nm n nm	1.8E+07 4.9E+05 4.9E+05	nm n nm	8.1E-03 3.1E+00 3.1E+00	c n n	4.1E-02 1.3E+01 1.3E+01	c n n	1.1E+04	n		4.7E+00		
		6.0E-02	P	1.0E-04	P	1.0E-03	P			1	0.1		1.1E+03	Diethylene Glycol Monobutyl Ether Diethylene Glycol Monoethyl Ether Diethylformamide	112-34-5 111-90-0 617-84-5	1.8E+03 3.6E+03 6.1E+01	n n n	1.8E+04 3.6E+04 6.2E+02	n n n	1.0E-01 3.1E-01 3.1E-01	n n n	4.4E-01 1.3E+00 1.3E+00	n n n	4.7E+02 9.4E+02 1.6E+01	n n n		1.0E-01 1.9E-01 3.2E-03		
3.5E+02	C	1.0E-01	C	8.0E-02	I	2.0E-02	I			1	0.1		1.4E+03	Diethylstilbestrol Difluoroethane, 1,1-Dihydrosafrole Diisopropyl Ether	56-53-1 43222-48-6 108-20-3	1.4E-03 4.9E+03 2.4E+03	c n ns	4.9E-03 4.9E+04 1.0E+04	c n n	2.4E-05 4.2E+04 7.3E+02	c n n	1.2E-04 1.8E+05 3.1E+03	c n n	4.3E-05 8.3E-04 1.5E+03	c n n		2.4E-05 2.8E+01 3.7E-04 3.7E-01		
4.4E-02	C	1.3E-05	C	8.0E-02	I	7.0E-01	P	V		1	0.1		5.3E+02	Diisopropyl Methylphosphonate Dimethipin Dimethoate	1445-75-6 55290-64-7 60-51-5	6.3E+03 1.2E+03 1.2E+01	ns n n	8.2E+04 1.2E+04 1.2E+02	ns n n	4.2E+04 1.9E-01 2.0E+03	n c ns	1.8E+05 9.4E-01 2.0E+03	n c ns	3.1E+03 3.1E+01 3.1E+01	n c n		3.5E-01 6.9E-02 7.0E-04		
1.4E-02	H			1.0E-01	P	3.0E-02	I			1	0.1		1.1E+03	Dimethoxybenzidine, 3,3'-Dimethyl methylphosphonate Dimethylamino azobenzene [p-]	119-90-4 756-79-6 60-11-7	3.5E+01 2.9E+02 1.1E-01	c c* c	1.2E+02 1.0E+03 3.7E-01	c c* c	1.9E-03 9.4E-03	c c	9.4E-03	c	4.7E+00 3.9E+01 4.3E-03	c c* c	5.7E-03 8.3E-03 1.8E-05			
5.8E-01	H			2.0E-03	X	2.0E-03	I			1	0.1		8.3E+02	Dimethylaniline HCl, 2,4-Dimethylaniline, 2,4-Dimethylaniline, N,N-	21436-96-4 95-68-1 121-69-7	8.4E-01 2.4E+00 1.6E+02	c c* n	3.0E+00 8.6E+00 2.0E+03	c c ns					1.1E-01 3.2E-01 2.7E+01	c c* n	6.2E-05 1.8E-04 9.8E-03			
1.1E+01	P			1.0E-01	P	3.0E-02	I			1	0.1		1.1E+03	Dimethylbenzidine, 3,3'-Dimethylformamide Dimethylhydrazine, 1,1-	119-93-7 68-12-2 57-14-7	4.4E-02 6.1E+03 6.1E+00	c n n	1.6E-01 6.2E+04 6.1E+01	c n n	3.1E+01 1.3E+02 8.8E-03	n n n	5.6E-03 1.6E+03 1.6E+00	n n n		3.7E-05 3.2E-01 3.5E-04				
E+02	C	1.6E-01	C	2.0E-02	I	6.0E-04	I			1	0.1		5.5E+00	Dimethylhydrazine, 1,2-Dimethylphenol, 2,4-Dimethylphenol, 2,6-Dimethylphenol, 3,4-Dimethylterephthalate Dimethylvinylchloride	540-73-8 105-67-9 576-26-1 95-65-8 120-61-6 513-37-1	8.8E-04 1.2E+03 3.7E+01 6.1E+01 7.8E+03 2.0E-01	c n n n ns c	3.1E-03 1.2E+04 3.7E+02 6.2E+02 1.0E+05 1.0E+00	ns n n n nms c	1.5E-05 7.7E-05 1.9E-01	c c c	7.7E-05 2.7E+02 8.1E+00	c n n		2.8E-08 3.2E-01 9.8E-03				
E-02	C	1.3E-05	C	1.0E-03	I	1.0E-01	I			1	0.1		1.1E+03	Dimethylphenol, 3,4-Dimethylterephthalate Dimethylvinylchloride	95-65-8 120-61-6 513-37-1	6.1E+01 7.8E+03 2.0E-01	n ns c	6.2E+02 1.0E+05 1.0E+00	n nms c	1.9E-01	c	9.4E-01	c	1.4E+01 1.4E+03 3.0E-01	n n c		1.6E-02 3.8E-01 1.8E-04		
		8.0E-05	X	2.0E-03	X	2.0E-03	I			1	0.1		1.1E+03	Dinitro-o-cresol, 4,6-Dinitro-o-cyclohexyl Phenol, 4,6-	534-52-1 131-89-5	4.9E+00 1.2E+02	n n	4.9E+01 1.2E+03	n n					1.2E+00 1.7E+01	n n		2.0E-03 5.7E-01		

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Regional Screening Level (RSL) Summary Table April 2012

IRIS; P = PPRTV; A = ATSDR; C = Cal EPA; X = PPRTV Appendix; H = HEAST; J = New Jersey; Y = New York; O = EPA Office of Water; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; F = See FAQ; c = cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Toxicity and Chemical-specific Information													Contaminant		Screening Levels								Protection of Ground Water SSLs				
FO g-day)	k _e	IUR (ug/m ³) ¹	k _e	RfD ₀	k _e	RfC ₀ (mg/m ³)	k _e	muta-	GIABS	ABS	C _{sat} (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)	
				1.0E-04	P				1	0.1		Dinitrobenzene, 1,2-	528-29-0	6.1E+00	n	6.2E+01	n					1.5E+00	n		1.4E-03		
				1.0E-04	I					0.1		Dinitrobenzene, 1,3-	99-65-0	6.1E+00	n	6.2E+01	n					1.5E+00	n		1.4E-03		
				1.0E-04	P					0.1		Dinitrobenzene, 1,4-	100-25-4	6.1E+00	n	6.2E+01	n					1.5E+00	n		1.4E-03		
				2.0E-03	I					0.1		Dinitrophenol, 2,4-	51-28-5	1.2E+02	n	1.2E+03	n					3.0E+01	n		3.4E-02		
6.8E-01	J									1	0.1	Dinitrotoluene Mixture, 2,4/2,6-	25321-14-6	7.2E-01	c	2.5E+00	c								1.3E-04		
3.1E-01	C	8.9E-05	C	2.0E-03	I					1	0.102	Dinitrotoluene, 2,4-	121-14-2	1.6E+00	c*	5.5E+00	c	2.7E-02	c	1.4E-01	c	2.0E-01	c		2.8E-04		
				1.0E-03	P					1	0.099	Dinitrotoluene, 2,6-	606-20-2	6.1E+01	n	6.2E+02	n					1.5E+01	n		2.0E-02		
				2.0E-03	S						0.006	Dinitrotoluene, 2-Amino-4,6-	35572-78-2	1.5E+02	n	2.0E+03	n					3.0E+01	n		2.3E-02		
				2.0E-03	S						0.009	Dinitrotoluene, 4-Amino-2,6-	19406-51-0	1.5E+02	n	1.9E+03	n					3.0E+01	n		2.3E-02		
				1.0E-03	I						0.1	Dinoseb	88-85-7	6.1E+01	n	6.2E+02	n					1.1E+01	n	7.0E+00	9.8E-02	6.2E-02	
1.0E-01	I	7.7E-06	C	3.0E-02	I	3.0E+00	C				0.1	Dioxane, 1,4-Dioxins	123-91-1	4.9E+00	c	1.7E+01	c	3.2E-01	c	1.6E+00	c	6.7E-01	c		1.4E-04		
6.2E+03	I	1.3E+00	I								0.03	~Hexachlorodibenzo-p-dioxin, Mixture	NA	9.4E-05	c	3.9E-04	c	1.9E-06	c	9.4E-06	c	1.1E-05	c		1.5E-05		
1.3E+05	C	3.8E+01	C	7.0E-10	I	4.0E-08	C				0.03	~TCDD, 2,3,7,8-Diphenamides	1746-01-6	4.5E-06	c*	1.8E-05	c*	6.4E-08	c	3.2E-07	c	5.2E-07	c*	3.0E-05	2.6E-07	1.5E-05	
				3.0E-02	I						0.1	Diphenyl Sulfone	957-51-7	1.8E+03	n	1.8E+04	n					4.7E+02	n		4.6E+00		
				8.0E-04	X						0.1		127-63-9	4.9E+01	n	4.9E+02	n					1.1E+01	n		2.8E-02		
8.0E-01	I	2.2E-04	I	2.5E-02	I						0.1	Diphenylamine	122-39-4	1.5E+03	n	1.5E+04	n					2.4E+02	n		4.4E-01		
				2.2E-03	I						0.1	Diphenylhydrazine, 1,2-Diquat	122-66-7	6.1E-01	c	2.2E+00	c	1.1E-02	c	5.6E-02	c	6.7E-02	c		2.2E-04		
				2.2E-03	I						0.1		85-00-7	1.3E+02	n	1.4E+03	n					3.4E+01	n	2.0E+01	6.5E-01	3.7E-01	
7.4E+00	C	2.1E-03	C								0.1	Direct Black 38	1937-37-7	6.6E-02	c	2.3E-01	c	1.2E-03	c	5.8E-03	c	9.1E-03	c		4.4E+00		
7.4E+00	C	2.1E-03	C								0.1	Direct Blue 6	2602-46-2	6.6E-02	c	2.3E-01	c	1.2E-03	c	5.8E-03	c	9.1E-03	c		1.4E+01		
6.7E+00	C	1.9E-03	C								0.1	Direct Brown 95	16071-86-6	7.3E-02	c	2.6E-01	c	1.3E-03	c	6.5E-03	c	1.0E-02	c				
				4.0E-05	I						0.1	Disulfoton	298-04-4	2.4E+00	n	2.5E+01	n								7.1E-04		
				1.0E-02	I		V				0.1	Dithiane, 1,4-Diuron	505-29-3	6.1E+02	n	6.2E+03	ns								1.5E+02	7.6E-02	
				2.0E-03	I						0.1		330-54-1	1.2E+02	n	1.2E+03	n								2.8E+01	1.2E-02	
				4.0E-03	I						0.1	Dodine	2439-10-3	2.4E+02	n	2.5E+03	n									6.2E+01	3.2E-01
				2.5E-02	I		V				0.1	EPTC	759-94-4	2.0E+03	ns	2.6E+04	ns								2.9E+02	1.5E-01	
				6.0E-03	I						0.1	Endosulfan	115-29-7	3.7E+02	n	3.7E+03	n									7.8E+01	1.1E+00
				2.0E-02	I						0.1	Endothall	145-73-3	1.2E+03	n	1.2E+04	n									3.0E+02	1.0E+02
				3.0E-04	I						0.1	Endrin	72-20-8	1.8E+01	n	1.8E+02	n									1.7E+00	2.0E+00
9E-03	I	1.2E-06	I	6.0E-03	P	1.0E-03	I	V			1	1.1E+04	Epichlorohydrin	106-89-8	2.0E+01	n	8.8E+01	n	1.0E+00	n	4.4E+00	n	2.0E+00	n		4.5E-04	
				2.0E-02	I	V					1	1.5E+04	Epoxybutane, 1,2-	106-88-7	1.7E+02	n	7.2E+02	n	2.1E+01	n	8.8E+01	n	4.2E+01	n		9.2E-03	
				5.0E-03	I						0.1	Ethephon	16672-87-0	3.1E+02	n	3.1E+03	n								7.8E+01	1.6E-02	
				5.0E-04	I						0.1	Ethion	563-12-2	3.1E+01	n	3.1E+02	n								3.2E+00	6.3E-03	
				1.0E-01	P	6.0E-02	P				0.1	Ethoxyethanol Acetate, 2-	111-15-9	6.1E+03	n	6.2E+04	n	6.3E+01	n	2.6E+02	n	1.5E+03	n		3.2E-01		
				4.0E-01	H	2.0E-01	I				0.1	Ethoxyethanol, 2-Ethyl Acetate	110-80-5	2.4E+04	n	2.5E+05	nms	2.1E+02	n	8.8E+02	n	6.2E+03	n		1.3E+00	2.9E+00	
				9.0E-01	I		V				1	1.1E+04		141-78-6	7.0E+04	ns	9.2E+05	nms							1.4E+04		
4.8E-02	H						V				1	2.5E+03	Ethyl Acrylate	140-88-5	1.3E+01	c	6.0E+01	c	1.0E+04	n	4.4E+04	n	1.4E+00	c		3.0E-04	
							I	V			1	2.1E+03	Ethyl Chloride	75-00-3	1.5E+04	ns	6.1E+04	ns	1.0E+04	n	4.4E+04	n	2.1E+04	n		5.9E+00	
				2.0E-01	I		V				1	1.0E+04	Ethyl Ether	60-29-7	1.6E+04	ns	2.0E+05	nms								3.1E+03	6.8E-01
				9.0E-02	H	3.0E-01	P	V			1	1.1E+03	Ethyl Methacrylate	97-63-2	1.5E+03	ns	7.5E+03	ns	3.1E+02	n	1.3E+03	n	4.2E+02	n		9.9E-02	
				1.0E-05	I						0.1	Ethyl-p-nitrophenyl Phosphonate	2104-64-5	6.1E-01	n	6.2E+00	n								6.6E-02	2.1E-03	
1.1E-02	C	2.5E-06	C	1.0E-01	I	1.0E+00	I	V			1	4.8E+02	Ethylbenzene	100-41-4	5.4E+00	c	2.7E+01	c	9.7E-01	c	4.9E+00	c	1.3E+00	c	7.0E+02	1.5E-03	7.8E-01
				3.0E-02	P						0.1	Ethylene Cyanohydrin	109-78-4	1.8E+03	n	1.8E+04	n									4.7E+02	9.5E-02
				9.0E-02	P						0.1	Ethylene Diamine	107-15-3	5.5E+03	n	5.5E+04	n									1.4E+03	3.2E-01
				2.0E+00	I	4.0E-01	C				0.1	Ethylene Glycol	107-21-1	1.2E+05	nm	1.2E+06	nm	4.2E+02	n	1.8E+03	n	3.1E+04	n		6.3E+00		
				1.0E-01	I	1.6E+00	I				0.1	Ethylene Glycol Monobutyl Ether	111-76-2	6.1E+03	n	6.2E+04	n	1.7E+03	n	7.0E+03	n	1.5E+03	n		3.2E-01		
3.1E-01	C	8.8E-05	C			3.0E-02	C	V			1	1.2E+05	Ethylene Oxide	75-21-8	1.7E-01	c	8.3E-01	c	2.8E-02	c	1.4E-01	c	4.4E-02	c		9.1E-06	
4.5E-02	C	1.3E-05	C	8.0E-05	I						0.1	Ethylene Thiourea	96-45-7	4.9E+00	n	3.8E+01	c*	1.9E-01	c	9.4E-01	c	1.2E+00	n		2.8E-04		
6.5E+01	C	1.9E-02	C					V			0.1	1.5E+05	Ethyleneimine	151-56-4	2.3E-03	c	1.0E-02	c	1.3E-04	c	6.5E-04	c	2.1E-04	c		4.5E-08	
				3.0E+00	I						0.1	Ethylphthalyl Ethyl Glycolate	84-72-0	1.8E+05	nm	1.8E+06	nm									4.5E+04	1.0E-02
				8.0E-03	I						0.1	Express	101200-48-0	4.9E+02	n	4.9E+03	n									1.3E+02	4.9E-02
				2.5E-04	I						0.1	Fenamiphos	22224-92-6	1.5E+01	n	1.5E+02	n									3.4E+00	3.3E-03
				2.5E-02	I																						

Regional Screening Level (RSL) Summary Table April 2012

Toxicity and Chemical-specific Information													Contaminant		Screening Levels							Protection of Ground Water SSLs				
SFO (mg/kg-day)	Key	IUR (ug/m ³ -d)	Key	RfD ₀ (mg/kg-day)	Key	RfC _i (mg/m ³ -d)	Key	VO _c mutagen	GIABS	ABS	C _{sat} (mg/kg)	Chemical Name	CAS No.	Resident Soil (mg/kg)	Key	Industrial Soil (mg/kg)	Key	Resident Air (ug/m ³)	Key	Industrial Air (ug/m ³)	Key	Tapwater (ug/L)	Key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)
9.0E-01	P	3.0E-04	X						1	0.1		Formic Acid	64-18-6	4.9E+04	n	4.2E+05	nm	3.1E-01	n	1.3E+00	n	1.4E+04	n		2.8E+00	
3.0E+00	I								1	0.1		Fosetyl-AL	39148-24-8	1.8E+05	nm	1.8E+06	nm					4.7E+04	n			
1.0E-03	X		V						1		1.7E+02	Furans	132-64-9	7.8E+01	n	1.0E+03	ns					5.8E+00	n		1.1E-01	
1.0E-03	I		V						1		6.2E+03	~Dibenzofuran	110-00-9	7.8E+01	n	1.0E+03	n					1.5E+01	n		5.7E-03	
9.0E-01	I	2.0E+00	I	V					1	0.1	1.7E+05	~Tetrahydrofuran	109-99-9	1.8E+04	n	9.5E+04	n	2.1E+03	n	8.8E+03	n	3.2E+03	n		7.1E-01	
3.8E+00	H								1	0.1		Furazolidone	67-45-8	1.3E-01	c	4.5E-01	c					1.8E-02	c		3.4E-05	
		3.0E-03	I	5.0E-02	H				1	0.1		Furfural	98-01-1	1.8E+02	n	1.8E+03	n	5.2E+01	n	2.2E+02	n	4.6E+01	n		9.9E-03	
1.5E+00	C	4.3E-04	C						1	0.1		Furium	531-82-8	3.2E-01	c	1.1E+00	c	5.7E-03	c	2.9E-02	c	4.4E-02	c		5.9E-05	
3.0E-02	I	8.6E-06	C						1	0.1		Furmecyclox	60568-05-0	1.6E+01	c	5.7E+01	c	2.8E-01	c	1.4E+00	c	9.6E-01	c		1.0E-03	
		4.0E-04	I						1	0.1		Glufosinate, Ammonium	77182-82-2	2.4E-01	n	2.5E+02	n					6.3E+00	n		1.4E-03	
				8.0E-05	C				1	0.1		Glutaraldehyde	111-30-8	1.1E+05	nm	4.8E+05	nm	8.3E-02	n	3.5E-01	n					
		4.0E-04	I	1.0E-03	H				1	0.1		Glycidyl	765-34-4	2.4E+01	n	2.5E+02	n	1.0E+00	n	4.4E+00	n	6.3E+00	n		1.3E-03	
		1.0E-01	I						1	0.1		Glyphosate	1071-83-6	6.1E+03	n	6.2E+04	n					1.6E+03	n	7.0E+02	3.2E-01	1.4E-01
		3.0E-03	I						1	0.1		Goal	42874-03-3	1.8E+02	n	1.8E+03	n					2.4E+01	n		1.9E+00	
		3.0E-03	A	1.0E-02	A				1	0.1		Guthion	86-50-0	1.8E+02	n	1.8E+03	n	1.0E+01	n	4.4E+01	n	4.3E+01	n		1.3E-02	
		5.0E-05	I						1	0.1		Haloxypop, Methyl	69806-40-2	3.1E+00	n	3.1E+01	n					5.8E-01	n		6.4E-03	
		1.3E-02	I						1	0.1		Harmony	79277-27-3	7.9E+02	n	8.0E+03	n					2.0E+02	n		6.1E-02	
		5.0E-04	I						1	0.1		Heptachlor	76-44-8	1.1E-01	c	3.8E-01	c	1.9E-03	c	9.4E-03	c	1.8E-03	c	4.0E-01	1.4E-04	3.3E-02
4.5E+00	I	1.3E-03	I						1	0.1		Heptachlor Epoxide	1024-57-3	5.3E-02	c*	1.9E-01	c*	9.4E-04	c	4.7E-03	c	3.3E-03	c*	2.0E-01	6.8E-05	4.1E-03
9.1E+00	I	2.6E-03	I	1.3E-05	I				1	0.1		Hexabromobenzene	87-82-1	1.2E+02	n	1.2E+03	n					3.1E+01	n		1.8E-01	
		2.0E-03	I						1	0.1		Hexabromodiphenyl ether, 2,2',4,4',5,5'-(BDE-153)	68631-49-2	1.2E+01	n	1.2E+02	n					3.1E+00	n			
		2.0E-04	I						1	0.1		Hexachlorobenzene	118-74-1	3.0E-01	c	1.1E+00	c	5.3E-03	c	2.7E-02	c	4.2E-02	c	1.0E+00	5.3E-04	1.3E-02
1.6E+00	I	4.6E-04	I	8.0E-04	I				1	0.1		Hexachlorobutadiene	87-68-3	6.2E+00	c**	2.2E+01	c*	1.1E-01	c	5.6E-01	c	2.6E-01	c*		5.0E-04	
7.8E-02	I	2.2E-05	I	1.0E-03	P				1	0.1		Hexachlorocyclohexane, Alpha-	319-84-6	7.7E-02	c	2.7E-01	c	1.4E-03	c	6.8E-03	c	6.2E-03	c		3.6E-05	
6.3E+00	I	1.8E-03	I	8.0E-03	A				1	0.1		Hexachlorocyclohexane, Beta-	319-85-7	2.7E-01	c	9.6E-01	c	4.6E-03	c	2.3E-02	c	2.2E-02	c		1.3E-04	
1.8E+00	I	5.3E-04	I						1	0.1		Hexachlorocyclohexane, Gamma-(Lindane)	58-89-9	5.2E-01	c*	2.1E+00	c	7.8E-03	c	4.0E-02	c	3.6E-02	c*	2.0E-01	2.1E-04	1.2E-03
1.1E+00	C	3.1E-04	C	3.0E-04	I				1	0.04		Hexachlorocyclohexane, Technical	608-73-1	2.7E-01	c	9.6E-01	c	4.8E-03	c	2.4E-02	c	2.2E-02	c		1.3E-04	
0.8E+00	I	5.1E-04	I						1	0.1		Hexachlorocyclopentadiene	77-47-4	3.7E+02	n	3.7E+03	n	2.1E-01	n	8.8E-01	n	2.2E+01	n	5.0E+01	7.0E-02	1.6E-01
0.0E-02	I	1.1E-05	C	7.0E-04	I	3.0E-02	I		1	0.1		Hexachloroethane	67-72-1	1.2E+01	c**	4.3E+01	c*	2.2E-01	c	1.1E+00	c	7.9E-01	c**		4.8E-04	
0.1E-01	I	3.0E-03	I						1	0.1		Hexachlorophene	70-30-4	1.8E+01	n	1.8E+02	n					4.7E+00	n		6.3E+00	
				6.0E-03	I	2.0E-04	I		1	0.1		Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)	121-82-4	5.6E+00	c*	2.4E+01	c					6.1E-01	c*		2.3E-04	
				1.0E-05	I	V			1		5.2E+03	Hexamethylene Diisocyanate, 1,6-	822-06-0	3.4E+00	n	1.4E+01	n	1.0E-02	n	4.4E-02	n	2.1E-02	n		2.1E-04	
		4.0E-04	P						1	0.1		Hexamethylphosphoramide	680-31-9	2.4E+01	n	2.5E+02	n					6.2E+00	n		1.4E-03	
		6.0E-02	H	7.0E-01	I	V			1		1.4E+02	Hexane, N-	110-54-3	5.7E+02	ns	2.6E+03	ns	7.3E+02	n	3.1E+03	n	2.5E+02	n		1.8E+00	
		2.0E+00	P						1	0.1		Hexanedioic Acid	124-04-9	1.2E+05	nm	1.2E+06	nm					3.1E+04	n		7.7E+00	
		5.0E-03	I	3.0E-02	I	V			1		3.3E+03	Hexanone, 2-	591-78-6	2.1E+02	n	1.4E+03	n	3.1E+01	n	1.3E+02	n	3.4E+01	n		7.9E-03	
		3.3E-02	I						1	0.1		Hexazinone	51235-04-2	2.0E+03	n	2.0E+04	n					5.0E+02	n		2.3E-01	
3.0E+00	I	4.9E-03	I			3.0E-05	P		1			Hydrazine	302-01-2	2.1E-01	c	9.5E-01	c	5.0E-04	c*	2.5E-03	c*	2.2E-02	c			
3.0E+00	I	4.9E-03	I						1			Hydrazine Sulfate	10034-93-2	2.1E-01	c	9.5E-01	c	5.0E-04	c	2.5E-03	c	2.2E-02	c			
				2.0E-02	I				1			Hydrogen Chloride	7647-01-0	2.8E+07	nm	1.2E+08	nm	2.1E+01	n	8.8E+01	n					
		4.0E-02	C	1.4E-02	C				1			Hydrogen Fluoride	7664-39-3	3.1E+03	n	4.1E+04	n	1.5E+01	n	6.1E+01	n	6.2E+02	n			
6.0E-02	P			2.0E-03	I				1	0.1		Hydrogen Sulfide	7783-06-4	2.8E+06	nm	1.2E+07	nm	2.1E+00	n	8.8E+00	n					
		4.0E-02	P						1	0.1		Hydroquinone	123-31-9	8.1E+00	c	2.9E+01	c					1.1E+00	c		7.5E-04	
		1.3E-02	I						1	0.1		Imazalil	35554-44-0	7.9E+02	n	8.0E+03	n					1.4E+02	n		2.5E+00	
		2.5E-01	I						1	0.1		Imazaquin	81335-37-7	1.5E+04	n	1.5E+05	nm					3.8E+03	n		1.9E+01	
		1.0E-02	A						1			Iodine	7553-56-2	7.8E+02	n	1.0E+04	n					1.6E+02	n		9.4E+00	
		4.0E-02	I						1	0.1		Iprodione	36734-19-7	2.4E+03	n	2.5E+04	n					5.7E+02	n		1.7E-01	
		7.0E-01	P						1			Iron	7439-89-6	5.5E+04	n	7.2E+05	nm					1.1E+04	n		2.7E+02	
		3.0E-01	I						1	0.1		Isobutyl Alcohol	78-83-1	1.8E+04	n	1.8E+05	nm					4.6E+03	n		9.5E-01	
9.5E-04	I	2.0E-01	I	2.0E+00	C				1	0.1		Isophorone	78-59-2	5.1E+02	c*	1.8E+03	c*	2.1E+03	n	8.8E+03	n	6.7E+01	c*		2.2E-02	
		1.5E-02	I						1	0.1		Isopropalin	33820-53-0	9.2E+02	n	9.2E+03	n					2.3E+02	n		5.4E+00	
				7.0E+00	C				1	0.1		Isopropanol	67-63-0	9.9E+09	nm	4.2E+10	nm	7.3E+03	n	3.1E+04	n					
		1.0E-01	I						1	0.1		Isopropyl Methyl Phosphonic Acid	1832-54-8	6.1E+03	n	6.2E+04	n					1.6E+03	n		3.4E-01	
		5.0E-02	I																							

= IRIS; P = PPRTV; A = ATSDR; C = Cal EPA; X = PPRTV Appendix; H = HEAST; J = New Jersey; Y = New York; O = EPA Office of Water; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; F = See FAQ; c = cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Toxicity and Chemical-specific Information												Contaminant		Screening Levels										Protection of Ground Water SSLs						
FO (g-day) ^k	k e y	IUR (ug/m ³ -day) ^l	k e y	RFDo (mg/kg-day)	k e y	RFCl (mg/m ³) ^k	k e y	muta- gen	GIABS	ABS	C _{sat} (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)				
				2.0E-01							1	0.1	Londax	83055-99-6	1.2E+04	n	1.2E+05	nm							3.1E+03	n		7.9E-01		
				5.0E-04							1	0.1	MCPA	94-74-6	3.1E+01	n	3.1E+02	n								5.7E+00	n		1.5E-03	
				1.0E-02							1	0.1	MCPB	94-81-5	6.1E+02	n	6.2E+03	n								1.6E+02	n		6.2E-02	
				1.0E-03							1	0.1	MCPP	93-65-2	6.1E+01	n	6.2E+02	n								1.2E+01	n		3.5E-03	
				2.0E-02							1	0.1	Malathion	121-75-5	1.2E+03	n	1.2E+04	n								3.0E+02	n		7.9E-02	
				1.0E-01		7.0E-04	C				1	0.1	Maleic Anhydride	108-31-6	6.1E+03	n	6.1E+04	n	7.3E-01	n	3.1E+00	n			1.5E+03	n		3.0E-01		
				5.0E-01							1	0.1	Maleic Hydrzide	123-33-1	3.1E+04	n	3.1E+05	nm								7.8E+03	n		1.6E+00	
				1.0E-04			P				1	0.1	Malononitrile	109-77-3	6.1E+00	n	6.2E+01	n								1.6E+00	n		3.2E-04	
				3.0E-02			H				1	0.1	Mancozeb	8018-01-7	1.8E+03	n	1.8E+04	n								4.7E+02	n		6.6E-01	
				5.0E-03							1	0.1	Maneb	12427-38-2	3.1E+02	n	3.1E+03	n								7.8E+01	n		1.1E-01	
				1.4E-01		5.0E-05	I				1		Manganese (Diet)	7439-96-5																
				2.4E-02		5.0E-05	I			0.04			Manganese (Non-diet)	7439-96-5	1.8E+03	n	2.3E+04	n	5.2E-02	n	2.2E-01	n			3.2E+02	n		2.1E+01		
				9.0E-05			H				1	0.1	Mepfosfolan	950-10-7	5.5E+00	n	5.5E+01	n								1.4E+00	n		2.1E-03	
				3.0E-02			I				1	0.1	Mepiquat Chloride	24307-26-4	1.8E+03	n	1.8E+04	n								4.7E+02	n		1.6E-01	
				3.0E-04		3.0E-05	C		0.07				Mercury Compounds																	
				3.0E-04		3.0E-04	I V				1	3.1E+00	Mercuric Chloride (and other Mercury salts)	7487-94-7	2.3E+01	n	3.1E+02	n	3.1E-02	n	1.3E-01	n			4.3E+00	n	2.0E+00			
				1.0E-04			I				1		Mercury (elemental)	7439-97-6	1.0E+01	ns	4.3E+01	ns	3.1E-01	n	1.3E+00	n			6.3E-01	n	2.0E+00	3.3E-02	1.0E-01	
				3.0E-05			I				1	0.1	Methyl Mercury	22967-92-6	7.8E+00	n	1.0E+02	n								1.6E+00	n			
				8.0E-05			I				1	0.1	Phenylmercuric Acetate	62-38-4	4.9E+00	n	4.9E+01	n								1.2E+00	n		3.9E-04	
				3.0E-05			I				1	0.1	Merphos	150-50-5	1.8E+00	n	1.8E+01	n								4.7E-01	n		4.6E-02	
				3.0E-05			I				1	0.1	Merphos Oxide	78-48-8	1.8E+00	n	1.8E+01	n								6.1E-02	n		3.0E-04	
				6.0E-02			I				1	0.1	Metalaxyl	57837-19-1	3.7E+03	n	3.7E+04	n								9.2E+02	n		2.5E-01	
				1.0E-04		7.0E-04	H V				1	4.6E+03	Methacrylonitrile	126-98-7	3.2E+00	n	1.8E+01	n	7.3E-01	n	3.1E+00	n			7.5E-01	n		1.7E-04		
				5.0E-05			I				1	0.1	Methamidophos	10265-92-6	3.1E+00	n	3.1E+01	n								7.8E-01	n		1.6E-04	
				5.0E-01		4.0E+00	C				1	0.1	Methanol	67-56-1	3.1E+04	n	3.1E+05	nm	4.2E+03	n	1.8E+04	n			7.8E+03	n		1.6E+00		
				1.0E-03			I				1	0.1	Methidathion	950-37-8	6.1E+01	n	6.2E+02	n								1.5E+01	n		3.7E-03	
				2.5E-02			I				1	0.1	Methomyl	16752-77-5	1.5E+03	n	1.5E+04	n								3.9E+02	n		8.5E-02	
				9.9E-02		1.4E-05	C				1	0.1	Methoxy-5-nitroaniline, 2-	99-59-2	9.9E+00	c	3.5E+01	c	1.7E-01	c	8.8E-01	c			1.3E+00	c		4.6E-04		
				5.0E-03			I				1	0.1	Methoxychlor	72-43-5	3.1E+02	n	3.1E+03	n								4.0E+01		1.5E+00	2.2E+00	
				8.0E-03		1.0E-03	P				1	0.1	Methoxyethanol Acetate, 2-	110-49-6	4.9E+02	n	4.9E+03	n	1.0E+00	n	4.4E+00	n			1.3E+02	n		2.6E-02		
				5.0E-03		2.0E-02	I				1	0.1	Methoxyethanol, 2-	109-86-4	3.1E+02	n	3.1E+03	n	2.1E+01	n	8.8E+01	n			7.8E+01	n		1.6E-02		
				1.0E+00			X				2.9E+04		Methyl Acetate	79-20-9	7.8E+04	ns	1.0E+06	nms								1.6E+04	n		3.2E+00	
				3.0E-02			H				6.8E+03		Methyl Acrylate	96-33-3	2.3E+03	n	3.1E+04	ns								4.6E+02	n		9.8E-02	
				6.0E-01		5.0E+00	I V				1	2.8E+04	Methyl Ethyl Ketone (2-Butanone)	78-93-3	2.8E+04	n	2.0E+05	nms	5.2E+03	n	2.2E+04	n			4.9E+03	n		1.0E+00		
				1.0E-03			X				1	0.1	Methyl Hydrazine	60-34-4	6.1E+01	n	6.1E+02	n	2.4E-03	c**	1.2E-02	c**			1.6E+01	n		3.5E-03		
				8.0E-02		3.0E+00	I V				3.4E+03		Methyl Isobutyl Ketone (4-methyl-2-pentanone)	108-10-1	5.3E+03	ns	5.3E+04	ns	3.1E+03	n	1.3E+04	n			1.0E+03	n		2.3E-01		
				1.4E+00		1.0E-03	C V				1	1.7E+04	Methyl Isocyanate	624-83-9	5.0E+00	n	2.1E+01	n	1.0E+00	n	4.4E+00	n			2.1E+00	n		5.9E-04		
				2.5E-04		7.0E-01	I V				1	2.4E+03	Methyl Methacrylate	80-62-6	4.8E+03	ns	2.1E+04	ns	7.3E+02	n	3.1E+03	n			1.4E+03	n		3.0E-01		
				2.5E-04			I				1	0.1	Methyl Parathion	298-00-0	1.5E+01	n	1.5E+02	n								3.4E+00	n		5.7E-03	
				6.0E-02			X				1	0.1	Methyl Phosphonic Acid	993-13-5	3.7E+03	n	3.7E+04	n								9.4E+02	n		1.9E-01	
				9.9E-02		2.8E-05	C				1	3.8E+02	Methyl Styrene (Mixed Isomers)	25013-15-4	2.5E+02	n	1.6E+03	ns	4.2E+01	n	1.8E+02	n			3.1E+01	n		5.0E-02		
				1.8E-03		2.6E-07	C				1	8.9E+03	Methyl tert-Butyl Ether (MTBE)	1634-04-4	4.3E+01	c	2.2E+02	c	9.4E+00	c	4.7E+01	c			1.2E+01	c		2.8E-03		
				9.0E-03			P				1	0.1	Methyl-1,4-benzenediamine dihydrochloride, 2-	615-45-2	1.2E+01	n	1.2E+02	n								3.1E+00	n		1.9E-03	
				8.3E+00		2.4E-03	C				1	0.1	Methyl-5-Nitroaniline, 2-	99-55-8	5.4E+01	c*	1.9E+02	c*								7.0E+00	c*		3.9E-03	
				1.3E-01		3.7E-05	C				1	0.1	Methyl-N-nitro-N-nitrosoguanidine, N-	70-25-7	5.9E-02	c	2.1E-01	c	1.0E-03	c	5.1E-03	c			8.1E-03	c		2.8E-06		
				1.0E-02			A				1	0.1	Methylaniline Hydrochloride, 2-	636-21-5	3.7E+00	c	1.3E+01	c	6.6E-02	c	3.3E-01	c			5.0E-01	c		2.1E-04		
				2.0E-04			X				1	0.1	Methylarsonic acid	124-58-3	6.1E+02	n	6.2E+03	n								1.6E+02	n			
				2.2E+01		6.3E-03	C				1	0.1	Methylbenzene,1,4-diamine monohydrochloride, 2-	74612-12-7	1.2E+01	n	1.2E+02	n								3.1E+00	n			
				2.0E-03		1.0E-08	I				1	3.3E+03	Methylbenzene-1,4-diamine sulfate, 2-	615-50-9	1.2E+01	n	1.2E+02	n								3.1E+00	n			
				1.0E-01		4.3E-04	C				1	0.1	Methylcholanthrene, 3-	56-49-5	5.2E-03	c	7.8E-02	c	1.5E-04	c	1.9E-03	c			9.8E-04	c		1.9E-03		
				4.6E-02		1.3E-05	C				1	0.1	Methylene Chloride	75-09-2	5.6E+01	c**	9.6E+02	c**	9.6E+01	c**	1.2E+03	c**	9.9E+00	c**	5.0E+00			2.5E-03	1.3E-03	
				1.6E+00		4.6E-04	C				1	0.1	Methylene-bis(2-chloroaniline), 4,4'-	101-14-4	1.2E+00	c	1.7E+01	c*	2.2E-03	c	2.9E-02	c			1.4E-01	c		1.6E-03		
				7.0E-02			H				1	5.0E+02	Methylene-bis(N,N-dimethyl) Aniline, 4,4'-	101-61-1	1.1E+01	c	3.7E+01	c	1.9E-01	c	9.4E-01	c			6.0E-01	c		3.3E-03		
				1.5E-01			I				1	0.1	Methylenediphenyl Diisocyanate	101-77-9	3.0E-01	c	1.1E+00	c	5.3E-03	c	2.7E-02	c			4.1E-02	c		1.8E-04		
				1.5E-01			I				1	0.1	Methylstyrene, Alpha-	98-83-9	8.5E+05	nm	3.6E+06	nm	6.3E-01	n	2.6E+00	n								
				2.5E-02			I				1	0.1	Methylnitrobenzene, 3-	98-83-9	5.5E+03	ns	7.2E+04	ns								5.8E+02	n		9.3E-01	

IRIS; P= PPRTV; A= ATSDR; C= Cal EPA; X= PPRTV Appendix; H= HEAST; J= New Jersey; Y= New York; O= EPA Office of Water; E= Environmental Criteria and Assessment Office; S= see user guide Section 5; L= see user guide on lead; M= mutagen; V= volatile; F= See FAQ; c= cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n= noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Toxicity and Chemical-specific Information										Contaminant		Screening Levels								Protection of Ground Water SSLs								
FO g-day)	k _y	IUR (ug/m ³ -day)	k _e	RfD _o (mg/kg-day)	k _e	RfC _i (mg/m ³)	k _e	muta-gen	GIABS	ABS	C _{sat} (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)		
E-03	C	6.3E-07	C	5.0E-02	I				1	0.1		Permethrin	52645-53-1	3.1E+03	n	3.1E+04	n			3.9E+00	c	1.9E+01	c	7.8E+02	n		1.9E+02	8.3E-03
				2.5E-01	I				1	0.1		Phenaceticin	62-44-2	2.2E+02	c	7.8E+02	c	3.9E+00	c	1.9E+01	c	3.0E+01	c					
				3.0E-01	I	2.0E-01	C		1	0.1		Phenmedipham	13684-63-4	1.5E+04	n	1.5E+05	nm									1.6E+01	3.0E+03	
				5.0E-04	X				1	0.1		Phenol	108-95-2	1.8E+04	n	1.8E+05	nm	2.1E+02	n	8.8E+02	n	4.5E+03	n			2.6E+00	2.6E+00	
				6.0E-03	I				1	0.1		Phenothiazine	92-84-2	3.1E+01	n	3.1E+02	n									3.2E+00	1.0E-02	
4.7E-02	H			1.9E-01	H				1	0.1		Phenylenediamine, m-	108-45-2	3.7E+02	n	3.7E+03	n									9.4E+01	2.5E-02	
									1	0.1		Phenylenediamine, o-	95-54-5	1.0E+01	c	3.7E+01	c									1.4E+00	3.8E-04	
									1	0.1		Phenylenediamine, p-	106-50-3	1.2E+04	n	1.2E+05	nm									3.0E+03	7.9E-01	
1.9E-03	H			2.0E-04	H				1	0.1		Phenylphenol, 2-	90-43-7	2.5E+02	c	8.9E+02	c									2.6E+01	3.5E-01	
						3.0E-04	I	V	1	1.6E+03		Phorate	298-02-2	1.2E+01	n	1.2E+02	n									2.3E+00	2.6E-03	
									1	0.1		Phosgene	75-44-5	3.3E-01	n	1.4E+00	n	3.1E-01	n	1.3E+00	n							
				2.0E-02	I				1	0.1		Phosmet	732-11-6	1.2E+03	n	1.2E+04	n									2.9E+02	6.4E-02	
				4.9E+01	P				1			Phosphates, Inorganic																
									1			~Aluminum metaphosphate	13776-88-0	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Ammonium polyphosphate	68333-79-9	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Calcium pyrophosphate	7790-76-3	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Diammonium phosphate	7783-28-0	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Dicalcium phosphate	7757-93-9	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Dimagnesium phosphate	7782-75-4	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Dipotassium phosphate	7758-11-4	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Disodium phosphate	7558-79-4	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Monoaluminum phosphate	13530-50-2	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Monoammonium phosphate	7722-76-1	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Monocalcium phosphate	7758-23-8	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Monomagnesium phosphate	7757-86-0	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Monopotassium phosphate	7778-77-0	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Monosodium phosphate	7558-80-7	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Polyphosphoric acid	8017-16-1	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Potassium triphosphate	13845-36-8	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium acid pyrophosphate	7758-16-9	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium aluminum phosphate (acidic)	7785-88-8	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium aluminum phosphate (anhydrous)	10279-59-1	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium aluminum phosphate (tetrahydrate)	10305-76-7	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium hexametaphosphate	10124-56-8	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium polyphosphate	68915-31-1	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium trimetaphosphate	7785-84-4	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Sodium triphosphate	7758-29-4	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Tetrapotassium phosphate	7320-34-5	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Tetrasodium pyrophosphate	7722-88-5	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Trialuminum sodium tetra decahydrogenooctaothophosphate (dihydrate)	15136-87-5	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Tricalcium phosphate	7758-87-4	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Trimagnesium phosphate	7757-87-1	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Tripotassium phosphate	7778-53-2	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				4.9E+01	P				1			~Trisodium phosphate	7601-54-9	3.8E+06	nm	5.0E+07	nm									7.6E+05	n	
				3.0E-04	I	3.0E-04	I		1			Phosphine	7803-51-2	2.3E+01	n	3.1E+02	n	3.1E-01	n	1.3E+00	n	4.7E+00	n					
				4.9E+01	P	1.0E-02	I		1			Phosphoric Acid	7664-38-2	3.0E+06	nm	2.7E+07	c*	1.0E+01	n	4.4E+01	n	7.6E+05	n					
				2.0E-05	I				1			Phosphorus, White	7723-14-0	1.6E+00	n	2.0E+01	n									3.1E-01	1.1E-03	
				1.0E+00	H				1	0.1		Phthalic Acid, P-	100-21-0	6.1E+04	n	6.2E+05	nm									1.5E+04	5.3E+00	
				2.0E+00	I	2.0E-02	C		1	0.1		Phthalic Anhydride	85-44-9	1.2E+05	nm	1.2E+06	nm	2.1E+01	n	8.8E+01	n	3.0E+04	n			6.6E+00	6.6E+00	
				7.0E-02	I				1	0.1		Picloram	1918-02-1	4.3E+03	n	4.3E+04	n								1.1E+03	2.9E-01	1.4E-01	
				1.0E-04	X				1	0.1		Picramic Acid (2-Amino-4,6-dinitrophenol)	96-91-3	6.1E+00	n	6.2E+01	n									1.5E+00	1.0E-03	
				1.0E-02	I				1	0.1		Pirimiphos, Methyl	29232-93-7	6.1E+02	n	6.2E+03	n									9.1E+01	8.7E-02	
3.0E+01	C	8.6E-03	C	7.0E-06	H				1	0.1		Polybrominated Biphenyls	59536-65-1	1.6E-02	c*	5.7E-02	c*	2.8E-04	c	1.4E-03	c	2.2E-03	c*					
									1	0.14		Polychlorinated Biphenyls (PCBs)																
				7.0E-02	S	2.0E-05	S		1	0.14		~Aroclor 1016	12674-11-2	3.9E+00	n	2.1E+01	c**	1.2E-01	c	6.1E-01	c	9.6E-01	c**			9.2E-02	7.4E-05	
				2.0E+00	S	5.7E-04	S</																					

Toxicity and Chemical-specific Information												Contaminant		Screening Levels								Protection of Ground Water SSLs					
SFO (mg/kg-day) ¹	k e y	IUR (ug/m ³ -day) ²	k e y	RfD _o	k e y	RfC _i (mg/m ³) ³	k e y	o c	muta- gen	GIABS	ABS	C _{sat} (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)
3.9E+03	E	1.1E+00	E	3.3E-08	E	1.3E-06	E			1	0.14		~Hexachlorobiphenyl, 3,3',4,4',5,5'-(PCB 169)	32774-16-6	1.1E-04	c*	3.8E-04	c*	2.1E-06	c	1.1E-05	c	1.7E-05	c*		7.2E-06	
3.9E+00	E	1.1E-03	E	3.3E-05	E	1.3E-03	E			1	0.14		~Pentachlorobiphenyl, 2',3,4,4',5-(PCB 123)	65510-44-3	1.1E-01	c*	3.8E-01	c*	2.1E-03	c	1.1E-02	c	1.7E-02	c*		4.5E-03	
3.9E+00	E	1.1E-03	E	3.3E-05	E	1.3E-03	E			1	0.14		~Pentachlorobiphenyl, 2,3',4,4',5-(PCB 118)	31508-00-6	1.1E-01	c*	3.8E-01	c*	2.1E-03	c	1.1E-02	c	1.7E-02	c*		4.4E-03	
3.9E+00	E	1.1E-03	E	3.3E-05	E	1.3E-03	E			1	0.14		~Pentachlorobiphenyl, 2,3,3',4,4'-(PCB 105)	32598-14-4	1.1E-01	c*	3.8E-01	c*	2.1E-03	c	1.1E-02	c	1.7E-02	c*		4.5E-03	
3.9E+00	E	1.1E-03	E	3.3E-05	E	1.3E-03	E			1	0.14		~Pentachlorobiphenyl, 2,3,4,4',5-(PCB 114)	74472-37-0	1.1E-01	c*	3.8E-01	c*	2.1E-03	c	1.1E-02	c	1.7E-02	c*		4.5E-03	
1.3E+04	E	3.8E+00	E	1.0E-08	E	4.0E-07	E			1	0.14		~Pentachlorobiphenyl, 3,3',4,4',5-(PCB 126)	57465-28-8	3.4E-05	c*	1.1E-04	c*	6.4E-07	c	3.2E-06	c	5.2E-06	c*		1.3E-06	
2.0E+00	I	5.7E-04	I							1	0.14		~Polychlorinated Biphenyls (high risk)	1336-36-3	2.2E-01	c	7.4E-01	c	4.3E-03	c	2.1E-02	c					
4.0E-01	I	1.0E-04	I							1	0.14		~Polychlorinated Biphenyls (low risk)	1336-36-3					2.4E-02	c	1.2E-01	c	1.7E-01	c	5.0E-01	2.6E-02	7.8E-02
7.0E-02	I	2.0E-05	I							1	0.14		~Polychlorinated Biphenyls (lowest risk)	1336-36-3					1.2E-01	c	6.1E-01	c					
1.3E+01	E	3.8E-03	E	1.0E-05	E	4.0E-04	E			1	0.14		~Tetrachlorobiphenyl, 3,3',4,4'-(PCB 77)	32598-13-3	3.4E-02	c*	1.1E-01	c*	6.4E-04	c	3.2E-03	c	5.2E-03	c*		8.1E-04	
3.9E+01	E	1.1E-02	E	3.3E-06	E	1.3E-04	E			1	0.14		~Tetrachlorobiphenyl, 3,4,4',5-(PCB 81)	70362-50-4	1.1E-02	c*	3.8E-02	c*	2.1E-04	c	1.1E-03	c	1.7E-03	c*		2.7E-04	
				6.0E-04	I					1	0.1		Polymeric Methylene Diphenyl Diisocyanate (PMDI)	9016-87-9	8.5E+05	nm	3.6E+06	nm	6.3E-01	n	2.6E+00	n					
				6.0E-02	I					1	0.13		Polynuclear Aromatic Hydrocarbons (PAHs)														
				3.0E-01	I					1	0.13		~Acenaphthene	83-32-9	3.4E+03	n	3.3E+04	nm					4.0E+02	n		4.1E+00	
										1	0.13		~Anthracene	120-12-7	1.7E+04	n	1.7E+05	nm						n		4.2E+01	
7.3E-01	E	1.1E-04	C						M	1	0.13		~Benz[a]anthracene	56-55-3	1.5E-01	c	2.1E+00	c	8.7E-03	c	1.1E-01	c	2.9E-02	c		1.0E-02	
1.2E+00	C	1.1E-04	C							1	0.13		~Benzo[j]fluoranthene	205-82-3	3.8E-01	c	1.3E+00	c	2.2E-02	c	1.1E-01	c	5.6E-02	c		6.7E-02	
7.3E+00	I	1.1E-03	C						M	1	0.13		~Benzo[a]pyrene	50-32-8	1.5E-02	c	2.1E-01	c	8.7E-04	c	1.1E-02	c	2.9E-03	c	2.0E-01	3.5E-03	2.4E-01
7.3E-01	E	1.1E-04	C						M	1	0.13		~Benzo[b]fluoranthene	205-99-2	1.5E-01	c	2.1E+00	c	8.7E-03	c	1.1E-01	c	2.9E-02	c		3.5E-02	
7.3E-02	E	1.1E-04	C						M	1	0.13		~Benzo[k]fluoranthene	207-08-9	1.5E+00	c	2.1E+01	c	8.7E-03	c	1.1E-01	c	2.9E-01	c		3.5E-01	
7.3E-03	E	1.1E-05	C						M	1	0.13		~Chrysene	218-01-9	1.5E+01	c	2.1E+02	c	8.7E-02	c	1.1E+00	c	2.9E+00	c		1.1E+00	
7.3E+00	E	1.2E-03	C						M	1	0.13		~Dibenz[a,h]anthracene	53-70-3	1.5E-02	c	2.1E-01	c	8.0E-04	c	1.0E-02	c	2.9E-03	c		1.1E-02	
1.2E+01	C	1.1E-03	C							1	0.13		~Dibenz[a,e]pyrene	192-65-4	3.8E-02	c	1.3E-01	c	2.2E-03	c	1.1E-02	c	5.6E-03	c		7.3E-02	
2.5E+02	C	7.1E-02	C						M	1	0.13		~Dimethylbenz[a]anthracene, 7,12-	57-97-6	4.3E-04	c	6.2E-03	c	1.4E-05	c	1.7E-04	c	8.6E-05	c		8.5E-05	
				4.0E-02	I					1	0.13		~Fluoranthene	206-44-0	2.3E+03	n	2.2E+04	n					6.3E+02	n		7.0E+01	
				4.0E-02	I					1	0.13		~Fluorene	86-73-7	2.3E+03	n	2.2E+04	n					2.2E+02	n		4.0E+00	
7.3E-01	E	1.1E-04	C						M	1	0.13		~Indeno[1,2,3-cd]pyrene	193-39-5	1.5E-01	c	2.1E+00	c	8.7E-03	c	1.1E-01	c	2.9E-02	c		1.2E-01	
7.9E-02	P			7.0E-02	A				V	1	0.13	3.9E+02	~Methylnaphthalene, 1-	90-12-0	1.6E+01	c	5.3E+01	c								9.7E-01	5.1E-03
				4.0E-03	I				V	1	0.13	3.7E+02	~Methylnaphthalene, 2-	91-57-6	2.3E+02	n	2.2E+03	ns								2.7E+01	1.4E-01
				3.4E-05	C	2.0E-02	I	3.0E-03	I	V	1	0.13	~Naphthalene	91-20-3	3.6E+00	c*	1.8E+01	c*	7.2E-02	c*	3.6E-01	c*	1.4E-01	c*		4.7E-04	
2.5E+00	C	1.1E-04	C							1	0.13		~Nitropyrene, 4-	57835-92-4	3.8E-01	c	1.3E+00	c	2.2E-02	c	1.1E-01	c	1.6E-02	c		2.8E-03	
1.5E-01	I			3.0E-02	I				V	1	0.13		~Pyrene	129-00-0	1.7E+03	n	1.7E+04	n								9.5E+00	
				9.0E-03	I					1	0.1		Prochloraz	67747-09-5	3.2E+00	c	1.1E+01	c								3.2E-01	1.6E-03
				6.0E-03	H					1	0.1		Profluralin	26399-36-0	3.7E+02	n	3.7E+03	n								1.9E+01	1.2E+00
				1.5E-02	I					1	0.1		Prometon	1610-18-0	9.2E+02	n	9.2E+03	n								1.9E+02	9.2E-02
				4.0E-03	I					1	0.1		Prometryn	7287-19-6	2.4E+02	n	2.5E+03	n								4.5E+01	6.9E-02
				1.3E-02	I					1	0.1		Propachlor	1918-16-7	7.9E+02	n	8.0E+03	n								1.9E+02	1.2E-01
				5.0E-03	I					1	0.1		Propamil	709-98-8	3.1E+02	n	3.1E+03	n								6.3E+01	3.5E-02
				2.0E-02	I					1	0.1		Propargite	2312-35-8	1.2E+03	n	1.2E+04	n								1.2E+02	8.8E+00
				2.0E-03	I					1	0.1		Propargyl Alcohol	107-19-7	1.2E+02	n	1.2E+03	n								3.1E+01	6.4E-03
				2.0E-02	I					1	0.1		Propazine	139-40-2	1.2E+03	n	1.2E+04	n								2.6E+02	2.3E-01
				2.0E-02	I					1	0.1		Propham	122-42-9	1.2E+03	n	1.2E+04	n								2.7E+02	1.7E-01
				1.3E-02	I					1	0.1		Propiconazole	60207-90-1	7.9E+02	n	8.0E+03	n								1.6E+02	5.3E-01
				8.0E-03	I	V				1		3.3E+04	Propionaldehyde	123-38-6	8.0E+01	n	3.4E+02	n	8.3E+00	n	3.5E+01	n	1.7E+01	n		3.4E-03	
				1.0E-01	X	1.0E+00	X	V		1	0.1	2.6E+02	Propyl benzene	103-65-1	3.4E+03	ns	2.1E+04	ns	1.0E+03	n	4.4E+03	n	5.3E+02	n		9.9E-01	
				3.0E+00	C	V				1	0.1	3.5E+02	Propylene	115-07-1	2.4E+03	ns	1.0E+04	ns	3.1E+03	n	1.3E+04	n	6.3E+03	n		6.0E+00	
				2.0E+01	P					1	0.1		Propylene Glycol	57-55-6	1.2E+06	nm	1.2E+07	nm								3.1E+05	6.3E+01
				2.7E-04	A					1	0.1		Propylene Glycol Dinitrate	6423-43-4	3.9E+05	nm	1.6E+06	nm	2.8E-01	n	1.2E+00	n					
				7.0E-01	H					1	0.1		Propylene Glycol Monoethyl Ether	1569-02-4	4.3E+04	n	4.3E+05	nm								1.1E+04	2.2E+00
				7.0E-01	H	2.0E+00	I	V		1	0.1		Propylene Glycol Monomethyl Ether	107-98-2	4.3E+04	n	4.3E+05	nm	2.1E+03	n	8.8E+03	n	1.1E+04	n		2.2E+00	
2.4E-01	I	3.7E-06	I	3.0E-02	I	V				1		7.8E+04	Propylene Ox														

Regional Screening Level (RSL) Summary Table April 2012

IRIS; P = PPRTV; A = ATSDR; C = Cal EPA; X = PPRTV Appendix; H = HEAST; J = New Jersey; Y = New York; O = EPA Office of Water; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; F = See FAQ; c = cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Table with columns: Toxicity and Chemical-specific Information (FO, IUR, RfD, etc.), Contaminant (Analyte, CAS No.), Screening Levels (Resident Soil, Industrial Soil, Resident Air, Industrial Air, Tapwater, MCL), and Protection of Ground Water SSLs (Risk-based SSL, MCL-based SSL).

Key: I = IRIS; P = PPRTV; A = ATSDR; C = Cal EPA; X = PPRTV Appendix; H = HEAST; J = New Jersey; Y = New York; O = EPA Office of Water; E = Environmental Criteria and Assessment Office; S = see user guide Section 5; L = see user guide on lead; M = mutagen; V = volatile; F = See FAQ; c = cancer; * = where: n SL < 100X c SL; ** = where n SL < 10X c SL; n = noncancer; m = Concentration may exceed ceiling limit (See User Guide); s = Concentration may exceed Csat (See User Guide); SSL values are based on DAF=1

Toxicity and Chemical-specific Information											Contaminant		Screening Levels								Protection of Ground Water SSLs					
SFO (mg/kg-day) ¹	key	IUR (ug/m ³) ¹	key	RFDo (mg/kg-day)	key	RFci (mg/m ³)	key	muta- gen	GIABS	ABS	Csat (mg/kg)	Analyte	CAS No.	Resident Soil (mg/kg)	key	Industrial Soil (mg/kg)	key	Resident Air (ug/m ³)	key	Industrial Air (ug/m ³)	key	Tapwater (ug/L)	key	MCL (ug/L)	Risk-based SSL (mg/kg)	MCL-based SSL (mg/kg)
1.1E-02	I	3.1E-06	I	1.0E-03	P						0.1	Trichlorophenol, 2,4,6-	88-06-2	4.4E+01	c**	1.6E+02	c**	7.8E-01	c	4.0E+00	c	3.5E+00	c**		1.3E-02	
				1.0E-02	I						0.1	Trichlorophenoxyacetic Acid, 2,4,5-	93-76-5	6.1E+02	n	6.2E+03	n					1.2E+02	n		5.2E-02	
				8.0E-03	I						0.1	Trichlorophenoxypropionic acid, -2,4,5	93-72-1	4.9E+02	n	4.9E+03	n					8.4E+01	n	5.0E+01	4.6E-02	2.8E-02
3.0E+01	I			5.0E-03	I			V			1.3E+03	Trichloropropane, 1,1,2-	598-77-6	3.9E+02	n	5.1E+03	ns					7.8E+01	n		3.1E-02	
				4.0E-03	I	3.0E-04	I	V	M		1.4E+03	Trichloropropane, 1,2,3-	96-18-4	5.0E-03	c	9.5E-02	c	3.1E-01	n	1.3E+00	n	6.5E-04	c		2.8E-07	
				3.0E-03	X	3.0E-04	P	V			4.5E+02	Trichloropropene, 1,2,3-	96-19-5	7.8E-01	n	3.3E+00	n	3.1E-01	n	1.3E+00	n	6.2E-01	n		3.1E-04	
				3.0E-03	I						0.1	Tridiphane	58138-08-2	1.8E+02	n	1.8E+03	n					4.7E+01	n		3.3E-01	
						7.0E-03	I	V			2.8E+04	Triethylamine	121-44-8	1.2E+02	n	5.2E+02	n	7.3E+00	n	3.1E+01	n	1.5E+01	n		4.4E-03	
7.7E-03	I			7.5E-03	I						0.1	Trifluralin	1582-09-8	6.3E+01	c**	2.2E+02	c*					2.2E+00	c*		7.2E-02	
2.0E-02	P			1.0E-02	P						0.1	Trimethyl Phosphate	512-56-1	2.4E+01	c*	8.6E+01	c*					3.4E+00	c*		7.4E-04	
						5.0E-03	P	V			2.9E+02	Trimethylbenzene, 1,2,3-	526-73-8	5.3E+01	n	2.2E+02	n	5.2E+00	n	2.2E+01	n	1.0E+01	n		1.5E-02	
						7.0E-03	P	V			2.2E+02	Trimethylbenzene, 1,2,4-	95-63-6	6.2E+01	n	2.6E+02	ns	7.3E+00	n	3.1E+01	n	1.5E+01	n		2.1E-02	
				1.0E-02	X			V			1.8E+02	Trimethylbenzene, 1,3,5-	108-67-8	7.8E+02	ns	1.0E+04	ns					8.7E+01	n		1.2E-01	
				3.0E-02	I						0.019	Trinitrobenzene, 1,3,5-	99-35-4	2.2E+03	n	2.7E+04	n					4.6E+02	n		1.7E+00	
3.0E-02	I			5.0E-04	I						0.032	Trinitrotoluene, 2,4,6-	118-96-7	1.9E+01	c**	7.9E+01	c**					2.2E+00	c**		1.3E-02	
				2.0E-02	P						0.1	Triphenylphosphine Oxide	791-28-6	1.2E+03	n	1.2E+04	n					2.8E+02	n		1.2E+00	
2.0E-02	P			7.0E-03	P						0.1	Tris(2-chloroethyl)phosphate	115-96-8	2.4E+01	c*	8.6E+01	c*					3.3E+00	c*		3.2E-03	
3.2E-03	P			1.0E-01	P						0.1	Tris(2-ethylhexyl)phosphate	78-42-2	1.5E+02	c*	5.4E+02	c					2.1E+01	c*		1.0E+02	
1.0E+00	C	2.9E-04	C	3.0E-03	I						0.1	Uranium (Soluble Salts)	NA	2.3E+02	n	3.1E+03	n					4.7E+01	n	3.0E+01	2.1E+01	1.4E+01
									M		0.1	Urethane	51-79-6	1.2E-01	c	1.7E+00	c	3.3E-03	c	4.2E-02	c	2.1E-02	c		4.8E-06	
		8.3E-03	P	9.0E-03	I	7.0E-06	P				0.026	Vanadium Pentoxide	1314-62-1	4.0E+02	c**	2.0E+03	c**	2.9E-04	c*	1.5E-03	c*	1.1E+02	n			
				5.0E-03	S						1	Vanadium and Compounds	NA	3.9E+02	n	5.2E+03	n					7.8E+01	n		7.8E+01	
				1.0E-03	I						0.1	Vernolate	1929-77-7	6.1E+01	n	6.2E+02	n					8.3E+00	n		6.6E-03	
				2.5E-02	I						0.1	Vinclozolin	50471-44-8	1.5E+03	n	1.5E+04	n					3.4E+02	n		2.6E-01	
				1.0E+00	H	2.0E-01	I	V			2.8E+03	Vinyl Acetate	108-05-4	9.7E+02	n	4.1E+03	ns	2.1E+02	n	8.8E+02	n	4.1E+02	n		8.7E-02	
				3.2E-05	H	3.0E-03	I	V			0.0E+00	Vinyl Bromide	593-60-2	1.1E-01	c*s	5.6E-01	c*s	7.6E-02	c*	3.8E-01	c*	1.5E-01	c*		4.4E-05	
7.2E-01	I	4.4E-06	I	3.0E-03	I	1.0E-01	I	V	M		3.9E+03	Vinyl Chloride	75-01-4	6.0E-02	c	1.7E+00	c	1.6E-01	c	2.8E+00	c	1.5E-02	c	2.0E+00	5.3E-06	6.9E-04
				3.0E-04	I						0.1	Warfarin	81-81-2	1.8E+01	n	1.8E+02	ns					4.4E+00	n		4.6E-03	
				2.0E-01	S	1.0E-01	S	V			3.9E+02	Xylene, p-	106-42-3	6.0E+02	ns	2.6E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n		1.8E-01	
				2.0E-01	S	1.0E-01	S	V			3.9E+02	Xylene, m-	108-38-3	5.9E+02	ns	2.5E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n		1.8E-01	
				2.0E-01	S	1.0E-01	S	V			4.3E+02	Xylene, o-	95-47-6	6.9E+02	ns	3.0E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n		1.9E-01	
				2.0E-01	I	1.0E-01	I	V			2.6E+02	Xylenes	1330-20-7	6.3E+02	ns	2.7E+03	ns	1.0E+02	n	4.4E+02	n	1.9E+02	n	1.0E+04	1.9E-01	9.8E+00
				3.0E-04	I						1	Zinc Phosphide	1314-84-7	2.3E+01	n	3.1E+02	n					4.7E+00	n			
				3.0E-01	I						1	Zinc and Compounds	7440-66-6	2.3E+04	n	3.1E+05	nm					4.7E+03	n		2.9E+02	
				5.0E-02	I						0.1	Zineb	12122-67-7	3.1E+03	n	3.1E+04	n					7.8E+02	n		2.3E+00	

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Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties

January 2005



California Environmental Protection Agency

DISCLAIMER

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The CHHSLs should NOT be used to determine when impacts at a site should be reported to a regulatory agency. The list of CHHSLs is also not a comprehensive list of all potential chemicals of concern that may be found at a property. All releases of hazardous substances to the environment should be reported to the appropriate regulatory agency in accordance with governing regulations. Staff overseeing work at a specific site should be contacted prior to use of the information in this document to ensure that the document is applicable to the site and that the user has the most up-to-date version available.

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Overview

What are the CHHSLs?

The California Human Health Screening Levels (CHHSLs or “Chisels”) are concentrations of 54 hazardous chemicals in soil or soil gas that the California Environmental Protection Agency (Cal/EPA) considers to be below thresholds of concern for risks to human health. The CHHSLs were developed by the Office of Environmental Health Hazard Assessment (OEHHA) on behalf of Cal/EPA, and are contained in their report entitled “Human-Exposure-Based Screening Numbers Developed to Aid Estimation of Cleanup Costs for Contaminated Soil” (Appendix 1). The thresholds of concern used to develop the CHHSLs are an excess lifetime cancer risk of one-in-a-million (10^{-6}) and a hazard quotient of 1.0 for noncancer health effects. The CHHSLs were developed using standard exposure assumptions and chemical toxicity values published by the U.S. Environmental Protection Agency (USEPA) and Cal/EPA.

How can the CHHSLs help facilitate restoration of contaminated properties?

The CHHSLs can be used to screen sites for potential human health concerns where releases of hazardous chemicals to soils have occurred. Under most circumstances, and within the limitations described in this document, the presence of a chemical in soil, soil gas or indoor air at concentrations below the corresponding CHHSLs can be assumed to not pose a significant health risk to people who may live (residential CHHSLs) or work (commercial/industrial CHHSLs) at the site. As discussed below, however, evaluation of other potential environmental concerns must also be addressed.

The presence of a chemical at concentrations in excess of a CHHSL does not indicate that adverse impacts to human health are occurring or will occur but suggests that further evaluation of potential human health concerns is warranted. Residential CHHSLs may be used in conjunction with the human health screening evaluation described in the Department of Toxic Substances Control (DTSC) Preliminary Endangerment Assessment (PEA) Guidance Manual to assist the risk manager in deciding whether further site characterization, risk assessment, or remediation is necessary (Cal/EPA 1994b). Further evaluation may include additional sampling at the site, consideration of ambient levels in the environment, or a reassessment of the assumptions used to calculate the CHHSLs

or PEA estimates. This stepwise approach expedites judgments about the degree of effort that may be necessary to remediate contaminated properties and restore the properties to productive use.

How do the CHHSLs differ from cleanup standards?

The CHHSLs presented in the lookup tables are NOT regulatory "cleanup standards". Use of the CHHSLs and this document is voluntary on the part of those who choose to use them. At sites where cleanup of contaminated soils to levels at or below the CHHSLs would be costly, the time and effort to develop more site-specific cleanup may be desired. At sites where the extent of contaminated soil is limited or the timeframe available to carry out cleanup actions is very short, use of the CHHSLs as final soil cleanup standards may be cost-beneficial. However, this would require the concurrence of both the responsible party and the overseeing regulatory agency and can only be done after a full evaluation of site conditions and other potential environmental concerns. Regulatory agencies cannot be compelled to use the CHHSLs as final cleanup standards for a contaminated property.

If contaminant concentrations are below the CHHSLs am I finished?

As discussed above, the CHHSLs cannot be used as a stand-alone tool for final cleanup and closure decisions. In addition, using only the CHHSLs may not be protective of groundwater resources or address other potential environmental concerns. Therefore, a thorough investigation of site conditions must also be performed to ensure that: 1) all potential human exposure pathways and exposure scenarios at the site are fully accounted for; 2) groundwater resources are protected; 3) terrestrial and aquatic habitats are protected, including the erosion of contaminated soils and subsequent runoff into a nearby wetland, stream or other aquatic habitat; and 4) that nuisance (e.g., odors and staining) and gross contamination concerns are addressed. These and other issues related to environmental contamination that are identified at the site must be evaluated separately. If a formal regulatory decision or determination is desired, additional assessment or cleanup of contaminated soils to address these concerns may ultimately be required.

How should the CHHSLs be integrated into the DTSC PEA process?

The human health screening evaluation presented in the DTSC Preliminary Endangerment Assessment (PEA) document is intended to provide a preliminary evaluation of potential risk and hazard to human health. The PEA process uses models and exposure assumptions similar to those used to develop the residential CHHSLs but does not provide actual risk-based screening levels based on these models. The PEA screening evaluation assumes that the land use of the site will be residential, regardless of the current use and zoning for the site. Therefore, residential CHHSLs for specific chemicals may be utilized in a PEA. Chemicals that do not have CHHSLs should be evaluated using the DTSC PEA methodology for their potential to pose human health risks. Chemicals found at a site should be evaluated separately for other potential environmental concerns, using the PEA guidance and other references as appropriate. The user should consult DTSC for additional information about use of the CHHSLs in the PEA process.

How are the CHHSLs related to the USEPA Preliminary Remediation Goals (PRGs) and to the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs)?

The soil and soil gas CHHSLs are modeled after the USEPA Region IX "Preliminary Remediation Goals (PRGs)" for these media (<http://www.epa.gov/region09/waste/sfund/prg/index.htm>). The primary difference between the CHHSLs and the PRGs is the use of Cal/EPA-specific "toxicity factors" (estimates of a chemical's toxicity to humans) in development of the CHHSLs, when available, rather than toxicity factors published by the USEPA. For volatile chemicals, soil gas CHHSLs were developed to evaluate the potential intrusion of subsurface vapors (soil gas) into buildings and subsequent impacts to indoor air quality.

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) Environmental Screening Levels (ESLs) are a compilation of screening levels for not only risk to human health but also a number of other environmental concerns. The ESLs are intended for use only at sites overseen by that agency. These ESLs may be found at the SFRWQCB web site at <http://www.waterboards.ca.gov/sanfranciscobay/esl.htm>. The SFBRWQCB refers to the comprehensive evaluation of all potential environmental concerns as an "Environmental Risk Assessment," as opposed to a more focused "Human Health Risk Assessment" reflected in development of the CHHSLs and this

document in general. The soil, soil gas and indoor air ESLs and CHHSLs for human health concerns were developed using similar methodology and are essentially identical. In addition, the SFBRWQCB document provides soil screening levels for leaching of contaminants into groundwater, toxicity to flora and fauna and nuisance or gross contamination concerns. These concerns are not addressed by the CHHSLs and must be evaluated separately.

Because many different sets of screening levels are now available, the overseeing regulatory agency should be consulted before using any screening levels in a human health screening evaluation. The regulatory agency may have specific recommendations with respect to which screening levels it prefers to use at sites under their jurisdiction.

If I am in the jurisdiction of the San Francisco Bay Regional Water Quality Control Board, can I continue to use that office's Environmental Screening Levels (ESLs) document?

At sites in the jurisdiction of and overseen by the SFBRWQCB, the reader should consult the SFBRWQCB regarding continued use of the ESLs versus use of the CHHSLs.

How often are the CHHSLs updated?

The CHHSLs will be updated as needed to incorporate new toxicity information of referenced chemicals as well as new information regarding the exposure or potential exposure of humans to potentially hazardous chemicals in soils. CHHSLs for additional chemicals will also be included as they become available.

Who can I contact for more information?

Refer to the CHHSL link posted on the Cal/EPA website (www.calepa.ca.gov) for further information and local contacts. The document will also be posted on the OEHHA web site (www.oehha.ca.gov), the DTSC web site (www.dtsc.ca.gov), the SWRCB web site (www.waterboards.ca.gov) and at the SFBRWQCB web site (www.waterboards.ca.gov/sanfranciscobay/), as well as other Regional Boards' web sites.

1 Introduction

1.1 Purpose and Development

The California Human Health Screening Levels (CHHSLs) were developed as a tool to assist in the evaluation of contaminated sites for potential adverse threats to human health. Residential and commercial/industrial land use screening levels for soil, soil gas and indoor air are provided in Tables 1 and 2. The screening levels in Table 1 pertain to direct exposure of humans to contaminants in soil via incidental soil ingestion, dermal contact and inhalation of vapors or dust in outdoor air. The soil gas and indoor air screening levels in Table 2 pertain to the emission of volatile chemicals from contaminated soil or groundwater and their potential intrusion into overlying buildings.

Preparation of the CHHSLs by the California Environmental Protection Agency (Cal/EPA) was required under the California Land Environmental Restoration and Reuse Act of 2001 (CLERRA 2001). CLERRA also required that a guidance document be prepared to explain how the CHHSLs may be used in California to aid in making judgments about the degree of effort (or costs) that might be necessary to remediate contaminated properties, facilitate the restoration and revitalization of contaminated properties, and assist local-level remediation programs in making more efficient and effective decisions.

Appendix 1 is the Office of Environmental Health Hazard Assessment's (OEHHA) report entitled "Human-Exposure-Based Screening Numbers Developed to Aid Estimation of Cleanup Costs for Contaminated Soil" which contains the CHHSLs, and describes the approach used to develop the human-health-risk-based screening levels, the comments received regarding the draft document and OEHHA's response to those comments. The approach reflected in OEHHA's report is based on the USEPA *Risk Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual (Part A)* (USEPA 1989) and is essentially equivalent to the approach used by USEPA Region IX in developing their *Preliminary Remediation Goals* (USEPA 2004), the San Francisco Bay Area Regional Water Quality Control Board (SFRWQCB) in developing their Environmental Screening Levels for human health (SFRWQCB 2003), and the Department of Toxic Substances Control (DTSC) in their Preliminary Endangerment Assessment (PEA) guidance (Cal/EPA 1994b).

Soil and soil gas data collected at a site can be directly compared to CHHSLs for each chemical of concern. Under most circumstances, and within the limitations described, the presence of a chemical in soil or soil gas at concentrations below the corresponding CHHSLs can be assumed to not pose a significant health risk to people who may live or work at the site. The presence of a chemical at concentrations in excess of a CHHSL does not necessarily indicate that adverse impacts to human health are occurring but indicates that a potential for adverse risk may exist and that additional evaluation is warranted.

Residential CHHSLs are appropriate for other types of sensitive property use, including hospitals, day care centers and schools. In order to assess the maximum, future beneficial use of a property, data collected at commercial or industrial sites should be compared to both residential and commercial sets of screening levels. A formal restriction to the deed may be required for sites that meet requirements for commercial/industrial use but not residential use. Regulatory agency oversight would be needed in this circumstance.

The scope of the CHHSLs is limited to human health concerns. For this reason, the CHHSLs cannot be used as a stand-alone tool to determine the extent of remedial actions needed at sites with contaminated soils. Depending on site conditions and the chemicals present, additional cleanup of contaminated soils may be required to protect groundwater resources, prevent toxicity to flora and fauna, address uptake in edible plants, and address nuisance and aesthetic concerns posed by odors and staining. A brief summary of these concerns and a list of references for evaluating these issues are provided at the end of the text.

1.2 Tiered Approach to Environmental Risk Assessments

Human health risk assessments for regulatory purposes are usually carried out using a step-wise or “tiered” approach. Comparison of site data to residential soil or soil gas CHHSLs (e.g., in a screening health risk evaluation performed using the DTSC PEA guidance) usually represents “Tier 1”. If multiple chemicals with similar health effects are present at a site then “forward mode,” cumulative health risks may also need to be calculated and compared to target Tier 1 goals before an evaluation of potential human health concerns can be completed (refer to Section 2.8).

If the results of the Tier 1 assessment indicate that further evaluation of human health risks is warranted, site-specific exposure assumptions, target risks, etc., can

be substituted for default parameter values used to develop the Tier 1 CHHSLs and alternative screening levels developed under a Tier 2 assessment. This assessment can be incorporated into the guidelines presented in the DTSC PEA document. Prior to modifying the Tier 1 default assumptions, concurrence from the appropriate regulatory agency should be obtained. Site data can then be compared to the revised screening levels. This provides an intermediate but still relatively rapid and cost-effective option for preparing more site-specific screening or cleanup levels. Cumulative health risks or hazards should also be presented under a Tier 2 assessment, as described in Section 2.8.

If exposure pathways of concern and conditions at the site do not match those taken into account by the CHHSL framework or PEA methodology, a Tier 3, baseline human health and ecological risk assessment should be performed. In a baseline human health and ecological risk assessment, alternative models and site-specific assumptions are used to quantify the risk/hazard posed to human and/or ecological receptors by the impacted media in the “forward” mode. After a baseline health risk assessment is accepted by the regulatory agency, the assessment may be used in the “backward” model to develop site-specific screening or cleanup levels. An understanding of the methodologies used to develop the CHHSLs is important to ensure consistency between all tiers of assessments and to expedite their preparation and review.

1.3 Chemicals Not Listed In CHHSL Lookup Tables

The lookup tables list 54 chemicals, including many that are commonly found at sites where releases of hazardous chemicals have occurred. Cal/EPA will incorporate CHHSLs for additional chemicals in future updates of this document as needed and practical. Prior to that time, the PEA methodology should be used to evaluate those chemicals for which CHHSLs do not exist. Toxicity factors published by Cal/EPA should be utilized in the PEA when available, unless otherwise instructed by the overseeing regulatory agency.

1.4 Limitations

The CHHSLs presented in this document are NOT regulatory "cleanup standards." Use of the CHHSLs as final cleanup levels to address human health concerns should be discussed with the overseeing regulatory agency and evaluated in terms of the cost/benefit of developing more site-specific cleanup levels through a risk assessment.

The CHHSLs presented in this document are NOT adequate to evaluate ALL environmental conditions at ALL contaminated sites. Other environmental concerns posed by the presence of contamination at a site may include:

- Leaching of contaminants from soil to groundwater and subsequent impacts to groundwater quality;
- Intrusion of subsurface vapors into basements or buildings with substandard ventilation systems and subsequent impacts to indoor air;
- Uptake of contaminants in edible fruit and vegetables and subsequent intake by humans;
- Exposure of children and teachers at school sites;
- Toxicity to terrestrial flora and fauna;
- Gross contamination, including nuisance (odors, etc.) and aesthetic concerns.

A summary of potential environmental concerns that may also be relevant at a site for a particular chemical is also provided in Table 1.

The CHHSLs specifically do not address contamination in groundwater, surface water or sediment or the erosion of contaminated soils and subsequent runoff into a nearby wetland, stream or other aquatic habitat. Contamination identified in these media or that may threaten these media must be considered separately. References for evaluation of contaminants in these media are provided in Chapter 4.

The soil gas CHHSLs for the intrusion of vapors into buildings may not be adequately conservative for estimating impacts to indoor air in poorly ventilated basements or buildings with substandard ventilation systems in general. Additional guidance on this subject is provided in Section 2.5.2.

The CHHSLs for direct-exposure to soils concerns are calculated assuming that specific exposure pathways are complete for the human receptor: incidental soil ingestion, dermal absorption of chemicals in soil, and inhalation of vapors or particulate matter in ambient (outdoor) air. For volatile chemicals, the soil gas CHHSLs are calculated assuming that the exposure pathway of inhalation of

indoor air contaminated with vapors intruding from the subsurface is complete. If these pathways are not congruent with site conditions, the CHHSLs should not be used. The PEA guidance should then be followed.

The CHHSLs for inorganic chemicals (metals) are based on human health risks. However, metals are naturally occurring in the soil. Therefore, metals concentrations should be compared to local background levels as discussed in Section 2.7.

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2 CHHSL Lookup Tables

2.1 Organization of Lookup Tables

CHHSLs for soil, soil gas and indoor air are presented in Tables 1 and 2. Soil CHHSLs address the potential direct exposure of residents and workers to contaminants in soil. Indoor air and soil gas screening levels address the potential intrusion of subsurface vapors into buildings and subsequent impacts to indoor air quality (and resulting potential exposure of residents and workers in those buildings).

Separate CHHSLs are presented for residential and commercial/industrial land uses. A summary of models and exposure assumptions used for each land use is in Appendix 1. The category "Residential Land Use" applies to sites where unrestricted land use is desired. This includes use for residences, hospitals, day-care centers and other sensitive purposes (Cal/EPA 2002). Residential CHHSLs incorporate conservative assumptions regarding the long-term, frequent exposure of children and adults to contaminated soils in a residential setting. In contrast, "Commercial/Industrial Use Only" assumes that only working age adults will be present at the site on a regular basis. Exposure assumptions incorporated into these CHHSLs are less conservative than assumptions used in the residential land-use scenario.

In a DTSC PEA, the land use of the site under a Tier 1 assessment is assumed to be residential, regardless of the current use and zoning for the site. Other regulatory agencies may evaluate land use with respect to the current and foreseeable future use of the site in question. Reference to adopted General Plan zoning maps and local redevelopment plans is an integral part of this evaluation.

If chemicals at a site exceed residential CHHSLs but are below CHHSLs for commercial/industrial land-use, restrictions on the use of affected property will likely be necessary (refer to Section 2.10). The need for such restrictions should be weighed against the cost-benefit of remediating the property to meet the CHHSLs for unrestricted land use.

Although schools may also be a sensitive land use, proposed school sites must be evaluated using the OEHHA Guidance for Assessing Exposures and Health Risks at Existing and Proposed School Sites (Cal/EPA 2004a) rather than the CHHSLs. Refer to Section 2.9 for a discussion of school-specific risk evaluations. Use of

the lookup tables for sites with other land uses (e.g., agriculture, parkland, etc.) should be discussed with and approved by the overseeing regulatory agency.

2.2 Developing a Conceptual Site Model

The primary condition for use of CHHSLs is that exposure pathways of concern and conditions at the site match those taken into account in the development of the CHHSLs. Thus, it is always necessary to develop a conceptual site model (CSM) to identify likely contaminant source areas, exposure pathways, and potential receptors to determine the applicability of CHHSLs at the site and the need for additional information. The conceptual site model summarizes information about site conditions in a schematic presentation in terms of: 1) primary sources (e.g., leaking tanks); 2) secondary sources (e.g., contaminated soil); 3) contaminant transport mechanisms (e.g., volatilization and intrusion into buildings); 4) contaminated exposure media (e.g., indoor air); and 5) potentially complete exposure pathways.

The CSM can be used to provide a rationale for additional site investigation, as a basis for a more detailed CSM, and/or to select screening levels or cleanup levels for specific environmental concerns. An example model is shown in Figure 2-1. The example model represents a hypothetical release of petroleum-based fuels and pesticides to soil and groundwater at a large housing redevelopment project with open spaces accessible to residents (direct exposure), enclosed buildings (vapor intrusion), wetlands (ecotoxicity) and communal garden areas where fruits and vegetables are grown (uptake in edible plants). Potential environmental concerns at the hypothetical site are identified by a check mark in the appropriate column. In addition, xylene and other compounds in petroleum often cause odor and aesthetic concerns (nuisances). Cleanup to address these and other gross contamination concerns may be required even after all other potential concerns have been adequately addressed.

If completed exposure pathways at a site match those pathways considered in the development of the CHHSLs, the appropriate soil and soil gas data can be directly compared to the CHHSLs to determine if the magnitude of exposure may pose a potential threat to human health. If the exposure pathways at a site do not match those pathways used in the development of the CHHSLs, these screening levels may not be used, and a site-specific human health risk evaluation should be performed.

Other potential environmental concerns must be evaluated separately, either through use of a comparable set of screening levels or through a more detailed, site-specific environmental risk assessment. Additional information regarding the preparation of conceptual site models is provided in the DTSC *Preliminary Endangerment Assessment Manual* (Cal/EPA 1994b), the USEPA Region IX *Preliminary Remediation Goals* document (USEPA 2004), the USEPA *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*, Interim Final Document (USEPA 1988) and the Region 2 Environmental Screening Levels document (SFBRWQCB 2003).

2.3 Using the Lookup Tables

A step-by-step approach for using the CHHSLs is summarized below.

Step 1 – Check for CHHSL Updates and Applicability

Check with the overseeing regulatory agency to determine if the CHHSLs can be applied to the subject site. Ensure that the most up-to-date CHHSLs are being used.

Step 2 - Prepare a Conceptual Site Model

The purpose of the conceptual site model is to present information about site conditions and potential impacts to receptors. All potential environmental concerns at the site (e.g., contaminant sources, pathways, exposure routes and receptors) should be clearly identified in a conceptual site model (Section 2.2 and Chapter 4). Identification of these concerns helps to provide the rationale for the type and location for site sampling. The level of detail required in a conceptual site model will vary from site to site. The presentation and scope of the model should be discussed with the overseeing regulatory agency. The conceptual site model should be continually updated as additional data for the site is obtained.

Step 3 – Collect Data

An environmental risk assessment is based on the results of a thorough site investigation, where all chemicals of potential concern have been identified. The scope and type of site investigation will vary depending on the site specific history and the nature of the actual or suspected chemical release. Sampling objectives should be defined in advance of field activities. For example, the objective may be to document whether a release has occurred; to identify hot spots that may require an expedited removal action; to provide sufficient data to determine whether site remediation is necessary; or to evaluate whether site conditions would be consistent with proposed or potential land uses.

Steps 4 - Determine the Desired Land Use

Screening levels for residential land use are generally appropriate for other sensitive uses of the property (e.g., day-care centers, hospitals, etc.). If preparing a DTSC PEA, residential land use CHHSLs should be used. **For evaluation of commercial/industrial properties, it is highly recommended that site data be compared to CHHSLs for both unrestricted/residential and commercial/industrial land use.** Commercial/industrial CHHSLs should be used only under the oversight of a regulatory agency, as that agency will likely require a land use covenant that restricts use of the property to these purposes.

Steps 5 - Select CHHSLs

Based on the actual or proposed land use, select the appropriate soil and/or soil gas CHHSLs. Replace CHHSLs with naturally occurring, background concentrations of chemicals of concern (e.g., arsenic) or laboratory method reporting levels if appropriate (see Sections 2.6 and 2.7).

Step 6 - Compare Site Data To CHHSLs; calculate cumulative risks as necessary

Compare site data to CHHSLs to identify areas where concentrations of contaminants pose potential human health concerns. For sites where sample data are limited and/or if preparing a DTSC PEA, compare the maximum-detected concentrations of chemicals of concern to the CHHSLs.

For sites where an adequate number of data points are available, statistical methods can be used to estimate site-specific exposure point concentrations. The exposure point concentration is the lesser of the maximum-detected concentration and the 95% upper confidence limit (UCL) of the arithmetic mean of sample data (Cal/EPA 1996a). The USEPA guidance document *Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites* recommends evaluating the distribution of the data and choosing the best UCL estimate for the data set (USEPA 2002). Guidance for the estimation of exposure point concentrations, use of “non-detect” data, and other issues is also provided in the Cal/EPA documents *Preliminary Endangerment Assessment Guidance Manual* (Cal/EPA 1994b), *Supplemental Guidance For Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities* (Cal/EPA 1996a), among other sources. As discussed in these documents, sample data collected outside of impacted areas should generally not be included in estimation of exposure point concentrations.

For residential land use scenarios, soil sample data should be averaged over no more than a 1,000 ft² area (assumed area of a typical, urban area back yard and footprint area of typical residence). For commercial/industrial properties, soil sample data can be averaged within affected areas of open spaces.

Use the maximum soil gas concentration over an area of the footprint of existing or assumed future buildings to compensate for potentially isolated rooms within a building and the uncertainties in soil gas collection.

If multiple chemicals with similar health effects are present at a site, the cumulative excess cancer risk and/or noncancer hazard index should be calculated before final consideration of the site for closure. This will be of particular concern at sites where residual concentrations of chemicals with similar noncancer health effects may approach CHHSLs following the proposed, final cleanup of contaminated soil. Calculation of cumulative risks and hazard indices is discussed in Section 2.8. The need to include calculation of cumulative health risks in final closure reports should be discussed with the overseeing regulatory agency.

Steps 7 - Evaluate the Need for Additional Investigation or Actions to Address Human Health Concerns

Based on a comparison of available site data to the CHHSLs, the objectives identified in Step 3 should be evaluated. For example, comparison to CHHSLs may show that a site does not pose an unacceptable health risk to residential users, or it may show that additional investigation is warranted. Summarize the results of this evaluation in the Tier 1 Human Health Risk Assessment report (or preliminary endangerment assessment), and include recommendations for additional investigations or remediation as needed. Decisions for or against additional actions should always be made in coordination with the overseeing regulatory agency.

Step 8 - Evaluate Other Potential Environmental Concerns

The soil CHHSLs presented in Table 1 are limited to human health concerns associated with direct exposure to contaminated soil. In many instances, the presence of a potential hazardous chemical in soil may pose other environmental concerns that outweigh the risk to human health through direct exposure (see Sections 1.4 and 2.2, Chapter 4 and Table 1). The purpose of the Conceptual Site Model (Step 2) is to assist the user in identifying these concerns early in the process. For example, many metals and pesticides are significantly more toxic to flora and fauna than they are to humans (e.g., copper and nickel). Chemicals that easily leach from soils (e.g., MTBE) may pose a threat to shallow groundwater

resources even though direct exposure to the soils does not pose a significant health risk. Since the CHHSLs do not address impacts to groundwater, surface water or sediment, these and other potential environmental concerns should be addressed as part of a comprehensive environmental risk assessment.

2.4 Screening For Soil Direct-Exposure Concerns

The soil screening levels presented in Table 1 address potential exposure of humans to contaminants in soil through incidental soil ingestion, dermal absorption and inhalation of dust or vapors in outdoor air. These soil screening levels are given in milligrams (mg) of chemical per kilogram (kg) of dry soil. Therefore, the analytical laboratory must be instructed to report their results accordingly. Models and assumptions used to develop the soil CHHSLs are summarized in Appendix 1. The CHHSLs represent a combination of standard assumptions regarding exposure of residents and workers to contaminants in soil and outdoor air and toxicity factors for each of the specific chemicals listed. CHHSLs for chemicals that are known or suspected carcinogens were calculated using a target excess lifetime cancer risk of one-in-one-million (10^{-6}). A target hazard quotient of 1.0 was used to calculate CHHSLs for noncancer health effects.

The presence of a chemical in soil at concentrations below its corresponding CHHSL can be assumed to not pose a significant health risk to people who may live or work at the site. Since sites usually have multiple contaminants, the cumulative, or total risk and hazards posed by all the hazardous chemicals a site should also be estimated using the approach described in Section 2.8.

Residential and commercial/industrial soil CHHSLs are applicable to soils that are at the ground surface or could be brought to the ground surface at some time in the future, with subsequent potential exposure by human receptors. A depth of more than three meters (approximately 10 feet) is generally used to delineate "deep" soils that are likely to remain isolated in the subsurface versus "shallow" soils that may be exposed during future redevelopment activities (Cal/EPA 1996a). Exposure of workers to deeper soils could still occur during periodic construction and utility maintenance work. Even if deep soil contamination does not present a human health risk, the overseeing regulatory agency may require preparation of a formal land-use covenant in order to allow such contamination to remain on site.

2.4.1 Evaluating Lead

In Table 1, the Commercial/Industrial Soil CHHSL for lead is listed as 3,500 mg/kg. This number was calculated using the methods described in Appendix 1. It should be noted, however, that this screening number is above the Total Threshold Limit Concentration for lead (1,000 mg/kg) as defined in Title 22 of the California Code of Regulations. It is also above the USEPA Region IX Preliminary Remediation Goal (PRG) of 800 mg/kg for commercial land use.

OEHHA is evaluating the method it used to derive its health-based screening number for a commercial/industrial scenario. Until this evaluation is complete, the commercial/industrial Soil CHHSL for lead in Table 1 should be considered an interim value, and the overseeing regulatory agency should be consulted on the appropriate screening number to be used at a site under investigation.

2.5 Screening of Volatile Organic Chemicals

2.5.1 Soil Screening Levels for Direct Exposure Concerns

Screening levels for direct exposure to volatile organic compounds (VOCs) in soil were not developed by OEHHA and are not included in this edition of the CHHSLs document. Direct-exposure models such as those used by USEPA Region IX do not take into account the total amount (mass) of a volatile chemical that might be present at a site (refer to Appendix 2). This is important, since the direct-exposure models assume a continuous off-gassing of vapors throughout a 30-year exposure period. In addition, the models assume exposure both via inhalation of vapors emitted to outdoor air and via incidental ingestion of volatile chemicals in soil. These assumptions may be overly conservative for highly volatile chemicals that are not expected to remain at significant concentrations in the soil over time following off-gassing to the outdoor air.

Bulk soil screening levels (i.e. concentrations measured in soil) for volatile chemicals are not presented in this document. The restricted size of soil samples limits the ability to use soil data to evaluate vapor intrusion concerns except at sites with very minor releases. At sites where significant releases of volatile chemicals have occurred, the collection of soil gas data in conjunction with bulk soil data is strongly recommended. For sites characterized by only minor releases of volatile chemicals and limited impacts to soil (e.g., minor spills around the fill ports of underground storage tanks), cleanup of soils to meet direct-exposure

concerns should generally be adequate to address vapor intrusion concerns (see also Table 1).

2.5.2 Soil Gas Screening Levels for Vapor Intrusion Concerns

The indoor air and soil gas screening levels presented in Table 2 address the potential emission of volatile chemicals from contaminated soil or groundwater and subsequent intrusion into the indoor air of overlying buildings. A full discussion of the development of the soil gas screening levels, and the models and assumptions used, is discussed in Appendix 1.

The soil gas CHHSLs for the intrusion of vapors into buildings were developed assuming that buildings have a “slab on grade” construction. The screening levels are also considered to be adequately conservative for buildings with crawl space or underground parking construction. These reflect the most common type of building designs in California. The soil gas screening levels may not be adequately conservative for estimating impacts to indoor air in structures with basements, however, or buildings with substandard ventilation systems in general. Field data suggest that attenuation of vapors in such scenarios may be an order of magnitude below that expected in rooms or buildings with normal ventilation systems. Therefore, at sites where significant vapor intrusion concerns may exist, the collection and evaluation of samples from both basement areas and overlying living spaces may be warranted.

Additional information on subsurface vapor intrusion into buildings is provided the USEPA document *User's Guide for the Johnson and Ettinger (1991) Model for Subsurface Vapor Intrusion into Buildings* (USEPA 2003) and in the following section.

2.5.3 Evaluating Vapor Intrusion Concerns

If the concentration of a volatile chemical in soil gas at a site exceeds its CHHSL, the exposure pathway of soil vapor intrusion into indoor air should be further evaluated using the Cal/EPA *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (Cal/EPA 2004b). The investigation of this pathway can be complex. The identification of sources of indoor air contaminants is often complicated by the presence of the same or similar chemicals products found and used in many households and industrial buildings (e.g., aerosol sprays, dry-cleaned clothing, cleaners, and tobacco smoke). Elevated levels of the same chemicals in ambient, outdoor air also pose a

problem. Plumes of groundwater contaminated with volatile chemicals can also serve as the source of volatile chemicals found in soil gas and extend over significant areas. If there is strong evidence that the intrusion of vapors into buildings may exceed levels of potential concern, the collection and analysis of indoor air samples may be necessary. The inevitable effect of indoor air studies on the personal lives of residents and building workers will further require that risk issues be carefully communicated.

Guidance on the collection of soil gas and indoor air samples is provided in the following documents, among other sources:

- *Soil Gas Advisory* (January 2003): Department of Toxic Substances Control and Los Angeles Regional Water Quality Control Board; http://www.dtsc.ca.gov/policyAndProcedures/SiteCleanup/SMBR_ADV_activesoilgasinvst.pdf.
- *Indoor Air Sampling And Evaluation Guide* (2002): Massachusetts Department of Environmental Protection, Office of Research and Standards, WSC Policy #02-430; <http://www.state.ma.us/dep/bwsc/finalpol.htm>.

Properly collected indoor air sample data may be compared to the indoor air screening levels. Averaging of indoor air data within a single building may not be appropriate beyond the specific room being tested. Screening levels for indoor air (Table 2) are based on standard exposure models for long-term inhalation of contaminants in air at a target excess cancer risk of 10^{-6} and a target hazard quotient of 1.0. The indoor air CHHSLs do not account for potential cumulative effects posed by the presence of multiple contaminants in air (see Section 2.8).

2.6 Substitution of Laboratory Reporting Limits for CHHSLs

The overseeing regulatory agency should review and agree to the analytical methods used to quantify chemicals in soil samples to make sure that the methods are sensitive enough to detect low concentrations of chemicals of potential concern. The attainment of detection limits that are at or below the screening levels should be part of the Data Quality Objectives. If all agreed-upon methods have been used, the overseeing regulatory agency may allow the use of the method reporting limit in place of the screening level in cases where a CHHSL for a specific chemical is less than its laboratory method reporting limit. Potential

examples include the soil direct-exposure CHHSL for dioxin (e.g., 0.0000046 mg/kg for residential exposure).

2.7 Substitution of Naturally Occurring Concentrations for CHHSLs

Naturally occurring background concentrations of arsenic, beryllium, cadmium, chromium and other metals in soils may exceed their respective soil CHHSLs. Cal/EPA generally does not require cleanup of soil to below background levels. This issue is frequently encountered with arsenic. Natural background concentrations of arsenic in California are often well above the health-based, direct-exposure goals in soil of 0.07 mg/kg for residential land use and 0.24 mg/kg for commercial/industrial land use (e.g., Bradford et. al, 1996; LBNL 2002). Background concentration of arsenic or other metals of potential concern at a site should be determined from analysis of site-specific samples in uncontaminated areas using guidance published by Cal/EPA and/or reference to published data for nearby sites (Cal/EPA 1997). However, background data for nearby sites may only be used as a surrogate for uncontaminated site data if those data are obtained from soil of the same lithology as that found on-site.

2.8 Cumulative Risks at Sites with Multiple Contaminants

Risks posed by exposure to multiple chemicals with similar health affects are considered to be additive or "cumulative." For example, the total excess lifetime risk of cancer posed by the presence of several carcinogenic chemicals in all exposure media is the sum of the risk posed by each individual chemical. The same is true for chemicals that cause noncarcinogenic health effects.

A stepwise approach for screening of sites with multiple contaminants is suggested (after USEPA 2004):

Step 1: Identify potential chemicals of concern.

Step 2: Record CHHSLs for each chemical separated by media type (soil, soil gas and/or indoor air). Include CHHSLs for both cancer and noncancer effects, if available (refer to Appendix 1). If CHHSLs are not available for specific chemicals, evaluate those chemicals using the approaches discussed in Appendix 1 and in the PEA manual.

Step 3: Calculate cumulative cancer risk estimates by taking the assumed exposure point concentration for each chemical (maximum or approved 95% UCL) and divide by the respective CHHSL concentration designated for cancer evaluation. Multiply the ratio by 10^{-6} (the target risk used to develop the CHHSLs) to calculate the estimated cancer risk for that specific chemical for a reasonable maximum exposure (RME).

$$Risk = \left[\left(\frac{conc_x}{CHHSL_x} \right) + \left(\frac{conc_y}{CHHSL_y} \right) + \left(\frac{conc_z}{CHHSL_z} \right) \right] \times 10E - 06$$

For multiple chemicals, simply add the risks for individual chemicals or sum individual ratios and multiply the total by a factor of 10^{-6} :

Step 4: Calculate cumulative noncancer hazard estimates by taking the assumed exposure point concentration for each chemical (maximum or approved 95% UCL) and divide by the respective CHHSL concentration designated for noncancer effects. This generates an individual Hazard Quotient for that chemical. Calculate a cumulative Hazard Index by adding the individual Hazard Quotients. A Hazard Index of one or less is generally considered “safe”. A ratio that is greater than one suggests that further evaluation is necessary. (Note that carcinogens may have CHHSLs for both cancer effects as well as noncancer effects. Refer to Appendix 1).

For more information, refer to the USEPA Preliminary Remediation Goals

$$HazardIndex = \left[\left(\frac{conc_x}{CHHSL_x} \right) + \left(\frac{conc_y}{CHHSL_y} \right) + \left(\frac{conc_z}{CHHSL_z} \right) \right]$$

document (USEPA 2002). OEHHA has also developed a spread sheet tool for calculating cumulative risk. This spread sheet is available on Cal/EPA’s, DTSC’s, the State Board’s and OEHHA’s web pages.

2.9 Evaluation of School Sites

DTSC’s Schools Property Evaluation and Cleanup Division is the lead agency for the environmental assessment of potential contamination at new, expanding, or existing schools. Since January 2000, school districts have been required to conduct an environmental assessment under the oversight and approval of DTSC prior to the construction of new schools. By law, DTSC uses specific guidance and protocols for school projects. Because of this, the CHHSLs may not be applicable for these sites. Contact DTSC for further information and direction for

the evaluation of potential contamination on school properties and the application of the CHHSLs.

2.10 Use of CHHSLs as Cleanup Levels and Land Use Restrictions

As stated earlier in this guidance, these CHHSLs are not stand-alone decision making tools, a set of final cleanup or action levels to be applied at contaminated sites or a guarantee that an oversight regulatory agency will determine that a project is adequately studied or agree with the conclusions of the site investigation and risk assessment report. Cleanup decisions are at the discretion of the overseeing regulatory agency and can only be made after a full evaluation of site conditions and potential human health and environmental concerns.

While regulatory agencies cannot be compelled to use the CHHSLs as final cleanup standards for a contaminated property, there may be circumstances where the residential CHHSLs would be sufficiently protective and considered as appropriate cleanup levels with the following caveats.

- The overseeing regulatory agency has determined that the site has been adequately characterized and agrees that the use of CHHSLs is appropriate.
- The potentially complete exposure pathways at the site match the exposure pathways used to develop the CHHSLs and no additional completed exposure pathways or receptors were identified.
- All other environmental concerns have been addressed to the satisfaction of the overseeing regulatory agency (refer to Section 1.4 and Table 1).

In a similar manner, there may be circumstances where the Commercial/Industrial CHHSLs would be sufficiently protective and considered as appropriate cleanup goals under regulatory agency oversight. Their use at a site in this context must also be coupled with the understanding that such a use of these CHHSLs may be subject to existing regulations and land-use covenants. In addition, the following should also be considered:

- **Concentrations of chemicals in soils left in place at a commercial/industrial site should always be compared to both commercial/industrial AND residential CHHSLs.** If the soils meet

CHHSLs for residential land use after cleanup then this should be clearly stated in the site closure report. This point may prove important should the site unexpectedly become desirable for other uses in the future (e.g., residential, day care, health care, etc.).

- Sites cleaned up to commercial CHHSLs only are not suitable for unrestricted land use without further evaluation. The appropriate regulatory agency should be consulted to determine actions necessary to remove land-use restrictions.

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3 Conditions Warranting Site Specific Human Health Risk Assessments

3.1 Site Considerations

Use of the CHHSLs is optional and a standard human health risk assessment may be undertaken for any site. Site conditions may prevent the full use of the CHHSLs and require preparation of a more site-specific, health risk evaluation or baseline risk assessment (refer to Section 1.2). Examples of site conditions that may warrant site-specific or detailed human health risk assessment include:

- Sites that have a high public profile and need a detailed, fully documented human health risk assessment for public review;
- Sites where multiple contaminants with similar health effects are present and cumulative health risks (or hazards) must be calculated;
- Sites with contaminants for which CHHSLs have not been developed.
- Sites where alternative target risk levels or chemical-specific toxicity factors may be acceptable to the regulatory agency (Appendix 1);
- Sites where direct-exposure concerns for residents and workers may not need to be considered (Section 2.4);
- Sites where site conditions may be engineered to eliminate or reduce specific exposure pathways;
- Sites where field observations or site conditions indicate that the CHHSLs may not be adequately protective or may be excessively conservative.

Additional considerations should be evaluated on a site-by-site basis and discussed with the overseeing regulatory agency.

3.2 Tier 2 Human Health Risk Assessments

3.2.1 Purpose

The Tier 1 CHHSLs were developed with default or generic assumptions that are not specific to any particular site condition. If site soil concentrations exceed CHHSLs, site-specific exposure assumptions may be used in the standard risk models described in Appendix 1 or the PEA guidance to estimate risk and/or develop site-specific CHHSLs. Using alternative exposure assumptions in these standard risk models could reduce the time and cost incurred by both the regulated business and the overseeing responsible party in finalizing the risk assessment. Modifications to the default assumptions must be described and justified in the text of the report, presented with the revised set of screening or cleanup levels, and agreed to beforehand with the regulatory agency.

3.2.2 Examples of Site-Specific Adjustments

Potential site-specific modifications include:

- Use of alternative target risk levels, and/or alternative exposure assumptions;
- Elimination of direct-exposure concerns through imposition of institutional controls;
- Inclusion of potential exposure of construction and trench workers to contaminated soil not likely to be exposed at the ground surface in the future (e.g., capped soils or soils isolated at depth);
- Consideration of method reporting limits or natural background or ambient concentrations of a chemical in place of the CHHSL.

After incorporating site-specific parameter values into the Tier 1 direct-exposure models, alternative human-health-based screening levels can be calculated and re-compared to site data.

3.3 Tier 3 (Baseline) Human Health Risk Assessments

3.3.1 Purpose

In a site-specific baseline human health risk assessment, alternative models and assumptions are used and fully justified to develop a detailed, comprehensive

human health risk assessment. Portions of the models and assumptions used to develop the CHHSLs may still be retained for some components of the risk assessment. Any baseline human health risk assessment should be carried out under the oversight of the regulatory agency.

Detailed guidance on the preparation of and information for use in site-specific baseline environmental risk assessments is provided in the following references:

Human Health Risk Assessment:

- *Risk Assessment Guidance for Superfund. Volume I, Human Health Evaluation Manual (Part A)* (USEPA 1989a);
- *Soil Screening Guidance: Technical Background Document* (USEPA 1996);
- *CalTOX, A Multimedia Total Exposure Model For Hazardous-Waste Sites* (Cal/EPA 1994a);
- *Preliminary Endangerment Assessment Guidance Manual* (Cal/EPA 1994b);
- *Supplemental Guidance For Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities* (Cal/EPA 1996a);
- *Exposure Factors Handbook* (USEPA 1997a); and
- *Assessing the Significance of Subsurface Contaminant Vapor Migration to Enclosed Spaces* (Johnson et. al, 1998).

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4 Evaluation of Other Potential Environmental Concerns

The importance of identifying all environmental concerns at sites where releases of hazardous chemicals have occurred is discussed in Sections 1.4 and 2.2. The CHHSLs provided in Tables 1 and 2 specifically address risks to human health posed by exposure to contaminated soil and indoor air. At sites affected by highly toxic but relatively immobile chemicals (e.g., PCBs, DDT, arsenic, etc.), cleanup of contaminated soils to address human health concerns will generally be sufficient to address other potential environmental concerns provided that sensitive ecological habitats are not threatened. In other cases or for other chemicals, additional environmental concerns may still be present even after impacted soils have been remediated to levels sufficient to address risks to human health. This could include leaching of contaminants from soil and subsequent impacts on groundwater resources, toxicity to terrestrial biota, uptake of contaminants in edible fruits or vegetables and nuisance or gross contamination concerns.

A summary of other environmental concerns potentially posed by contaminants in soil is incorporated into Table 1. This summary compares the CHHSLs to the SFBRWQCB's ESLs for leaching, ecotoxicity and nuisance concerns. The ESLs can be found at <http://www.waterboards.ca.gov/sanfranciscobay/esl.htm>.

For example, the residential CHHSL for endrin in soil (21 mg/kg) is much higher than the corresponding ESL for ecotoxicity concerns (0.06 mg/kg). This means that ecotoxicity concerns may outweigh human health concerns at sites where potentially sensitive habitats are present (designated by an "X" in the Table 1). This is not surprising, since endrin, a pesticide, was specifically formulated to be highly toxic to terrestrial biota.

Additional evaluation should be carried out at sites where the basic conceptual site model indicates that the presence of contaminated soils may pose other environmental concerns or where potential impacts to groundwater, surface water or sediment are identified. It is beyond the scope of this document to present guidance on the proper evaluation of these additional concerns. However, useful references are provided in Figure 4-1. Additional risk assessment guidance should be consulted as needed.

5 References

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FIGURES

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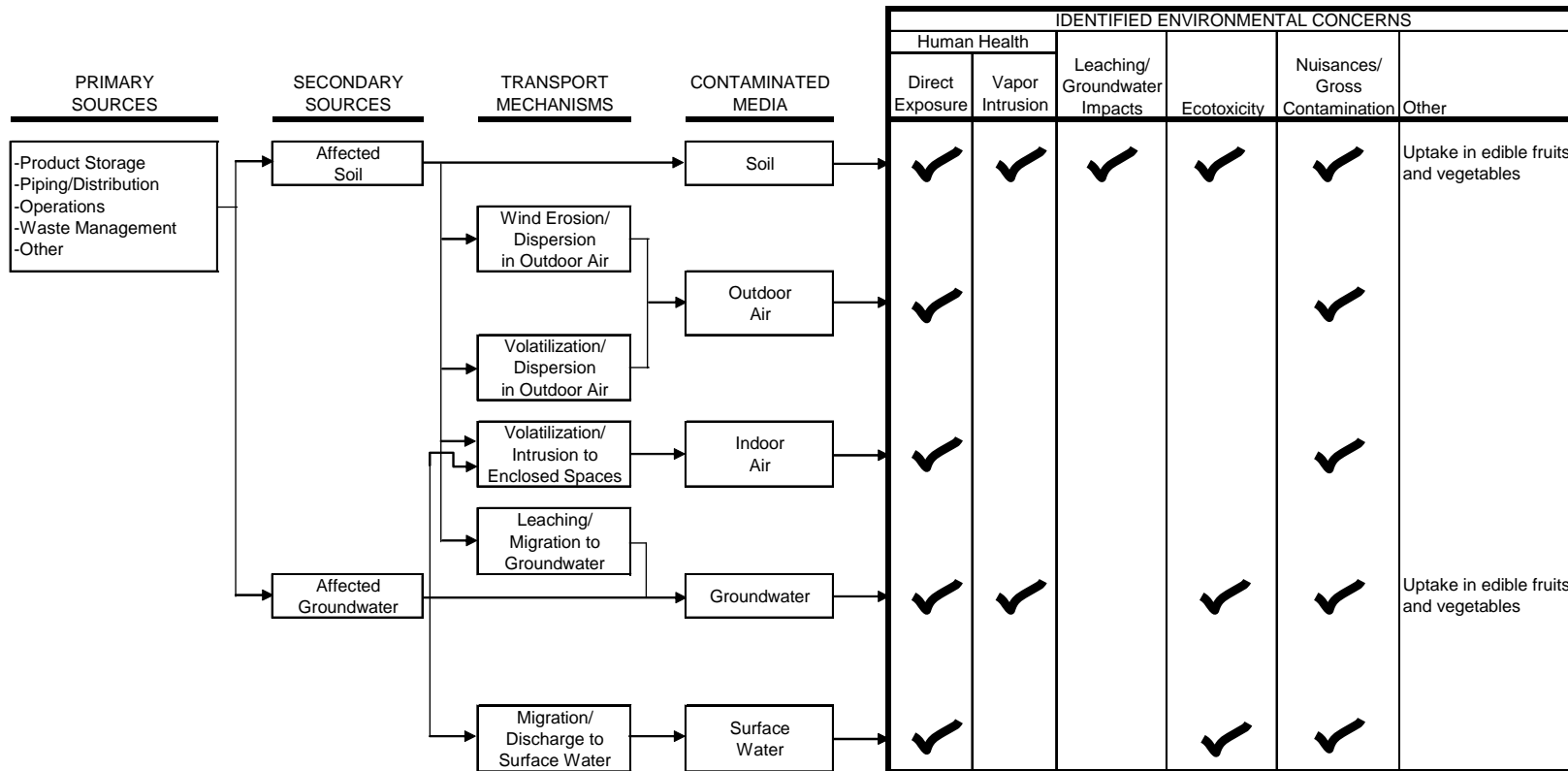


Figure 2-1. Example conceptual site model depicting environmental concerns identified at a site where hazardous chemicals were released to soil and groundwater. See Section 2.2.

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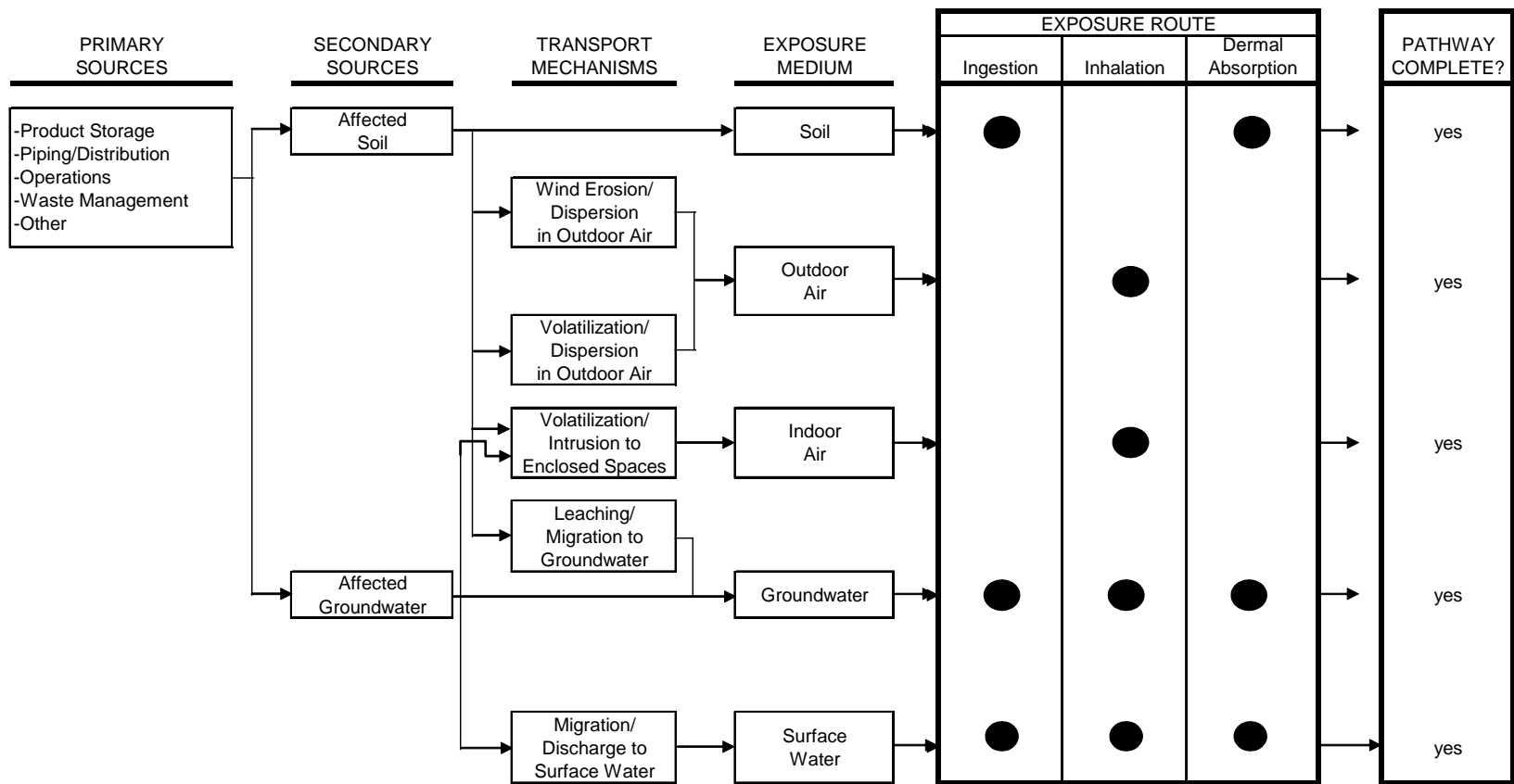


Figure 2-2. Example focused conceptual site model of human health concerns identified at a site where hazardous chemicals were released to soil and groundwater. See Section 2.2.

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Environmental Concern	Reference/Website
Leaching and migration of contaminants to groundwater	USEPA Soil Screening Guidance (USEPA 1996): http://www.epa.gov/superfund/resources/soil/index.htm SFBRWQCB ESL Document (SFBRWQCB 2003): http://www.waterboards.ca.gov/sanfranciscobay/esl.htm USEPA Synthetic Precipitation Leaching Procedure (USEPA 1994): http://www.epa.gov/epaoswer/hazwaste/test/main.htm Commonly Used Models: SESOIL, VLEACH
Ecotoxicity	USEPA Ecological Soil Screening Guidance (USEPA 1996): http://www.epa.gov/superfund/programs/risk/ecorisk/ecosl.htm Risk Assessment Guidance for Superfund: Volume II Environmental Evaluation Manual (USEPA 1989b); Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments (USEPA 1997b) Guidance for Ecological Risk Assessments at Hazardous Waste Sites and Permitted Facilities (CalEPA 1996a,b) Ontario MOEE Rational for the Development and Application of Generic Soil, Groundwater and Sediment Criteria for Use at Contaminated Sites in Ontario (MOEE 1996): http://www.ene.gov.on.ca/ SFBRWQCB ESL Document (SFBRWQCB 2003): http://www.waterboards.ca.gov/sanfranciscobay/esl.htm NOAA Sediment Screening Table (NOAA 1999): http://response.restoration.noaa.gov/cpr/sediment/squirt/squirt.html
Ingestion via plant uptake	USEPA Soil Screening Guidance (USEPA 1996): http://www.epa.gov/superfund/resources/soil/index.htm USEPA Fertilizer Risk Assessment (USEPA 1999): http://www.epa.gov/epaoswer/hazwaste/recycle/fertiliz/risk/ CalEPA CALTOX model (CalEPA 1994a): http://www.dtsc.ca.gov/ Massachusetts DEP Guidance for Disposal Site Risk Characterization (MADEP 1995): http://www.state.ma.us/dep/ors/orspubs.htm
Nuisance/Gross Contamination	Massachusetts DEP Background Documentation for the Development of the MCP Numerical Standards (MADEP 1994): http://www.state.ma.us/dep/ors/orspubs.htm SFBRWQCB ESL Document (SFBRWQCB 2003): http://www.waterboards.ca.gov/sanfranciscobay/esl.htm

Figure 4-1. Suggested references for evaluation of environmental concerns not currently addressed by the CalEPA CHHSLs.

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**TABLE 1: California Human Health Screening Levels for
Soil and Comparison to Other Potential
Environmental Concerns**

Notes:

Always compare soil data for commercial/industrial sites to residential CHHSLs and evaluate need for formal land-use restrictions (see Section 2.10).

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Table 1. California Human Health Screening Levels for Soil And Comparison To Other Potential Environmental Concerns

Chemical	¹ Soil Human Health Screening Levels (mg/kg of dry soil)		² Other Potential Environmental Concerns Posed By Contaminated Soil			
	Residential Land Use	Commercial/Industrial Land Use Only	³ Leaching	⁴ Ecotoxicity	⁵ Nuisance/Aesthetic Concerns	⁶ Other
Organic Acidic Chemicals						
2,4-D	6.9E+02	7.7E+03	X	X	o	
2,4,5-T	5.5E+02	6.1E+03	X	X	o	
Pentachlorophenol	4.4E+00	1.3E+01	X	X	o	
Organic Neutral Chemicals						
Aldrin	3.3E-02	1.3E-01	o	X	o	
Benzo(a)pyrene	3.8E-02	1.3E-01	o	X	o	TPH
Chlordane	4.3E-01	1.7E+00	o	X	o	
DDD	2.3E+00	9.0E+00	o	X	o	
DDE	1.6E+00	6.3E+00	o	X	o	
DDT	1.6E+00	6.3E+00	o	X	o	
Dieldrin	3.5E-02	1.3E-01	X	X	o	
1,4 Dioxane	1.8E+01	6.4E+01	X	o	o	
Dioxin (2,3,7,8-TCDD)	4.6E-06	1.9E-05	o	o	o	
Endrin	2.1E+01	2.3E+02	X	X	o	
Heptachlor	1.3E-01	5.2E-01	X	X	o	
Lindane	5.0E-01	2.0E+00	X	X	o	
Kepone	3.5E-02	1.3E-01	X	o	o	
Methoxychlor	3.4E+02	3.8E+03	o	X	o	
Mirex	3.1E-02	1.2E-01	X	X	o	
PCBs	8.9E-02	3.0E-01	o	X	o	
Toxaphene	4.6E-01	1.8E+00	X	X	o	

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Table 1. California Human Health Screening Levels for Soil And Comparison To Other Potential Environmental Concerns

Chemical	¹ Soil Human Health Screening Levels (mg/kg of dry soil)		² Other Potential Environmental Concerns Posed By Contaminated Soil			
	Residential Land Use	Commercial/Industrial Land Use Only	³ Leaching	⁴ Ecotoxicity	⁵ Nuisance/Aesthetic Concerns	⁶ Other
Inorganic Chemicals						
Antimony and compounds	3.0E+01	3.8E+02	site specific	o	o	
Arsenic	7.0E-02	2.4E-01	site specific	X	o	Ambient background
Barium and compounds	5.2E+03	6.3E+04	site specific	X	o	Construction workers
Beryllium and compounds	1.5E+02	1.7E+03	site specific	X	o	
Beryllium oxide ⁷	9.1E-02	4.1E-01	o	o	o	Construction workers
Beryllium sulfate ⁷	2.1E-04	9.5E-04	o	o	o	
Cadmium and compounds	1.7E+00	7.5E+00	site specific	X	o	Ambient background
Chromium III	1.0E+05	1.0E+05	site specific	X	X	
Chromium VI	1.7E+01	3.7E+01	site specific	X	o	Construction workers
Cobalt	6.6E+02	3.2E+03	site specific	X	o	Construction workers
Copper and compounds	3.0E+03	3.8E+04	site specific	X	X	
Fluoride	4.6E+03	5.7E+04	site specific	o	o	
Lead and lead compounds	1.5E+02	3.5E+03 ⁹	site specific	X	o	Uptake in fruits and vegetables
Lead acetate ⁷	2.3E+00	1.0E+01	X	o	o	
Mercury and compounds	1.8E+01	1.8E+02	site specific	X	o	
Molybdenum	3.8E+02	4.8E+03	site specific	X	X	
Nickel and compounds	1.6E+03	1.6E+04	site specific	X	X	Construction workers
Nickel subsulfide ⁷	3.8E-01	1.1E+04	site specific	o	o	
Perchlorate ⁸	pp ⁸	pp ⁸	X	o	o	
Selenium	3.8E+02	4.8E+03	site specific	X	X	
Silver and compounds	3.8E+02	4.8E+03	site specific	X	X	
Thallium and compounds	5.0E+00	6.3E+01	site specific	o	o	Ambient background
Vanadium and compounds	5.3E+02	6.7E+03	site specific	X	X	

Table 1. California Human Health Screening Levels for Soil And Comparison To Other Potential Environmental Concerns

Chemical	¹ Soil Human Health Screening Levels (mg/kg of dry soil)		² Other Potential Environmental Concerns Posed By Contaminated Soil			
	Residential Land Use	Commercial/Industrial Land Use Only	³ Leaching	⁴ Ecotoxicity	⁵ Nuisance/Aesthetic Concerns	⁶ Other
Zinc	2.3E+04	1.0E+05	site specific	X	X	
Notes: <ol style="list-style-type: none"> Direct-exposure screening levels address human exposure to chemicals in soil via incidental ingestion, dermal absorption and inhalation of vapors and particulates emitted to outdoor air (refer to Appendix 1). Assumes impacted soil is situated at or near the ground surface or could be at some time in the future. Volatile chemicals not included at this time (refer to Section 2.5). "Residential Land Use" screening levels generally considered appropriate for other sensitive uses (e.g., day-care centers, hospitals, etc.). Commercial/industrial properties should be evaluated using both residential and commercial/industrial CHHSLs. A deed restriction that prohibits use of the property for sensitive purposes may be required at sites that are evaluated and/or remediated under a commercial/industrial land use scenario only. Carcinogens: CHHSLs based on target cancer risk of 10⁻⁶. Cal/EPA cancer slope factors used when available. Noncarcinogens: CHHSLs based on target hazard quotient of 1.0. Calculation of cumulative risk may be required at sites where multiple contaminants with similar health effects are present (see Section 2.8). Residential and C/I soil CHHSLs for arsenic below background for most sites in California (0.07 mg/kg and 0.24 mg/kg, respectively - see Appendix 1). Use identified or anticipated background as screening level (see Section 2.7). Environmental concerns in addition to direct exposure that may need to be considered in evaluation of contaminated soil. Based on a comparison of soil CHHSLs to soil screening levels for noted concerns compiled by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB 2003). The need to address other environmental concerns must be evaluated separately in coordination with the lead regulatory agency (See Sections 1.4, 2.2 and Chapter 4). "X": Noted concern may outweigh direct-exposure risks at many sites and drive decisions for cleanup actions. "o": Potential concern but generally will be addressed if cleanup of contaminated soils to meet direct-exposure CHHSLs is carried out. "site specific": Potential concern, but evaluation as to whether this factor is a potential concern must be done on a site specific basis. Leaching of chemicals from soil and subsequent impacts to groundwater. Soil ESLs consider of impacts to drinking water resources, re-emission of volatile chemicals from groundwater into overlying buildings and discharges of contaminated groundwater to surface water. Leaching of metals from soil should be evaluated on a site-specific basis, depending on the potential mobility of the metal species present. Laboratory-based leaching studies are generally preferred over model-derived screening levels. Toxicity to terrestrial flora and fauna. Need to consider ecotoxicity concerns generally determined on a site-by-site basis. Nuisance and gross contamination concerns address odors and aesthetic concerns as well as general resource degradation and presence of potentially mobile free product. Other pertinent environmental concerns and considerations as determined on a site-specific basis. Health risk to construction workers may outweigh risk to residents or commercial/industrial workers for chemicals that are carcinogenic due to increased exposure to airborne dust particles and incidental ingestion of soil. Uptake of chemicals in edible fruits and vegetables from soil may need to be considered in some cases for noted chemicals. These metal salts are significantly (greater than 10-fold) more toxic than the values for the metals in general. If it is known that this chemical was used at the site, the screening number for this chemical should be used instead of the screening number for the metal and its compounds. Calculation of a screening number for the chemical has been postponed (pp) until the toxicity criterion currently being developed by OEHHA is published as a final document. This screening number is above the Total Threshold Limit Concentration for lead of 1000 mg/kg, as defined in Title 22, California Code of Regulations. It is also above the US EPA Region IX PRG of 800 mg/kg. 						

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**TABLE 2: California Human Health Screening Levels for
Indoor Air and Soil Gas**

Notes:

Always compare soil data for commercial/industrial sites to residential CHHSLs and evaluate need for formal land-use restrictions (see Section 2.10).

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Table 2. California Human Health Screening Levels for Indoor Air and Soil Gas

Chemical	¹ Indoor Air Human Health Screening Levels (µg/m ³)		² Shallow Soil Gas Human Health Screening Levels (Vapor Intrusion) (µg/m ³)	
	Residential Land Use	Commercial/Industrial Land Use Only	Residential Land Use	Commercial/Industrial Land Use Only
Benzene	8.40 E-02	1.41 E-01	3.62 E+01	1.22 E+02
Carbon Tetrachloride	5.79 E-02	9.73 E-02	2.51 E+01	8.46 E+01
1,2-Dichloroethane	1.16 E-01	1.95 E-01	4.96 E+01	1.67 E+02
<i>cis</i> -1,2-Dichloroethylene	3.65 E+01	5.11 E+01	1.59 E+04	4.44 E+04
<i>trans</i> -1,2-Dichloroethylene	7.30 E+01	1.02 E+02	3.19 E+04	8.87 E+04
Ethylbenzene	Postponed ³	Postponed ³	Postponed ³	Postponed ³
Mercury, elemental	9.40 E-02	1.31 E-01	4.45 E+01	1.25 E+02
Methyl tert-Butyl Ether	9.35 E+00	1.57 E+01	4.00 E+03	1.34 E+04
Naphthalene	7.20 E-02	1.20 E-01	3.19 E+01	1.06 E+02
Tetrachloroethylene	4.12 E-01	6.93 E-01	1.80 E+02	6.03 E+02
Tetraethyl Lead	3.65 E-04	5.11 E-04	2.06 E-01	5.78 E-01
Toluene	3.13 E+02	4.38 E+02	1.35 E+05	3.78 E+05
1,1,1-Trichloroethane	2.29 E+03	3.21 E+03	9.91 E+05	2.79 E+06
Trichloroethylene	1.22 E+00	2.04 E+00	5.28 E+02	1.77 E+03
Vinyl Chloride	3.11 E-02	5.24 E-02	1.33 E+01	4.48 E+01
<i>m</i> -Xylene	7.30 E+02	1.02 E+03	3.19 E+05	8.87 E+05
<i>o</i> -Xylene	7.30 E+02	1.02 E+03	3.15 E+05 ⁴	8.79 E+05 ⁴
<i>p</i> -Xylene	7.30 E+02	1.02 E+03	3.17 E+05	8.87 E+05

Reference: Appendix 1, OEHHA Target Indoor Air Concentrations and Soil-Gas Screening Numbers for Existing Buildings under Residential and Industrial/Commercial land uses.

Notes:

- "Residential Land Use" screening levels generally considered adequate for other sensitive uses (e.g., day-care centers, hospitals, etc.). Commercial/industrial properties should be evaluated using both residential and commercial/industrial CHHSLs. A deed restriction that prohibits use of the property for sensitive purposes may be required at sites that are evaluated and/or remediated under a commercial/industrial land use scenario only. Calculation of cumulative risk may be required at sites where multiple contaminants with similar health effects are present. Carcinogens: CHHSLs based on target cancer risk of 10⁻⁶. Cal/EPA cancer slope factors used when available. Noncarcinogens: CHHSLs based on target hazard quotient of 1.0.
- Soil Gas: Screening levels based on soil gas data collected <1.5 meters (five feet) below a building foundation or the ground surface. Intended for evaluation of potential vapor intrusion into buildings and subsequent impacts to indoor-air. Soil gas data should be collected and evaluated at all sites with significant areas of VOC-impacted soil. Screening levels also apply to sites that overlie plumes of VOC-impacted groundwater.
- Calculation of a screening number for the chemical has been postponed (pp) until the toxicity criterion currently being developed by OEHHA is published as a final document.
- Representative Screening Numbers for mixed xylenes. The representative value for mixed xylenes is based on the calculated lowest one amongst the three isomers.

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**Appendix 1: Human-Exposure-Based Screening
Numbers Developed To Aid Estimation of
Cleanup Costs for Contaminated Soil**

OEHHA (November 2004)

(Revised January 2005)

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**APPENDIX 2: Comparison of CHHSLs to Existing
Screening Levels and Standards**

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Comparison of CHHSLs to Existing Screening Levels and Standards

The U.S. Environmental Protection Agency Region IX office in San Francisco publishes "Preliminary Remediation Goals (PRGs)" for soil, drinking water and ambient air with a focus on risks to human health (USEPA 2004). The San Francisco Bay Area Regional Water Quality Control Board (SFBRWQCB) publishes Environmental Screening Levels (ESLs) for soil, groundwater, surface water and air that provide screening levels for other common environmental concerns as well (SFBRWQCB 2003).

Methods used by the USEPA and the SFBRWQCB to assess potential human exposure to contaminants in soil and air are very similar. The resulting screening levels are therefore almost identical. Similarities and differences between the CHHSLs and these suites of screening levels are summarized below. In addition, federal and state agencies publish screening levels or regulatory standards for hazardous waste that are sometimes confused with environmental screening levels. The applicability of these criteria to contaminated sites is also briefly described.

USEPA Region IX PRGs

The USEPA Region IX "Preliminary Remediation Goals" or "PRGs" address the direct exposure of residents and commercial workers to contaminants found in soil, drinking water and air (USEPA 2004). These PRGs may be found at <http://www.epa.gov/region09/waste/sfund/prg/index.htm>. Equations and assumptions used to develop the PRGs are consistent with the human health risk assessment guidance prepared by Cal/EPA, including the CalTOX model (Cal/EPA 1994a) and the *Preliminary Endangerment Assessment Guidance Manual* (Cal/EPA 1994b) and *Supplemental Guidance for Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities* (Cal/EPA 1996a).

The USEPA approach for developing the PRGs was adopted to develop the CHHSLs with minor modifications. The CHHSLs are an adjustment of soil and ambient air PRGs by using Cal/EPA-specific toxicity factors. For the majority of the chemicals listed, Cal/EPA toxicity factors are slightly more stringent or equal to those used by the USEPA to develop the PRGs. Some CHHSLs are significantly more restrictive.

A detailed discussion of the USEPA Region IX PRGs models is provided in Appendix 1. As discussed in the USEPA Region IX document, the PRGs are intended to address human direct-exposure with impacted soil and "...do not consider impact to groundwater or address ecological concerns" and cannot be used

as a stand-alone tool for the evaluation of contaminated sites (USEPA 2004). The same is true for the CHHSLs.

USEPA Soil Screening Levels

The USEPA Office of Emergency and Remedial Response document *Soil Screening Guidance: Technical Background Document* presents methodologies and related soil screening levels for evaluation of direct-exposure concerns, leaching of contaminants from soil and subsequent impacts to groundwater, uptake of contaminants into plants and the intrusion of volatile chemicals into buildings (USEPA 1996). Although subsequent guidance documents on specific topics have since been prepared by USEPA and other agencies (USEPA PRGs, USEPA vapor intrusion guidance document, etc.), the Soil Screening Guidance nonetheless provides a valuable resource for evaluation of these environmental concerns.

Soil screening levels for direct exposure concerns are based on USEPA toxicity factors and similar exposure models used to develop the USEPA Region IX PRGs and the Cal/EPA CHHSLs. Screening levels are presented for specific pathways (e.g., ingestion, inhalation of outdoor air, etc.), rather than for combined exposure routes as now presented in the PRGs and the CHHSLs. Dermal absorption was not considered in calculation of the direct-exposure screening levels. This pathway was included in calculation of the PRGs and CHHSLs, however. The ultimate difference in screening levels is in most cases minimal.

Soil screening levels for leaching concerns are based on a simplistic contaminant equilibrium partitioning model. The model uses USEPA maximum contaminant levels (MCLs) for drinking water as target groundwater impact goals. Generic dilution factors of “1” and “20” are presented for mixing of leachate in groundwater and subsequent dilution of contaminant concentrations. The leaching based soil screening levels are presented in the USEPA Region IX PRG document.

The Soil Screening Guidance model does not take into account fate and transport of leachate in the vadose zone and can be excessively conservative for highly volatile or highly sorptive chemicals or for use at sites where groundwater is greater than ten meters or more below the base of contaminated soil. The document also presents leaching based screening levels for inorganic (contaminants, primarily metals). Leaching of metals from soil is highly dependent on the actual species of the metal present and site-specific soil factors. Laboratory-based studies are generally preferable over model-based approaches for evaluation of leaching of metals and other inorganic chemicals from soil.

The uptake of contaminants in edible plants is briefly discussed in the Soil Screening Guidance document. Screening levels are presented for a limited number of inorganic contaminants. The report concludes that uptake of contaminants into plants may be of particular concern for arsenic and cadmium. With the exception of these compounds, the report notes that inorganic contaminants in soil are likely to be toxic to the plants themselves at levels far lower than would be of concern for uptake and consumption of the plants by humans. (DTSC also considers the uptake of lead in edible plants. Refer to Table 1 of the main document).

A brief discussion of the Johnson and Ettinger model for vapor intrusion from contaminated soils into buildings is provided in the Soil Screening Guidance document. Soil screening levels for this concern are not presented, however, due to concerns that the soil model significantly overestimates potential impacts to indoor air. The document instead recommends that soil gas data be used to evaluate this concern, although screening levels are likewise not provided. Soil gas CHHSLs presented in Table 2 of this document reflect more up-to-date USEPA methods for evaluation of vapor intrusion concerns (see Appendix 1). The USEPA is currently developing additional guidance on this subject.

SFBRWQCB Environmental Screening Levels (ESLs)

The SFBRWQCB ESLs are a compilation of screening levels specific for use at sites overseen by that agency in the San Francisco bay area for a number of different environmental concerns, including risk to human health. The July 2003 edition (updated February 2004) of the SFBRWQCB ESLs includes screening levels for the following exposure pathways and/or environmental concerns:

Soil:

- Protection of human health
- Direct/indirect exposure to impacted soil (ingestion, dermal absorption, inhalation of vapors and dust in outdoor air);
- Emission of subsurface vapors to building interiors;
- Protection of groundwater quality (leaching of chemicals from soil);
- Protection of terrestrial (nonhuman) biota;
- Protection against nuisance concerns (odors, etc.) and general resource degradation;

Indoor Air:

- Protection of human health;

Shallow Soil Gas:

- Emission of subsurface vapors to building indoor air.

Similar ESLs are also provided for the environmental media of groundwater and surface water. In the ESL document, soil screening levels for individual environmental concerns are compared and the lowest of these levels (i.e., the concentration of the chemical at which all other environmental concerns would likewise be addressed) is presented in the ESL summary lookup tables.

By comparison, the CHHSLs reflect a subset of the screening levels considered in the ESL document specific to human health concerns. CHHSLs were developed for the follow concerns only:

Soil:

- Direct/indirect exposure to impacted soil (nonvolatile chemicals only - ingestion, dermal absorption, inhalation of vapors and dust in outdoor air);

Indoor Air:

- Protection of human health;

Shallow Soil Gas:

- Emission of subsurface vapors to building indoor air.

For comparative purposes, the most current ESLs may be found at <http://www.waterboards.ca.gov/sanfranciscobay/esl.htm>. The soil direct exposure CHHSLs and ESLs for nonvolatile chemicals and soil gas CHHSLs and ESLs for volatile chemicals are essentially identical. Soil and indoor air ESLs for human health concerns were developed by incorporating Cal/EPA toxicity factors into the USEPA PRG models for direct exposure to contaminated soil and USEPA models for the intrusion of soil gas into buildings. Since this mimics the approach used to develop the CHHSLs, the resulting screening levels are very similar.

The primary difference is the assumption in the ESL soil and indoor air screening levels for human health that up to five chemicals with similar noncancer health effects may be present at a given site. This allows potential cumulative health risks to be conservatively taken into account at most sites without requiring that the screening levels be adjusted on a site-by-site basis (see Section 2.8). This was done by simply dividing the initial screening level based on a hazard quotient of 1.0 by a factor of five (adjusting the target Hazard Quotient to 0.2). Future editions of the ESL document will directly incorporate the Cal/EPA CHHSLs for soil and indoor air as part of that document, again adjusted to address cumulative risk concerns at a Tier 1 level.

Hazardous Waste Regulations

California Total Threshold Limit Concentrations (TTLC) criteria for solids and Soluble Threshold Limit Concentration (STLC) are used to determine whether a waste is a hazardous waste (Title 22, California Code of Regulations, section 66261.24(a)(2)(A) and (B)). If a waste is determined to be a hazardous waste, specific regulations and statutes regarding the management, storage, transportation and disposal must be met.

In most cases, TTLC values exceed the most conservative environmental screening levels presented in this document. In the case of Endrin and DDT/DDE/DDD, however, the TTLC is somewhat lower than the screening levels for human health concerns. The TTLC for combined DDT/DDE/DDD is 1.0 mg/kg while the residential, direct-exposure soil screening for each compound ranges from 1.6 mg/kg to 2.3 mg/kg, for a sum of 5.5 mg/kg (see Table 1).

In practice, the extent of soil contaminated above 1.0 mg/kg versus 5.5 mg/kg total DDT/DDE/DDD may not be significant in the field following cleanup to the risk-based CHHSLs. However, it may be prudent to use TTLCs as final cleanup values for residential sites where the TTLC is less than cleanup values that were based on actual risk to human health and the environment. This may help to avoid potential future problems with soil management and disposal.

TSCA Cleanup Levels for PCBs

The treatment, storage and disposal of polychlorinated biphenyls (PCBs) are regulated under the federal Toxics Substance Control Act (TSCA), as described in 40 CFR Part 761 (revised 7/1/99), which is administered by the USEPA Toxics Section. If PCBs are found at a site, the regulation should be consulted to determine its applicability and to ensure that the appropriate notifications are provided to and approvals are obtained from USEPA (refer also to *Guidance on remedial Actions for Superfund Sites with PCB Contamination*, USEPA 1990). To obtain more information regarding regulations and guidance, the USEPA's PCB web page can be accessed at: <http://www.epa.gov/opptintr/pcb/>

Within each USEPA Region, the Regional Administrator has designated Regional PCB Coordinators to oversee the development of PCB efforts. The staff of the Region IX PCB Program is available to members of the regulated community and others who have questions concerning the manufacture, processing, distribution in commerce, use, cleanup, storage and disposal of PCBs and PCB articles. The Region IX PCB web page can be accessed at: <http://www.epa.gov/region09/toxic/pcb/index.html>

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The Pennsylvania Integrated Pest Management Program /
Philadelphia School & Community IPM Partnership

Asthma, Pests, and Pesticides

Asthma

Asthma is a long-term condition causing inflammation of the lung's airways. Symptoms of asthma include wheezing, coughing, feeling of tightness in the chest, difficulty breathing, and itching neck, throat and ears. While the causes of asthma are not fully understood, a combination of genetic susceptibility and environmental factors are involved. Although we cannot control our genetic make-up, we *can* help prevent asthma attacks by paying attention to the environmental conditions that irritate lungs and set off an attack.

Why be Concerned?

Approximately 20 million Americans have asthma and it is the most common chronic childhood disease – afflicting over 6 million children nationally and over 100,000 children in Southeastern Pennsylvania. In Philadelphia, the asthma rates among school-aged children are more than twice the rates for Pennsylvania and the nation as a whole. Asthma is the leading cause of school absences. Parents, in turn, must miss work to stay home with their sick children. In Philadelphia, 16,000 children visit emergency rooms each year. African-American and Hispanic/Latino children have asthma rates 2-3 times that of white children. A bad asthma attack can be fatal.

Asthma Triggers

Asthma attacks are usually started by exposure to certain substances called *triggers*. Triggers are either allergens or lung irritants. Airborne allergens are substances such as pollen, animal dander, cigarette smoke, aerosols, or mold that cause an allergic reaction. Chemical lung irritants include pesticides, perfumes, air fresheners and household and industrial cleaning products. Repeated exposure to allergens or irritants, such as cockroach and/or mouse allergens, can “sensitize” people - making them more likely to experience allergic reactions. Awareness of asthma triggers can help you take steps to reduce them, and thereby preventing asthma symptoms or attacks.

Pests Trigger Asthma

Pests are unwanted creatures that invade our homes. Once they have gotten inside, some of these pests, notably, mice, rats and cockroaches, can contribute to an asthma attack. In fact, research is going on to determine whether or not these pests can actually cause asthma to develop.

The **single major factor** contributing to asthma in urban-dwelling children in the Northeastern US has been found to be **exposure to cockroach allergens**. Cockroaches shed skins, leave behind feces, and when cockroaches are dead, their bodies turn into dust – all things that can trigger an asthma attack. To make matters worse, when pesticide sprays or “bug bombs” are used to combat roaches, they can also irritate lungs and potentially cause an attack. Rodents, such as

rats and mice, can trigger asthma as well. These rodents shed dead skin cells and produce waste products that can trigger attacks if someone with asthma breathes them in.

Pesticides and Human Health

Pesticides are substances designed to kill, control or repel pests, including insects, rodents, weeds, and molds. The US Environmental Protection Agency lists pesticides as one of four environmental pollutants that may influence the induction and exacerbation of asthma symptoms. Pesticides do this by irritating the lungs as they are breathed in. In laboratory tests with animals, commonly used pesticides have been linked to cancer, birth defects, reproductive disorders, and neurological, kidney and liver damage. To be safe, it is important to limit children's exposures to toxins of all kinds, including pesticides.

What Can You Do to Safely Control Pests?

Integrated Pest Management (IPM) is an approach to pest control that focuses on *eliminating the root causes of pest problems* and *using the safest, most effective methods available* to get rid of active infestations. IPM prevents pest by using a combination of physical and chemical methods. Because **IPM focuses on prevention**, it is more effective than reactive, spray-based approach to pest control and reduces the need to use pesticides.

Pest Prevention

These methods are at the heart of an IPM program:

- **Keeping watch:** Certain areas of the house are more susceptible to pests such as the kitchen, basement or bathroom. Small sticky traps or glue boards can be used in these areas as an “early warning” system. The goal is to quickly find any pests and how they are getting in, *before* they become a big problem.
- **Prevent pest access:** Caulk the cracks and crevices pests may use to move or hide in. For larger holes, use stainless steel or copper mesh to plug the holes, and then use a silicone caulk to seal it. Pay special attention to areas where pipes and wires come in through the wall. Make sure to use window screens and that they are in good repair.
- **Prevent harborage:** Reduce clutter – get rid of the things you do not need such as old clothes, newspapers, magazines and cardboard boxes where pests can easily hide.
- **Prevent food sources:** Store food in plastic or glass containers with tight-fitting lids to prevent pests from eating it. Keep dirty dishes in soapy water so that pests cannot eat the scraps. Clean thoroughly, with particular attention to the floor under the refrigerator, stove/oven and other places where food crumbs and spills may be collecting. Remove and store pet foods in pest-proof containers at night. Use a trash can with a tight-fitting lid and empty regularly.
- **Prevent water sources:** Fix any water leaks, wipe up spills and remove pet's water dishes at night.

Physical Controls

Sticky traps for insects and snap-traps for rodents are safe and good tools for catching the occasional invader. Be sure they are placed correctly for maximum benefit. Roaches and rodents run along the wall in concealed spaces, so make sure the traps are flush with the wall. Snap traps should snap toward the wall.

Chemical Controls: Less-Risky Pesticides

After using all of the above methods, you may need to consider using a pesticide. Try to select products that limit human exposures to the product. Aerosols, liquid sprays, mothballs or “bug bombs” all pose *more* risk of chemical exposure and cause lung irritation. Instead, look for pesticides in tamper-resistant bait stations or a “gel” formula. Boric acid dust can be used, if *carefully* puffed gently and in small amounts behind wall voids and socket covers to eliminate insects hiding behind these areas. Avoid spreading any kind of pesticidal dust in and around the rooms of the home.

Safety First!

ALWAYS read the entire label on any pesticide product before you buy and use them in your home. Ask yourself: does this product control the pest I have? Can I use this product without exposing myself and/or my family to the pesticide? If pesticides are stored in the home, store in a **locked** cabinet at least 4 feet up and out of the reach of children.

NEVER buy pesticides in unmarked containers or that do not have an EPA registration number on the container. These products are **illegal** and potentially very dangerous to your family.

Eliminating pests *safely* will help reduce the number one asthma trigger in the home!

For more information and assistance, contact:

www.paipm.org

The Pennsylvania Integrated Pest Management Program

Phone: (814) 863-8884

Philadelphia School & Community IPM Partnership

Phone: 215-471-2200 Ext. 109

Email: pscip@psu.edu



This fact sheet adapted from the original by Safer Pest Control Project

www.spcpweb.org

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Curr Opin Allergy Clin Immunol. 2011 Apr;11(2):90-6.

Pesticides and asthma.

Hernández AF, Parrón T, Alarcón R.

University of Granada School of Medicine, Granada, Spain. ajerez@ugr.es

Abstract

PURPOSE OF REVIEW: Several clinical and epidemiological studies have reported an association between exposure to pesticides, bronchial hyper-reactivity and asthma symptoms. This article reviews the mechanistic evidence lending support to the concept that either acute or chronic low-level inhalation of pesticides may trigger asthma attacks, exacerbate asthma or increase the risk of developing asthma.

RECENT FINDINGS: Pesticide aerosols or gases, like other respiratory irritants, can lead to asthma through interaction with functional irritant receptors in the airway and promoting neurogenic inflammation. Cross-talk between airway nerves and inflammatory cells helps to maintain chronic inflammation that eventually damages the bronchial epithelium. Certain organophosphorus insecticides cause airway hyper-reactivity via a common mechanism of disrupting negative feedback control of cholinergic regulation in the lungs. These pesticides may interact synergistically with allergen sensitization rendering individuals more susceptible for developing asthma.

SUMMARY: Many pesticides are sensitizers or irritants capable of directly damaging the bronchial mucosa, thus making the airway very sensitive to allergens or other stimuli. However, most pesticides are weakly immunogenic so that their potential to sensitize airways in exposed populations is limited. Pesticides may increase the risk of developing asthma, exacerbate a previous asthmatic condition or even trigger asthma attacks by increasing bronchial hyper-responsiveness.

PMID: 21368619 [PubMed - indexed for MEDLINE]

Publication Types, MeSH Terms, Substances

LinkOut - more resources

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Strategic Plan for Asthma in California

2008–2012



February 2008



- d. Asthma management strategies that lead to a reduction in asthma morbidity and mortality.
 - e. Identification, translation, and implementation of evidence-based best practices in health care service delivery, at the levels of the individual practitioner, group practice and insurance plan.
- 2.4.2. CDPH will convene an asthma research symposium every two years to summarize recent important research findings, to assess their implications and to address current interests, and research questions as suggested by stakeholders. The symposium will provide an opportunity to track etiologic research and foster communication among researchers to increase the chances of crosscutting research (Figure 5. Possible Research Areas for Future Research Symposia).

Sample Performance Indicator

An asthma research symposium is convened every two years starting in 2008.

2.5. Policy regarding asthma in California will be informed by analysis and interpretation of data.

- 2.5.1. The determination of priority data to be collected will be guided by both availability and the need for developing and evaluating specific policies and interventions.
- 2.5.2. Data analysis, reports, and key findings will be disseminated to policy makers, health care providers, employers, community based organizations and the public.
- 2.5.3. Data will be identified, analyzed, and interpreted to support policy development for goals 1–5 of this *Plan*.
- 2.5.4. When data is limited or unavailable, expert opinion and the best available evidence will be used to assess policy proposals and to guide policy development.

Sample Performance Indicator

Data is considered in policy decisions and policy is considered in setting data priorities.

Figure 4. Potential Indoor and Outdoor Research Areas

- Research related to air pollution (e.g., traffic and industrial facilities); link data from the Air Resources Board and the Air Quality Management Districts.
- Research on the pathways, drift patterns, and exposure levels of second hand smoke and the health effects associated with this trigger in multi-unit housing settings.
- Research on the connections between global warming, air pollution, and asthma.
- Research on specific asthma triggers, sensitizers, and irritants such as cleaning chemicals, pesticides, pollens, landscaping practices, and fragrances.

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Paralegal
 Submit letter of interest, resume, and
 3 references to: HRManager@icls.org
[CLICK HERE >](#)

MORENO VALLEY: Officials seek comments on ProLogis project

BY LORA HINES
 STAFF WRITER
lhines@pe.com

Published: 26 July 2012 07:45 PM

Public comments are being
 accepted on a draft
 environmental impact

A Text Size  

report for a proposed 2.2 million square-foot warehouse project in Moreno Valley that officials began discussing about five years ago.

City planning officials recently released the report for the proposed ProLogis Eucalyptus Industrial Park Project, which would consist of six warehouses south of Highway 60 and east of the Moreno Valley Auto Mall. Residents, state and local agencies and community and environmental groups have until Sept. 4 to submit comments on the report.

ProLogis, a San Francisco-based international warehouse developer, bought more than 125 acres in the 28000 block of Eucalyptus Avenue more than five years ago. Almost all of it will be used for the project, which will require amendments to the city's general plan and zoning requirements.

When it was initially proposed, ProLogis officials estimated the project could cost as much as \$150 million to develop and would create between 1,000 and 1,500 jobs. No one from the corporation could be reached Thursday, July 26, to offer a cost or job update or comment on the project.

According to the draft environmental impact report, the poor economy in 2008 stalled the project. ProLogis recently decided to pursue the process, the report states.

City planning official John Terell said there is nothing unusual about the project or its potential impacts that have delayed it.

In March 2008, city planning officials received 25 responses from state and local agencies, residents and environmental groups about concerns with the proposed project, including increased traffic, pollution and its proximity to schools.

The report states the project could affect areas such as air and water quality, animal habitat, Native American prehistoric sites, drainage and traffic.

Resident Marti Orth was among those who submitted comment about the proposed project in 2008. She said she is as opposed to it now as she was then, but she believes her opinion will have little effect on the City Council, which will decide whether to approve the project later this year.

"I think it's a forgone conclusion," said Orth, a resident of more than 40 years. "First, decisions are made. Then they ask for opinions."

Moreno Valley Headlines

[MORENO VALLEY: Prison time, payback for Sutton](#)

[MORENO VALLEY: Home invasion slaying has four defendants](#)

[MORENO VALLEY: Proposed Harbor Freight project moves forward](#)

[MORENO VALLEY: City spending nearly \\$2 million for surveillance cameras](#)

Today's Poll [What's this?](#)

Beaumont is reducing the number of cats residents are allowed to have at home without getting a cattery license, from nine to four. How many cats do you have at home?

- Zero
- One
- Two
- 3-4
- 5-9
- 10 or more
- No comment

Submit

Photos



INLAND EMPIRE:
[Rain cells hit inland counties](#)



NORCO: Mounted Posse/Professional Rodeo




ANAHEIM: Harvest Crusades

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Moreno Valley storm cleanup
 Published: Friday, August 31, 2012
 Category: News & Politics




Rains block Moreno Valley road
 Published: Thursday, August 30, 2012
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Star scores
 Published: Thursday, August 30, 2012
 Category: Education



CRIME BLOTTER: \$10,000 reward offered in shooting death of Ashanti Hassan
 Published: Thursday, August 30, 2012
 Category: News & Politics



Community College Students Fighting for Classes
 Published: Thursday, August 30, 2012
 Category: News & Politics

On Wednesday, July 25, city manager Henry Garcia told hundreds of Inland area officials and business owners that warehouse development and health care will be Moreno Valley's job growth focus areas because they have the most potential to employ the city's primarily blue-collar workforce.

Orth said residents have little reason to believe that the proposed project will bring as many jobs as officials claimed because the Skechers warehouse didn't.

"I don't know why (ProLogis) would be any better," she said.


Skechers had employed about 1,000 people in five smaller warehouses in Ontario before consolidating and moving to Moreno Valley. Moreno Valley officials and project supporters promised that Skechers warehouse would bring more than 1,000 jobs. It employs about 600 people.

City officials have said they expect the number of employees to increase as the economy improves.

Comments about the ProLogis project are to be sent to associate city planner Jeff Bradshaw, Moreno Valley Planning Division, 14177 Frederick St., Moreno Valley 92553 or send e-mail to jeffreyb@moval.org.

Comments

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EPA Brownfields Grants, CERCLA Liability, and All Appropriate Inquiries



To be eligible for an EPA brownfields grant to address contamination at brownfields properties, eligible entities must demonstrate that they are not liable under CERCLA for the contamination at the site. Accordingly, eligible entities who may be considered “potentially responsible parties” under CERCLA must demonstrate they meet one of the liability protections or defenses set forth in CERCLA by establishing that they are (1) an innocent landowner, (2) a contiguous property owner, (3) a bona fide prospective purchaser, or (4) a government entity that acquired the property involuntarily through bankruptcy, tax delinquency, or abandonment, or by exercising its power of eminent domain.

To claim protection from liability as an innocent landowner, contiguous property owner, or bona fide prospective purchaser, property owners, including state and local governments, must conduct all appropriate inquiries prior to acquiring the property.

What is CERCLA?

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as “Superfund,” was established to address abandoned hazardous waste sites. Among other things, CERCLA establishes a liability scheme for determining who can be held accountable for releases of hazardous substances. CERCLA also establishes the authority for EPA’s Brownfields Program and sets forth which entities and properties are eligible for brownfields grants.

Can state and local governments be found liable for contamination at brownfields?

Yes. Under CERCLA, persons (including state and local governments) can be liable by virtue of property ownership, or by virtue of their actions with respect to a particular site. For sites from which there is a release or threatened release of hazardous substances, the categories of “potentially responsible parties” include any person or party who:

- Currently owns or operates the property, or owned or operated the property at the time of disposal of hazardous substances;
- Arranged for hazardous substances to be disposed of or transported to the site for disposal; or
- Transported hazardous substances to the site.

Applicants should note that CERCLA employs a “strict liability” scheme—that means it is without regard to fault. Accordingly, a person who owns a property from which there is a release of hazardous substances can be held liable just by virtue of ownership.

If I am applying for a brownfields grant, do I have to worry about CERCLA liability?

Yes. Brownfields grantees are prohibited from using grant money to pay response costs at a brownfield site for which the grantee is potentially liable under CERCLA.

Therefore, all brownfields grantees who may be potentially liable at the site for which they are seeking funds must demonstrate that they are not liable for the contamination that will be addressed by the grant, subgrant, or loan. Applicants who own or operate the property for which they are seeking funding, or who may have owned or operated the property at the time of disposal of hazardous substances, must demonstrate they fall within one of the liability protections.

Cleanup grant applicants in particular should take note of this prohibition. Because cleanup grantees are required to own a site to receive brownfields funding—and because owners of contaminated property are liable under CERCLA—cleanup grant applicants **must** demonstrate they meet one of the liability protections described above. Some grant applicants who do not own the property for which they are seeking funding, or who are not seeking site-specific grant funds, may not fall within one of the categories of “potentially responsible parties,” and thus may not have to demonstrate they meet a liability protection.

Please contact your Regional Brownfields representative if you are not sure whether you will need to demonstrate a liability protection to be eligible for a grant.

Who may be protected from liability under CERCLA?

The CERCLA statute provides protection from liability for certain parties, provided they comply with specific criteria outlined in the statute. Parties provided protection from CERCLA liability include:

- Innocent landowners (CERCLA §101(35)(A))
- Contiguous property owners (CERCLA §107(q))
- Bona fide prospective purchasers (CERCLA §§101(40) and 107(r))
- Units of state or local government that acquire ownership or control involuntarily through bankruptcy, tax delinquency, or abandonment (CERCLA §101(20)(D))

Government entities that acquire property by eminent domain (CERCLA §101(35)(A)(ii))

- Not be affiliated with any liable party through any familial relationship or any contractual, corporate or financial relationship (other than a relationship created by the instrument by which title to the property is conveyed or financed).

NOTE: Property acquisition includes properties acquired by gifts and zero price transactions.

How can a state or local government demonstrate that it is not liable for contamination at a brownfield?

All state and local governments that may be potentially liable at a site for which they are applying for funding (including site-specific assessment grants, cleanup grants, or subgrants or loans from revolving loan funds), **must** demonstrate that they qualify for one of the CERCLA liability protections. All non-profit entities applying for brownfields cleanup grants also must make this demonstration.



Eastern Manufacturer Brewer, Maine, prior to cleanup (above) and after (right)



What are the conditions for attaining liability protection under CERCLA?

To be eligible for liability protection under CERCLA as an innocent landowner, contiguous property owner or bona fide prospective purchaser, prospective property owners must:

- Conduct All Appropriate Inquiries in compliance with 40 CFR Part 312, prior to acquiring the property;
- Comply with all Continuing Obligations after acquiring the property. (CERCLA §§101(40)(C – G) and §§107(q)(A) (iii – viii)); and

To demonstrate that it qualifies as an innocent landowner, contiguous landowner, or bona fide prospective purchaser, the applicant must:

- Conduct All Appropriate Inquiries prior to acquiring the property, **and**
- Comply with all Continuing Obligations after acquiring the property.

State and local governments that acquired a property involuntarily through bankruptcy, tax delinquency, or abandonment, or by exercising their power of eminent domain, do not have

to conduct all appropriate inquiries prior to acquiring the property, but must exercise “due care” after acquiring the property (CERCLA §101(35)(A) and §§107(b)(3)(a – b)). [Note: One threshold criteria for applicants seeking cleanup grant funding is that a Phase I must be conducted prior to application submission. Accordingly, although state and local governments that acquired property involuntarily are not required to conduct all appropriate inquiries for purposes of establishing a liability protection, they may have to conduct all appropriate inquiries anyway to be eligible for a cleanup grant.]

What is “All Appropriate Inquiries”?

“All Appropriate Inquiries,” or AAI is the process of conducting due diligence or a Phase I Environmental Site Assessment to determine prior uses and ownership of a property and assess conditions at the property that may be indicative of releases or threatened releases of hazardous substances at, on, in, or to the property.

The standards and practices established as comprising “All Appropriate Inquiries” are set forth in regulations promulgated at 40 CFR Part 312.

EPA recognizes two ASTM International Standards as compliant with the AAI requirements: ASTM E1527-05 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and E2247-08 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property.”

When must All Appropriate Inquiries be conducted?

- All Appropriate Inquiries must be conducted or updated within one year **prior to acquiring ownership of a property.**
- Certain aspects or provisions of All Appropriate Inquiries (i.e., interviews of current and past owners, the review

of government records, the on-site visual inspection, and searches for environmental cleanup liens) must be conducted or updated **within 180 days prior to acquiring ownership of a property.**

Who can perform All Appropriate Inquiries?

The individual who supervises or oversees the conduct of the AAI investigation and signs the final report required in the AAI regulation must meet the definition of an “Environmental Professional” provided in the AAI Final Rule (40 CFR §312.10).

A person that does not qualify as an “Environmental Professional” as defined in 40 CFR §312.10, may assist in the conduct of the investigation if he or she is under the responsible charge of a person meeting the definition.

What are “Continuing Obligations?”

After acquiring a property, to maintain the liability protections, landowners must comply with “continuing obligations” during their property ownership. The continuing obligations include:

1. Provide all legally required notices with respect to the discovery or release of a hazardous substance;
2. Exercise appropriate care with respect to the hazardous substances by taking reasonable steps to stop or prevent continuing or threatened future releases and exposures, and prevent or limit human and environmental exposure to previous releases;
3. Provide full cooperation, assistance, and access to persons authorized to conduct response actions or natural resource restoration;
4. Comply with land use restrictions and not impede the effectiveness of institutional controls; and
5. Comply with information requests and subpoenas.

Where can I get additional information?

For general information, see the EPA Brownfields website at: www.epa.gov/brownfields

For more information on the AAI requirements, see: <http://www.epa.gov/brownfields/regneg.htm>

For more information on continuing obligations, see:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-guide.pdf>

Contact Patricia Overmeyer at: Overmeyer.patricia@epa.gov

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**COUNTY OF RIVERSIDE COMMUNITY HEALTH AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH**

**Underground Storage Tank Closure
Application and Permit**

A permit will be issued for closure or abandonment in place of UST when a work plan is submitted. In addition to this permit, all applicable permits required by the local fire department, building department, and the Air Quality Management District must be obtained and should be available for review at the closure site. **A WORK PLAN MUST BE SUBMITTED TO OBTAIN A PERMIT.** All tank closures must, at a minimum, comply with the California Underground Storage Tank Regulations and the appropriate section of the California Health and Safety Code.

FACILITY NUMBER _____ **PLAN CHECK NUMBER** _____

NAME OF FACILITY _____ ADDRESS OF FACILITY _____ CITY _____ ZIP _____ PHONE NUMBER _____

NAME OF OWNER/OPERATOR _____ ADDRESS OWNER/OPERATOR _____ CITY _____ ZIP _____ PHONE NUMBER _____

NAME OF CONTRACTOR/APPLICANT _____ ADDRESS CONTRACTOR/APPLICANT _____ CITY _____ ZIP _____ PHONE NUMBER _____

CONTRACTOR'S LICENSE TYPE AND NUMBER (Including Hazardous Materials Certification)

ANSWER THE FOLLOWING QUESTIONS DESCRIBING THE TANK(S) TO BE CLOSED OR ABANDONED. IF YOU HAVE MORE THAN FOUR (4) TANKS, PROVIDE INFORMATION ON AN ADDITIONAL FORM.

TANK INFORMATION:	TANK 1	TANK 2	TANK 3	TANK 4
SINGLE/DOUBLE WALLED TANK/AGE				
SIZE OF TANK/TANK MATERIAL				
SUBSTANCE STORED/ SUSPECTED OF LEAKING				

CIRCLE THE METHOD OF CLOSURE: **REMOVAL** **ABANDONMENT IN PLACE** **TEMPORARY CLOSURE**

UNDERGROUND TANK CLOSURE INSPECTIONS MUST BE SCHEDULED AT LEAST FIVE (5) BUSINESS DAYS IN ADVANCE.

RIVERSIDE (951) 358-5055 INDIO (760) 863-8976 HEMET (951) 766-6524

CONTRACTOR/APPLICANT SIGNATURE: _____ DATE: _____

PERMIT APPROVED BY (**Ensure Workplan is Attached**) : _____ DATE: _____

Please Make Your Check Payable To The County Of Riverside

AMOUNT ATTACHED \$ _____ TRANSACTION/OCR NO. _____ CHECK NO. _____

WORK PLAN SUBMITTED _____

****THIS PERMIT FOR CLOSURE IS VALID FOR 90 DAYS FROM THE DATE OF ISSUE.**

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UNDERGROUND STORAGE TANK GUIDELINES TO CLOSURE BY REMOVAL

NOTE: This Division strongly urges applicants to contact the local Fire Department Jurisdiction prior to the removal of any Underground Storage Tank (UST) as local fire restrictions may be more stringent.

A. General Information

1. A completed permit application must be submitted to the Division. Permit fees for UST closure are required.
2. The State Contractors License Board requires contractors who install or remove USTs and piping to have the **Hazardous Substance Certification** and one of the following licenses: General Engineering "A"; Limited Specialty C-61/D-40 for UST's and pipelines; Pipeline Contractor C-34 for pipelines only; or General Building "B" (limited).
3. It is the responsibility of the UST owner or duly authorized representative, to notify other governmental agencies that may have applicable permit requirements. This includes, but is not limited to, the following: Local Fire Agency; Local Building Department; and Air Quality Management District (AQMD).
4. Between cessation of use/storage and the actual closure, monitoring shall be continued as required by the operating permit.
5. The permitted (i.e. UST owner, contractor) shall be responsible for site safety.

B. Closure Requirements

1. A completed UST closure application and four (4) copies of a UST removal work plan must be submitted and applicable closure fees paid. A closure permit, valid for ninety (90) days, will be issued upon **RECEIPT** of the work plan. If closure is not completed within ninety (90) day, the closure permit shall expire. Additional fees will be assessed for a new closure permit.
2. A UST closure inspection must be scheduled with the Division at least **FIVE (5) WORKING DAYS IN ADVANCE** of the proposed closure.
3. All liquids, solids, and sludge shall be removed and handled according to the provisions of Chapter 6.5, Division 20 of the Health and Safety Code and Title 22, Chapter 32, Section 67383.1 of the California Code of Regulations. The UST shall be properly cleaned, which usually requires the pressure washing/rinsing of the UST and removal of the contents via a vacuum type pump system that is designed to safely handle flammable liquids. The Division can provide a list of licensed hazardous waste haulers/tank rinsing companies.
4. Flammable vapors must be purged from the UST and the UST must be inerted to prevent an explosion or fire. The Division must verify LEL is < 10% prior to the inerting of the UST with 22.2 lbs. of dry ice per 1,000 gallons of UST capacity. The UST must then promptly be removed and transported to its final destination accompanied by the UST Closure Certification Form. The local fire and AQMD regulations may be more restrictive.

Corona	Hemet	Indio	Riverside
2275 S Main St Suite 204	800 S. Sanderson	47-950 Arabia St Suite A	4065 County Cir
(951) 273-9143	(951) 766-6524	(760) 863-8976	(951) 358-5055
Fax (951) 520-8319	Fax (951) 791-1778	Fax (760) 863-8303	Fax (951) 358-5017

Department Web Site – www.rivcoeh.org

CLOSURE BY REMOVAL GUIDELINES (page 2 of 3)

5. All associated piping must be removed. Product or residue spillage must be prevented.
6. Proper UST disposal documentation, in accordance with the requirements of Chapter 6.5, Division 20 of the Health and Safety Code, shall be provided to the Division.
7. Applicant must demonstrate to the satisfaction of the Division whether or not an unauthorized release has occurred. Demonstration will be based upon results of soil/water samples obtained during UST closure activities.
8. The sample analysis must be performed by a California state certified laboratory. The sample analysis, along with the Division Sample Receipt form and a chain of custody must be received by the Division within thirty (30) days.
9. Soil samples shall be taken below the UST/piping system at the time of UST removal. At a minimum, samples are required 2' (feet) and 6' (feet) below the fill end of the tank, with a separate 2' sample taken at the opposite end of the tank. A separate sample for each 20 lineal feet of piping and at each dispenser shall be taken. (It is strongly recommended that 6' samples be taken at each piping and dispenser sampling location.) Division personnel may require additional sampling.
10. The soil samples shall be analyzed for all constituents of the previously stored hazardous substances and their breakdown constituents or transformation products according to the Table titled "Laboratory Analysis for Samples Collected at UST Sites".
11. The Division will evaluate all sample results and determine if any further corrective action is required.
12. The detection limit, in accordance with the table titled "Laboratory Analysis for Samples Collected at UST Sites", shall be reported to the Division in accordance with Article 5 of the California Underground Storage Tank Regulations, Title 23, Division 3, Chapter 16, California Code of Regulations.

C. Work Plan Guidelines

1. A work plan must be submitted (with permit application) to the Division prior to UST removal.
2. The work plan should include the following information:
 - A. Site Description: the physical address along with a site plot plan.
 - B. On-Site Security: indicate who will be on site (what agencies, contractors, etc.), and how site security will be maintained.
 - C. Contacts: Indicate the responsible party's name and phone number, contractor's name and phone number.
 - D. Treatment of USTs prior to removal—indicate the following:
 - 1) How the USTs will be cleaned. Indicate name and credential of certified UST cleaner, as well as final destination of rinsate.
 - 2) How you will inert the UST. Indicate the quantity of dry ice to be used, and that it will not be placed into the UST until the Division representative is on site.
 - 3) If the USTs are to be saw cut. If so, this needs to be detailed.
 - 4) Destination of UST—indicate where the USTs are going and how they will be transported. All openings in the UST shall be plugged, except for a 1/8" inch vent hole.
 - 5) Air/vapor monitoring—type of monitoring equipment to be used and date of last calibration.

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CLOSURE BY REMOVAL GUIDELINES (page 3 of 3)

- E. Depth to groundwater: region specific. If tank is in ground water, indicate safety precautions that will be taken.
- F. Equipment to be used on site:
 - 1) Heavy equipment: indicate the type of equipment to be used to physically remove the USTs from the excavation. Ensure the equipment is rated to handle the weight of the UST.
 - 2) Sampling: indicate the type of equipment to be used to gather the soil/water samples. Ensure equipment is able to reach at least 6' below the bottom of the UST, piping, and dispensers. Indicate the type of container that will be used to hold the samples. Demonstrate how contamination of samples is to be avoided. Provide the name of the California certified lab that will be analyzing the samples. Indicate when the samples will be analyzed and how you will hold the samples in the interim. Ensure a chain of custody accompanies the samples to the lab.
- G. Excavation status: indicate the disposition of the excavation upon removal of the tank (i.e. open and fenced, backfilled with new and excavated soil, etc.)
- H. Safety—indicate the following:
 - 1) The type of personal protective equipment to be required for all persons on site.
 - 2) The safety items that will be available on site (fire extinguisher, first aid, etc.).
 - 3) The nearest emergency medical facility to be used in the event of an accident or emergency.
 - 4) That all tools to be used to clean the exterior of the tank will be non-sparking. Give examples and be specific.
 - 5) Whether shoring is necessary/required.
 - 6) The person who will be responsible for safety (Safety Officer).
 - 7) The presence of any overhead hazards (electrical lines, etc.). Indicate how the hazard will be addressed/mitigated.
 - 8) The presence of any underground hazards (gas pipes, sewer lines, water mains, etc.) and how the hazard will be addressed/mitigated.

NOTE: THIS DOCUMENT IS FOR GUIDANCE ONLY AND IS NOT INTENDED TO SUPERSEDE ANY SAFETY OR OTHER LEGAL REQUIREMENTS. OWNER / CONTRACTOR RETAINS ALL RESPONSIBILITY ASSOCIATED WITH ACTIVITIES SURROUNDING THE SAFE AND LEGAL REMOVAL OF THE TANK(S).

Revised 8/06

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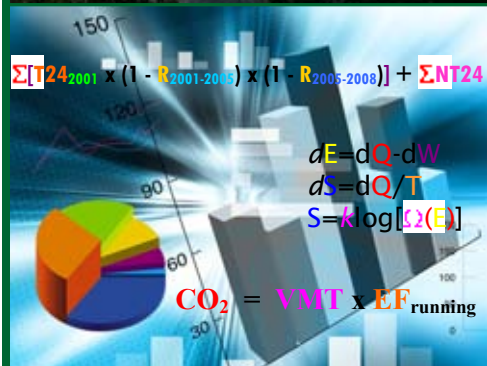
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Quantifying Greenhouse Gas Mitigation Measures

A Resource for Local Government
to Assess Emission Reductions from
Greenhouse Gas Mitigation Measures

August, 2010



Quantifying Greenhouse Gas Mitigation Measures

**A Resource for Local Government to Assess
Emission Reductions from Greenhouse Gas
Mitigation Measures**

August, 2010

**California Air Pollution Control Officers
Association**

with

**Northeast States for
Coordinated Air Use Management**

**National Association of
Clean Air Agencies**

Environ

Fehr & Peers

the land types. A third way to increase sequestration is by planting new trees on either developed or undeveloped land.

The increase in carbon sequestration capacity is determined by calculating the total sequestration capacity of converted land, new vegetated land and trees; and then subtracting the combined capacity of vegetated land or trees that are removed. Carbon sequestration capacities for different land types (e.g. cropland, forest land) and for different tree species classes are available from IPCC guidelines, and summarized in Table E-2, in Appendix E.

Construction Equipment

Construction equipment typically uses diesel fuel and releases emissions based on the amount of fuel combusted and emission factor of the equipment. Emissions can be reduced by using equipment that emits fewer pollutants for the same amount of work.



This is typically equipment powered through grid electricity or hybrid technology. The exclusive use of grid electricity eliminates the diesel emissions at the site but would increase indirect electricity emissions. However, grid-based emissions are typically small compared to the emissions from the diesel-fueled equipment (depending on the source of grid power). Hybrid-powered equipment would decrease but not completely eliminate fuel use. The electricity for hybrid equipment is self-generated unless the equipment has plug-in capability, so it would not increase grid-based electrical generation and the associated emissions there.

The emissions reductions in this category are determined by finding the difference between the estimated mitigation emissions and the baseline emissions for construction equipment. Emissions for the mitigated scenario may consist of direct emissions from combustion fuel use, and/or indirect emissions from grid electricity. These would be calculated using resources described previously, such as the OFFROAD database and literature-based methodologies and values.

Transportation

Transportation emissions can be reduced by improving the emissions profile of the vehicle fleet that travels the roads, or by reducing the vehicle miles traveled by the fleet. The majority of the measures quantified for this report focus on the reduction of VMT. This can be accomplished by optimizing the location and types of land uses in the project and its immediate vicinity, and by site enhancements to roads, and to bike and pedestrian networks to encourage the use of alternative modes of transportation. Mode shifts are also encouraged by implementing parking policies, transit system improvements, and trip reduction coordination or incentive programs.

Construction

MP# TR-6.2, EE-1

C-4

Construction Equipment

8.1.4 Institute a Heavy-Duty Off-Road Vehicle Plan

Range of Effectiveness:

Not applicable on its own. This measure ensures compliances with other mitigation measures.

Measure Description:

The Project Applicant should provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliances with construction mitigation measures. The system should include strategies such as requiring hour meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment.

Measure Applicability:

- This measure ensures compliances with other mitigation measures.
- Construction vehicles.

Preferred Literature:

None

Alternative Literature:

None

Literature References:

None

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Green Book

You are here: [EPA Home](#) [Green Book](#) Currently Designated Nonattainment Areas for All Criteria Pollutants

Currently Designated Nonattainment Areas for All Criteria Pollutants

As of July 20, 2012

Listed by State, County then Pollutant

[View Notes](#)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ALABAMA

Jackson Co

PM-2.5 1997 * Chattanooga, AL-TN-GA - (Nonattainment)

Jefferson Co

PM-2.5 1997 Birmingham, AL - (Nonattainment)

PM-2.5 2006 Birmingham, AL - (Nonattainment)

Pike Co

Lead 2008 * Troy, AL - (Nonattainment)

Shelby Co

PM-2.5 1997 Birmingham, AL - (Nonattainment)

PM-2.5 2006 Birmingham, AL - (Nonattainment)

Walker Co

PM-2.5 1997 * Birmingham, AL - (Nonattainment)

PM-2.5 2006 * Birmingham, AL - (Nonattainment)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ALASKA

Anchorage Municipality

PM-10 * Eagle River, AK - (Moderate)

Fairbanks North Star Borough

PM-2.5 2006 * Fairbanks, AK - (Nonattainment)

Juneau City and Borough

PM-10 * Juneau, AK - (Moderate)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ARIZONA

Cochise Co

PM-10 * Paul Spur/Douglas (Cochise County), AZ - (Moderate)

Gila Co

PM-10 * Hayden AZ - (Moderate)

PM-10 * Miami, AZ - (Moderate)

Maricopa Co

8-Hr Ozone 1997 * Phoenix-Mesa, AZ - (Marginal)

PM-10 * Phoenix, AZ - (Serious)

<i>8-Hr Ozone</i> 2008	* Phoenix-Mesa, AZ - (Marginal)
Pima Co	
<i>PM-10</i>	* Ajo (Pima County), AZ - (Moderate)
<i>PM-10</i>	* Rillito, AZ - (Moderate)
Pinal Co	
<i>8-Hr Ozone</i> 1997	* Phoenix-Mesa, AZ - (Marginal)
<i>PM-10</i>	* Hayden AZ - (Moderate)
<i>PM-10</i>	* Phoenix, AZ - (Serious)
<i>PM-10</i>	* West Pinal, AZ - (Moderate)
<i>PM-2.5 2006</i>	* West Central Pinal, AZ - (Nonattainment)
<i>SO2</i>	* Hayden (Pinal County), AZ - (Primary)
<i>8-Hr Ozone</i> 2008	* Phoenix-Mesa, AZ - (Marginal)
Santa Cruz Co	
<i>PM-10</i>	* Nogales, AZ - (Moderate)
<i>PM-2.5 2006</i>	* Nogales, AZ - (Nonattainment)
Yuma Co	
<i>PM-10</i>	* Yuma, AZ - (Moderate)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ARKANSAS

Crittenden Co

<i>8-Hr Ozone</i> 2008	Memphis, TN-MS-AR - (Marginal)
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State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

CALIFORNIA

Alameda Co

<i>8-Hr Ozone</i> 1997	San Francisco Bay Area, CA - (Marginal)
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<i>PM-2.5 2006</i>	San Francisco Bay Area, CA - (Nonattainment)
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<i>8-Hr Ozone</i> 2008	San Francisco Bay Area, CA - (Marginal)
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Amador Co

<i>8-Hr Ozone</i> 1997	Amador and Calaveras Cos (Central Mtn), CA - (Moderate)
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Areas of Indian Country

<i>8-Hr Ozone</i> 2008	Morongo Band of Mission Indians - (Serious)
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<i>8-Hr Ozone</i> 2008	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation - (Moderate)
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Butte Co

<i>8-Hr Ozone</i> 1997	Chico, CA - (Marginal)
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<i>PM-2.5 2006</i>	* Chico, CA - (Nonattainment)
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<i>8-Hr Ozone</i> 2008	Chico (Butte County), CA - (Marginal)
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Calaveras Co

<i>8-Hr Ozone</i> 1997	Amador and Calaveras Cos (Central Mtn), CA - (Moderate)
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<i>8-Hr Ozone</i> <i>2008</i>	Calaveras County, CA - (Marginal)
Contra Costa Co	
<i>8-Hr Ozone</i> <i>1997</i>	San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5 2006</i>	San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone</i> <i>2008</i>	San Francisco Bay Area, CA - (Marginal)
El Dorado Co	
<i>8-Hr Ozone</i> <i>1997</i>	* Sacramento Metro, CA - (Severe 15)
<i>PM-2.5 2006</i>	* Sacramento, CA - (Nonattainment)
<i>8-Hr Ozone</i> <i>2008</i>	* Sacramento Metro, CA - (Severe 15)
Fresno Co	
<i>8-Hr Ozone</i> <i>1997</i>	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5 1997</i>	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5 2006</i>	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone</i> <i>2008</i>	San Joaquin Valley, CA - (Extreme)
Imperial Co	
<i>8-Hr Ozone</i> <i>1997</i>	Imperial Co, CA - (Moderate)
<i>PM-10</i>	* Imperial Valley, CA - (Serious)
<i>PM-2.5 2006</i>	* Imperial Co, CA - (Nonattainment)
<i>8-Hr Ozone</i> <i>2008</i>	Imperial County, CA - (Marginal)
Inyo Co	
<i>PM-10</i>	* Owens Valley, CA - (Serious)
Kern Co	
<i>8-Hr Ozone</i> <i>1997</i>	* Kern Co (Eastern Kern), CA - (Moderate)
<i>8-Hr Ozone</i> <i>1997</i>	* San Joaquin Valley, CA - (Extreme)
<i>PM-10</i>	* East Kern Co, CA - (Serious)
<i>PM-2.5 1997</i>	* San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5 2006</i>	* San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone</i> <i>2008</i>	* Kern Co (Eastern Kern), CA - (Marginal)
<i>8-Hr Ozone</i> <i>2008</i>	* San Joaquin Valley, CA - (Extreme)
Kings Co	
<i>8-Hr Ozone</i> <i>1997</i>	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5 1997</i>	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5 2006</i>	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone</i> <i>2008</i>	San Joaquin Valley, CA - (Extreme)
Los Angeles Co	
<i>8-Hr Ozone</i> <i>1997</i>	* Los Angeles South Coast Air Basin, CA - (Extreme)
<i>8-Hr Ozone</i> <i>1997</i>	* Los Angeles-San Bernardino Cos. (W Mojave Desert), CA - (Severe 15)

<i>Lead 2008</i>	* Los Angeles County-South Coast Air Basin, CA - (Nonattainment)
<i>PM-10</i>	* Los Angeles South Coast Air Basin, CA - (Serious)
<i>PM-2.5 1997</i>	* Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>PM-2.5 2006</i>	* Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>8-Hr Ozone 2008</i>	* Los Angeles-San Bernardino Counties (West Mojave Desert), CA - (Severe 15)
<i>8-Hr Ozone 2008</i>	* Los Angeles-South Coast Air Basin, CA - (Extreme)
Madera Co	
<i>8-Hr Ozone 1997</i>	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5 1997</i>	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5 2006</i>	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone 2008</i>	San Joaquin Valley, CA - (Extreme)
Marin Co	
<i>8-Hr Ozone 1997</i>	San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5 2006</i>	San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone 2008</i>	San Francisco Bay Area, CA - (Marginal)
Mariposa Co	
<i>8-Hr Ozone 1997</i>	Mariposa and Tuolumne Cos (Southern Mtn), CA - (Moderate)
<i>8-Hr Ozone 2008</i>	Mariposa County, CA - (Marginal)
Merced Co	
<i>8-Hr Ozone 1997</i>	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5 1997</i>	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5 2006</i>	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone 2008</i>	San Joaquin Valley, CA - (Extreme)
Mono Co	
<i>PM-10</i>	* Mammoth Lake, CA - (Moderate)
<i>PM-10</i>	* Mono Basin, CA - (Moderate)
Napa Co	
<i>8-Hr Ozone 1997</i>	San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5 2006</i>	San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone 2008</i>	San Francisco Bay Area, CA - (Marginal)
Nevada Co	
<i>8-Hr Ozone 1997</i>	* Nevada Co. (Western Part), CA - (Moderate)
<i>8-Hr Ozone 2008</i>	* Nevada Co. (Western Part), CA - (Marginal)
Orange Co	
<i>8-Hr Ozone 1997</i>	Los Angeles South Coast Air Basin, CA - (Extreme)
<i>PM-10</i>	Los Angeles South Coast Air Basin, CA - (Serious)
<i>PM-2.5 1997</i>	Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>PM-2.5 2006</i>	Los Angeles-South Coast Air Basin, CA - (Nonattainment)

<i>8-Hr Ozone</i> 2008	Los Angeles-South Coast Air Basin, CA - (Extreme)
Placer Co	
<i>8-Hr Ozone</i> 1997	* Sacramento Metro, CA - (Severe 15)
<i>PM-2.5</i> 2006	* Sacramento, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	* Sacramento Metro, CA - (Severe 15)
Riverside Co	
<i>8-Hr Ozone</i> 1997	* Los Angeles South Coast Air Basin, CA - (Extreme)
<i>8-Hr Ozone</i> 1997	* Riverside Co, (Coachella Valley), CA - (Severe 15)
<i>PM-10</i>	* Coachella Valley, CA - (Serious)
<i>PM-10</i>	* Los Angeles South Coast Air Basin, CA - (Serious)
<i>PM-2.5</i> 1997	* Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>PM-2.5</i> 2006	* Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	* Los Angeles-South Coast Air Basin, CA - (Extreme)
<i>8-Hr Ozone</i> 2008	* Riverside Co, (Coachella Valley), CA - (Severe 15)
Sacramento Co	
<i>8-Hr Ozone</i> 1997	Sacramento Metro, CA - (Severe 15)
<i>PM-10</i>	Sacramento Co, CA - (Moderate)
<i>PM-2.5</i> 2006	Sacramento, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	Sacramento Metro, CA - (Severe 15)
San Bernardino Co	
<i>8-Hr Ozone</i> 1997	* Los Angeles South Coast Air Basin, CA - (Extreme)
<i>8-Hr Ozone</i> 1997	* Los Angeles-San Bernardino Cos. (W Mojave Desert), CA - (Severe 15)
<i>PM-10</i>	* Los Angeles South Coast Air Basin, CA - (Serious)
<i>PM-10</i>	* San Bernardino Co, CA - (Moderate)
<i>PM-10</i>	* Trona, CA - (Moderate)
<i>PM-2.5</i> 1997	* Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>PM-2.5</i> 2006	* Los Angeles-South Coast Air Basin, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	* Los Angeles-San Bernardino Counties (West Mojave Desert), CA - (Severe 15)
<i>8-Hr Ozone</i> 2008	* Los Angeles-South Coast Air Basin, CA - (Extreme)
San Diego Co	
<i>8-Hr Ozone</i> 1997	* San Diego, CA - (Moderate)
<i>8-Hr Ozone</i> 2008	San Diego County, CA - (Marginal)
San Francisco Co	
<i>8-Hr Ozone</i> 1997	San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5</i> 2006	San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	San Francisco Bay Area, CA - (Marginal)
San Joaquin Co	

<i>8-Hr Ozone</i> 1997	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5</i> 1997	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5</i> 2006	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	San Joaquin Valley, CA - (Extreme)
San Luis Obispo Co	
<i>8-Hr Ozone</i> 2008	* San Luis Obispo (Eastern San Luis Obispo), CA - (Marginal)
San Mateo Co	
<i>8-Hr Ozone</i> 1997	San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5</i> 2006	San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	San Francisco Bay Area, CA - (Marginal)
Santa Clara Co	
<i>8-Hr Ozone</i> 1997	San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5</i> 2006	San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	San Francisco Bay Area, CA - (Marginal)
Solano Co	
<i>8-Hr Ozone</i> 1997	* Sacramento Metro, CA - (Severe 15)
<i>8-Hr Ozone</i> 1997	* San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5</i> 2006	* Sacramento, CA - (Nonattainment)
<i>PM-2.5</i> 2006	* San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	* Sacramento Metro, CA - (Severe 15)
<i>8-Hr Ozone</i> 2008	* San Francisco Bay Area, CA - (Marginal)
Sonoma Co	
<i>8-Hr Ozone</i> 1997	* San Francisco Bay Area, CA - (Marginal)
<i>PM-2.5</i> 2006	* San Francisco Bay Area, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	* San Francisco Bay Area, CA - (Marginal)
Stanislaus Co	
<i>8-Hr Ozone</i> 1997	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5</i> 1997	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5</i> 2006	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	San Joaquin Valley, CA - (Extreme)
Sutter Co	
<i>8-Hr Ozone</i> 1997	* Sacramento Metro, CA - (Severe 15)
<i>8-Hr Ozone</i> 1997	* Sutter Co (Sutter Buttes), CA - (Marginal)
<i>PM-2.5</i> 2006	Yuba City-Marysville, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	* Sacramento Metro, CA - (Severe 15)
Tehama Co	

<i>8-Hr Ozone</i> 2008	* Tuscan Buttes, CA - (Marginal)
Tulare Co	
<i>8-Hr Ozone</i> 1997	San Joaquin Valley, CA - (Extreme)
<i>PM-2.5</i> 1997	San Joaquin Valley, CA - (Nonattainment)
<i>PM-2.5</i> 2006	San Joaquin Valley, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	San Joaquin Valley, CA - (Extreme)
Tuolumne Co	
<i>8-Hr Ozone</i> 1997	Mariposa and Tuolumne Cos (Southern Mtn), CA - (Moderate)
Ventura Co	
<i>8-Hr Ozone</i> 1997	* Ventura Co, CA - (Serious)
<i>8-Hr Ozone</i> 2008	* Ventura County, CA - (Serious)
Yolo Co	
<i>8-Hr Ozone</i> 1997	Sacramento Metro, CA - (Severe 15)
<i>PM-2.5</i> 2006	* Sacramento, CA - (Nonattainment)
<i>8-Hr Ozone</i> 2008	Sacramento Metro, CA - (Severe 15)
Yuba Co	
<i>PM-2.5</i> 2006	* Yuba City-Marysville, CA - (Nonattainment)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

COLORADO

Adams Co	
<i>8-Hr Ozone</i> 1997	Denver-Boulder-Greeley-Ft Collins-Loveland, CO - (Marginal)
<i>8-Hr Ozone</i> 2008	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Marginal)
Arapahoe Co	
<i>8-Hr Ozone</i> 1997	Denver-Boulder-Greeley-Ft Collins-Loveland, CO - (Marginal)
<i>8-Hr Ozone</i> 2008	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Marginal)
Boulder Co	
<i>8-Hr Ozone</i> 1997	Denver-Boulder-Greeley-Ft Collins-Loveland, CO - (Marginal)
<i>8-Hr Ozone</i> 2008	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Marginal)
Broomfield Co	
<i>8-Hr Ozone</i> 1997	Denver-Boulder-Greeley-Ft Collins-Loveland, CO - (Marginal)
<i>8-Hr Ozone</i> 2008	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Marginal)
Denver Co	
<i>8-Hr Ozone</i> 1997	Denver-Boulder-Greeley-Ft Collins-Loveland, CO - (Marginal)
<i>8-Hr Ozone</i> 2008	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO - (Marginal)
Douglas Co	

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Human Health and Environmental



Effects of Emissions from Power Generation

Power generation is a significant source of pollutants that can impair human health and the environment, including sulfur dioxide (SO₂), nitrogen oxide (NO_x), and mercury. The Clean Air Act has been successful in reducing these emissions, but power generation still contributes approximately 70% of SO₂, 20% of NO_x, and 40% of mercury emissions into the environment. These emissions from power generation contribute to a range of human health and environmental problems, and interstate and long range transport of emissions continue to play significant roles in these problems. Cap and trade programs benefit human health and the environment and address transport by significantly reducing emissions over large geographic areas.

When emitted into the atmosphere, SO₂ and NO_x react with water and other compounds to form various acidic compounds, fine particles, and ozone. These pollutants can remain in the air for days or even years. Prevailing winds can transport them hundreds of miles, often across state and national borders. The pollutants then fall to the earth in either a wet form (rain, snow, and fog) or a dry form (gases and particles). Impacts include impaired air quality; damage to public health; degradation of visibility; acidification of lakes and streams; harm to sensitive forest and coastal ecosystems; and accelerated decay of materials, paints, and cultural artifacts such as buildings, statues, and sculptures nationwide.

Mercury, a product of coal-burning, can be deposited locally or it can be transported through the atmosphere for days to years before being deposited into water bodies. Once mercury reaches lakes, rivers and oceans, it can be transformed into methylmercury and bioaccumulate in the food chain. This results in predatory fish and fish-eating birds and mammals accumulating mercury concentrations millions of times higher than what is found in the water or air.

How Do Power Plant Emissions Impact Human Health?

SO₂ and NO_x emissions form fine particles in the atmosphere. Particulate matter is the term used for a mixture of solid particles and liquid droplets found in the air; fine particles (PM_{2.5}) are smaller than 2.5 microns (millionths of a meter) in diameter. Power plants emit particles directly into the air, but their major contribution to particulate matter air pollution is emissions of SO₂ and NO_x, which are converted into

sulfate and nitrate particles in the atmosphere. These particles make up a large proportion of the fine particle pollution in most parts of the country. A substantial body of published scientific literature recognizes a correlation between elevated fine particulate matter and increased incidence of illness and premature mortality. The health effects of PM_{2.5} include:

- Increased incidence of premature death, primarily in the elderly and those with heart or lung disease;
- Aggravation of respiratory and cardiovascular illness, leading to hospitalizations and emergency room visits for children and individuals with heart or lung disease;
- Decreased lung function and symptomatic effects, including acute bronchitis, particularly in children and asthmatics;
- New cases of chronic bronchitis;
- Increased work loss days, school absences, and emergency room visits.

Emissions from power generation contribute to a range of human health and environmental concerns.

NO_x emissions react in the atmosphere to form ozone.

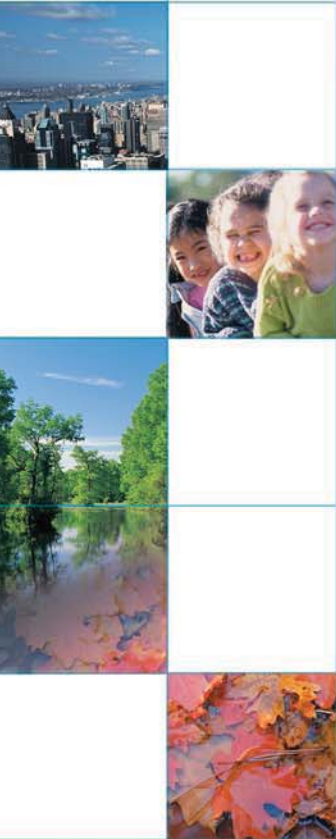
NO_x and volatile organic compounds react in the atmosphere in the presence of sunlight to form ground-level ozone. Ground-level ozone is a major component of smog in our cities and in many rural

areas as well. Though naturally occurring ozone in the stratosphere provides a protective layer high above the earth, the ozone that we breathe at ground level has been linked to respiratory illness and other health problems, including:

- Decreases in lung function, resulting in difficulty breathing, shortness of breath, and other symptoms;
- Respiratory symptoms, including bronchitis, aggravated coughing, and chest pain;
- Increased incidence/severity of respiratory problems (e.g. aggravation of asthma, susceptibility to respiratory infection) resulting in more hospital admissions and emergency room visits;
- Chronic inflammation and irreversible structural changes in the lungs, that, with repeated exposure, can lead to premature aging of the lungs and other respiratory illness.

Mercury emissions are deposited in watersheds and transformed into methylmercury, which contaminates fish.

In the U.S., human exposure to mercury is primarily the result of consumption of fish contaminated with methylmercury. Other fish-eating

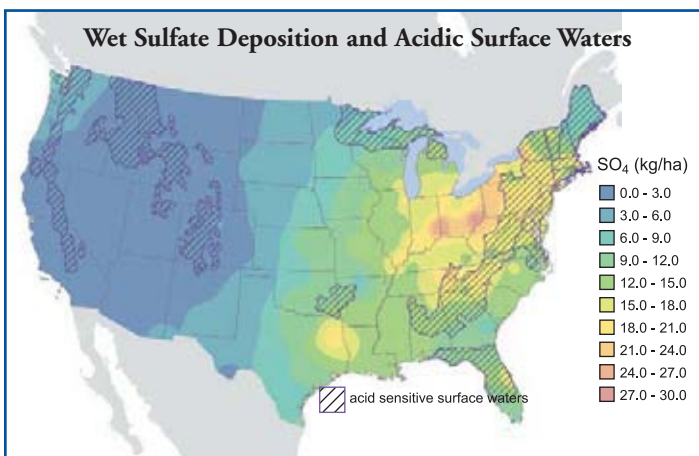


mammals and birds are also exposed in this manner. The primary symptoms of mercury exposure are neurological, including brain damage, lack of motor skills, impaired cognitive skills, and difficulty speaking and hearing. These effects are most pronounced on those exposed during the development of the nervous system, such as fetuses and young children. Forty-four states have advisories warning the public to restrict eating fish from their lakes, rivers, streams, and/or coastal waters due to methylmercury. EPA estimates that 12 million acres of lakes and 475,000 miles of rivers, as well as the coastal waters of 11 states, are impaired by mercury.

How Do Power Plant Emissions Impact the Environment?

SO₂ and NO_x emissions react in the atmosphere to form acidic compounds that harm lakes and streams.

When the acidic compounds that are formed as a result of SO₂ and NO_x emissions are deposited to the earth's surface, they can acidify lakes and streams. Acidification (low pH) and the chemical changes that result, including higher aluminum levels, make it difficult for some fish and other aquatic species to survive, grow, and reproduce. In the 1980s, acid rain was found to be the dominant cause of acidification in 75% of acidic lakes and 50% of acidic streams. Areas especially sensitive to acidification include portions of the Northeast (particularly the Adirondack and Catskill Mountains, portions of New England, and streams in the mid-Appalachian highlands) and Southeastern streams. Today in the Adirondack Mountains, Appalachian plateau, and upper Midwest regions, there are 25-30% fewer chronically acidic lakes and streams than in the early 1990s, although these waterbodies remain sensitive to acid rain. Lakes and streams in New England and the Southeast showed little decrease in acidification throughout the 1990s.



Wet Sulfate deposition is highest in many acid sensitive regions.
Source: National Atmospheric Deposition Program.

Acid deposition harms forests and trees. Acid rain can harm forest ecosystems by directly damaging plant tissues. One of the best examples of direct damage involves the leaching of nutrients from the needles of red spruce, which reduces the ability of the trees to tolerate cold winter temperatures and has contributed to the decline of red spruce forests throughout the mountains of the eastern U.S. In other cases, acid rain can combine with other pollutants, such as ozone, to weaken trees and make them vulnerable to threats such as

pests, which cause mortality. Acid deposition can also affect forest ecosystems indirectly by changing the chemistry of forest soils, including the leaching of plant nutrients from soils. It can also elevate levels of aluminum in soil water, which impairs the ability of trees to use soil nutrients and can be directly toxic to plant roots.

Nitrogen deposition contributes to impaired coastal water quality.

Nitrogen deposited from the atmosphere is a substantial source of nitrogen in many estuaries and coastal waters. Large amounts of nitrogen in estuaries and coastal waters can have significant ecological impacts, including massive die-offs of estuarine and marine plants and animals, loss of biological diversity, and degradation of essential coastal ecosystem habitat such as seagrass beds. For many species of fish and shellfish, these seagrass beds are essential nurseries and places to escape from predators. Excessive amounts of nitrogen in coastal waters from atmospheric deposition are thought to be a contributor to harmful algal blooms, such as red tides, that kill millions of fish each year and can be toxic to humans as well.

Fine particles impair visibility and increase regional haze. Fine particles formed in the atmosphere by the conversion of SO₂ and NO_x emissions scatter light and create hazy conditions, decreasing visibility and contributing to regional haze. Visibility impairment spoils scenic vistas across broad regions of the country, including in many National Parks and wilderness areas. Regional haze is also responsible for impaired urban vistas nationwide. In the western U.S., the level of visibility impairment for the worst days remained unchanged through the 1990s. Visibility in the eastern U.S. improved in some areas during the 1990s, but remains significantly impaired overall.

Acid deposition and particles damage materials and cultural resources. A significant number of properties of aesthetic and historical value in the United States, including monuments, buildings, and statues, are potentially at risk for damage from air pollution. Structures made of limestone and marble are particularly sensitive to acid deposition. Acid particles and deposition increase the rate of weathering for these materials, eventually resulting in aesthetic and/or structural damage.



Modeled visibility conditions on the National Mall, Washington, D.C.
Left image: poor visibility, 5 mile visual range. Right image: clear day, 90 mile visual range.

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Nitrogen Dioxide Health

Current scientific evidence links short-term NO₂ exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma.

Also, studies show a connection between breathing elevated short-term NO₂ concentrations, and increased visits to emergency departments and hospital admissions for respiratory issues, especially asthma.

NO₂ concentrations in vehicles and near roadways are appreciably higher than those measured at monitors in the current network. In fact, in-vehicle concentrations can be 2-3 times higher than measured at nearby area-wide monitors. Near-roadway (within about 50 meters) concentrations of NO₂ have been measured to be approximately 30 to 100% higher than concentrations away from roadways.

Individuals who spend time on or near major roadways can experience short-term NO₂ exposures considerably higher than measured by the current network. Approximately 16% of U.S. housing units are located within 300 ft of a major highway, railroad, or airport (approximately 48 million people). This population likely includes a higher proportion of non-white and economically-disadvantaged people.

NO₂ exposure concentrations near roadways are of particular concern for susceptible individuals, including people with asthma, children, and the elderly.

The sum of nitric oxide (NO) and NO₂ is commonly called nitrogen oxides or NOx. Other oxides of nitrogen including nitrous acid and nitric acid are part of the nitrogen oxide family. While EPA's National Ambient Air Quality Standard (NAAQS) covers this entire family, NO₂ is the component of greatest interest and the indicator for the larger group of nitrogen oxides.

NOx react with ammonia, moisture, and other compounds to form small particles. These small particles penetrate deeply into sensitive parts of the lungs and can cause or worsen respiratory disease, such as emphysema and bronchitis, and can aggravate existing heart disease, leading to increased hospital admissions and premature death.

Ozone is formed when NOx and volatile organic compounds react in the presence of heat and sunlight. Children, the elderly, people with lung diseases such as asthma, and people who work or exercise outside are at risk for adverse effects from ozone. These include reduction in lung function and increased respiratory symptoms as well as respiratory-related emergency department visits, hospital admissions, and possibly premature deaths.

Emissions that lead to the formation of NO₂ generally also lead to the formation of other NOx. Emissions control measures leading to reductions in NO₂ can generally be expected to reduce population exposures to all gaseous NOx. This may have the important co-benefit of reducing the formation of ozone and fine particles both of which pose significant public health threats.

Last updated on Thursday, March 22, 2012

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ARB Fact Sheet: Air Pollution Sources, Effects and Control

This page reviewed December 2, 2009.

Where does air pollution come from? How does it effect people and the environment? How can we control, or better yet, prevent it? The following table summarizes the sources, effects and prevention and control methods for ten of the most important air pollutants in California.

Pollutant	Sources	Effects	Prevention and Control
Ozone (O3)	Formed when reactive organic gases (ROG) and nitrogen oxides react in the presence of sunlight. ROG sources include any source that burns fuels, (e.g., gasoline, natural gas, wood, oil) solvents, petroleum processing and storage and pesticides.	Breathing Difficulties, Lung Tissue Damage, Damage to Rubber and Some Plastics	Reduce motor vehicle reactive organic gas (ROG) and nitrogen oxide emissions through emissions standards, reformulated fuels, inspections programs and reduced vehicle use. Limit ROG emissions from commercial operations and consumer products. Limit ROG and NOx emissions from industrial sources such as power plants and refineries. Conserve energy.
Respirable Particulate	Road Dust, Windblown	Increased Respiratory	Control Dust Sources,

Matter (PM10)	Dust (Agriculture) and Construction (Fireplaces) Also formed from other pollutants (acid rain, NOx, SOx, organics). Incomplete combustion of any fuel.	Disease, Lung Damage, Cancer, Premature Death, Reduced Visibility, Surface Soiling	Industrial Particulate Emissions, Wood Burning Stoves and Fireplaces Reduce secondary pollutants which react to form PM10. Conserve energy.
Fine Particulate Matter (PM2.5)	Fuel Combustion in Motor Vehicles, Equipment and Industrial Sources, Residential and Agricultural Burning. Also formed from reaction of other pollutants (acid rain, NOx, SOx, organics).	Increases Respiratory Disease, Lung Damage, Cancer, Premature Death, Reduced Visibility, Surface Soiling	Reduces Combustion Emissions from Motor Vehicles, Equipment, Industries and Agriculture and Residential Burning. Precursor controls, like those for ozone, reduce fine particle formation in the atmosphere.
Carbon Monoxide (CO)	Any source that burns fuel such as automobiles, trucks, heavy construction equipment, farming equipment and residential heating.	Chest Pain in Heart Patients, Headaches, Reduced Mental Alertness	Control motor vehicle and industrial emissions. Use oxygenated gasoline during winter months. Conserve energy.
Nitrogen Dioxide (NO2)	See Carbon Monoxide	Lung Irritation and Damage. Reacts in the atmosphere to form ozone and acid rain	Controls motor vehicle and industrial combustion emissions. Conserve energy.
Lead	Metal Smelters, Resource Recovery, Leaded Gasoline,	Learning Disabilities, Brain and Kidney Damage	Control metal smelters, no lead in gasoline. Replace leaded paint with non-lead

	Deterioration of Lead Paint		substitutes.
Sulfur Dioxide (SO₂)	Coal or Oil Burning Power Plants and Industries, Refineries, Diesel Engines	Increases lung disease and breathing problems for asthmatics. Reacts in the atmosphere to form acid rain.	Reduces the use of high sulfur fuels (e.g., use low sulfur reformulated diesel or natural gas). Conserve energy.
Visibility Reducing Particles	See PM _{2.5}	Reduces visibility (e.g., obscures mountains and other scenery), reduced airport safety, lower real estate value, discourages tourism.	See PM _{2.5}
Sulfates	Produced by the reaction in the air of SO ₂ (see SO ₂ sources), a component of acid rain.	Breathing Difficulties, Aggravates Asthma, Reduced Visibility	See SO ₂
Hydrogen Sulfide	Geothermal Power Plants, Petroleum Production and Refining, Sewer Gas	Nuisance Odor (Rotten Egg Smell), Headache and Breathing Difficulties (Higher Concentrations)	Control emissions from geothermal power plants, petroleum production and refining, sewers, sewage treatment plants.

If you have questions or comments regarding this web page, please contact Barbara Weller at (916) 445-1324 or via email at blweller@arb.ca.gov.

ARB Fact Sheet

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GLOSSARY OF AIR POLLUTION TERMS

Have you ever wondered what a baghouse is or what NMOG stands for? That cold ironing is not a new way to get wrinkles out of a shirt or that a SIP isn't a beverage taste-test? You're not alone. ARB has updated its glossary of air pollution terms and lists of [acronyms](#) to help.

Keep in mind that we are not trying to create an exhaustive list, nor are we giving legal terminology. This glossary is simply a resource for the general public.

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [X](#) | [Y](#) | [Z](#)

A

AB 1807 (Tanner)

A California state law (Health and Safety Code section 39650 et seq.) that became effective in January of 1984 and established the framework for California's [toxic air contaminant](#) identification and control program. For more information, please see our [toxics summary](#).

AB 998

Assembly Bill 998 established the Non-Toxic Dry Cleaning Incentive Program to provide the dry cleaning industry with \$10,000 grant funds to switch from systems using perchloroethylene (Perc), an identified toxic air contaminant and potential human carcinogen, to non-toxic and non-smog forming alternatives. The legislation also requires ARB to establish a demonstration program to showcase these non-toxic and non-smog forming technologies.

AB 2588 (Connelly) Air Toxics "Hot Spots" Information and Assessment Program

A California program (Health and Safety Code Section 44300 et seq.) that requires certain [stationary sources](#) to report the type and quantity of specific toxic substances they routinely release into the air. The program identifies high priority facilities and requires facilities posing significant risks to notify all exposed individuals. For more information, visit our [AB 2588](#) website.

AB 2766 (Sher) Motor Vehicle Fee Program

A program that permits [air districts](#) and local governments to allocate vehicle registration surcharge fees to projects that reduce motor vehicle emissions such as [zero-emission vehicles](#), bike lanes and trip reduction programs.

AB 32(The Global Warming Solutions Act of 2006)

The Legislature passed and Governor Schwarzenegger signed AB 32, which set the 2020 greenhouse gas emissions reduction goal into law. It directed ARB to develop discrete early actions to reduce greenhouse gases while also preparing a scoping plan to identify how best to reach the 2020 limit on greenhouse gas emissions.

Abatement

The reduction or elimination of pollution.

Acceptable Daily Intake (ADI)

The highest daily amount of a substance that may be consumed over a lifetime without adverse effects.

Acid Deposition

Item No. E.3

-1264-

A workshop held by a public agency for the purpose of informing the public and obtaining its input on the development of a regulatory action or control measure by that agency.

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R

Radon

A colorless, naturally occurring, radioactive, inert gaseous element formed by radioactive decay of radium atoms in soil or rocks.

Reactive Organic Gas (ROG)

A photochemically reactive chemical gas, composed of [non-methane hydrocarbons](#), that may contribute to the formation of [smog](#). Also sometimes referred to as [Non-Methane Organic Gases \(NMOGs\)](#). (See also [Volatile Organic Compounds](#) and [Hydrocarbons](#).)

Reactivity (or Hydrocarbon Photochemical Reactivity)

A term used in the context of air quality management to describe a hydrocarbon's ability to react (participate in photochemical reactions) to form [ozone](#) in the [atmosphere](#). Different hydrocarbons react at different rates. The more reactive a hydrocarbon, the greater potential it has to form ozone.

Reasonably Available Control Measures (RACM)

A broadly defined term referring to technologies and other measures that can be used to control pollution. They include [Reasonably Available Control Technology](#) and other measures. In the case of [PM10](#), RACM refers to approaches for controlling small or dispersed source categories such as road dust, woodstoves and open burning.

Reasonably Available Control Technology (RACT)

Control techniques defined in [U.S. EPA](#) guidelines for limiting emissions from existing sources in [nonattainment](#) areas. RACTs are adopted and implemented by states. For more information, visit our [RACT](#) website.

Reasonably Available Retrofit Control Technology (RARCT)

(See also [Best Available Control Technology](#).)

Reciprocating Internal Combustion Engine

An engine in which air and fuel are introduced into cylinders, compressed by pistons and ignited by a spark plug or by compression. Combustion in the cylinders pushes the pistons sequentially, transferring energy to the crankshaft, causing it to rotate.

Reference Dose (RfD)

An estimate delivered by the [U.S. EPA](#) (with uncertainty spanning perhaps an order of magnitude) of the daily [exposure](#) to the human population, (including sensitive subpopulations) that is likely to be without deleterious effects during a lifetime. The RfD is reported in units of mg of substance/kg body weight/day for oral exposures.

Reference Exposure Concentration (RfC)

An estimate, derived by the [U.S. EPA](#) with an uncertainty spanning perhaps an order of magnitude) of a daily [exposure](#) to the human population, (including sensitive subgroups) that is likely to be without

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Ozone and Your Patients' Health

Training for Health Care Providers
 Institute Ozone and Your Patients' Health Health Effects of Ozone in the General Population

Training for Health Care Providers
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Health Effects of Ozone in the General Population

- [Introduction](#)
- [How are people exposed to ozone?](#)
- [How does ozone react in the respiratory tract?](#)
- [What are ozone's acute physiological and symptom effects?](#)
- [What effects does ozone have at the cellular level?](#)
- [How does response vary among individuals?](#)
- [What are the effects of ozone on mortality?](#)
- [What are other potential effects of short-term ozone exposure?](#)
- [At what exposure levels are effects observed?](#)
- [What are the effects of recurrent or long-term exposure to ozone?](#)

Review Key Points

Introduction

Breathing ground-level ozone can result in a number of health effects that are observed in broad segments of the population. Some of these effects include:

- Induction of respiratory symptoms
- Decrements in lung function
- Inflammation of airways

Respiratory symptoms can include:

- Coughing
- Throat irritation
- Pain, burning, or discomfort in the chest when taking a deep breath
- Chest tightness, wheezing, or shortness of breath

In addition to these effects, evidence from observational studies strongly indicates that higher daily ozone concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that ozone can make asthma symptoms worse and can increase sensitivity to asthma triggers.

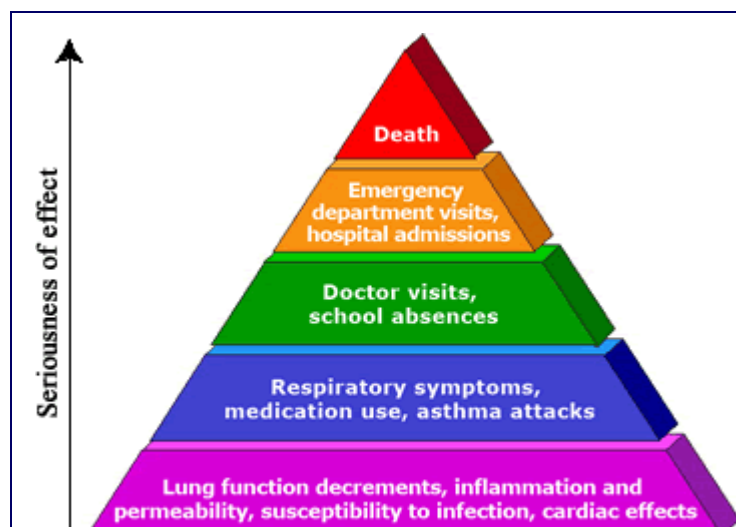
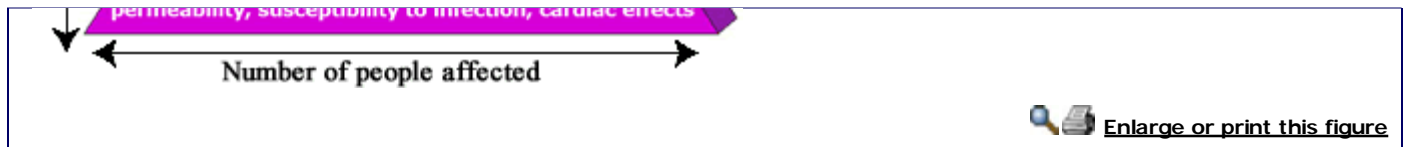


Figure 2: Pyramid of effects caused by ozone

The relationship between the severity of the effect and the proportion of the population experiencing the effect can be presented as a pyramid. Many individuals experience the least serious, most common effects shown at the bottom of the pyramid. Fewer individuals experience the more severe effects such as hospitalization or death.



This section of the course addresses exposure and health effects issues common to all people. The next section of the course, [Health Effects in Patients with Asthma and Other Chronic Respiratory Disease](#), addresses those issues specific to people with asthma and other chronic lung disease.

How are people exposed to ozone?

Primary exposure occurs when people breathe ambient air containing ozone. The rate of exposure for a given individual is related to the concentration of ozone in the surrounding air and the amount of air the individual is breathing per minute (minute ventilation). The cumulative amount of exposure is a function of both the rate and duration of exposure.

Although ozone concentrations in the outside (ambient) air are generally similar across many locations in a particular airshed, a number of factors can affect ozone concentration in "microenvironments" within the larger airshed (e.g., inside a residence, inside a vehicle, along a roadway). Ozone concentrations indoors typically vary between 20% and 80% of outdoor levels depending upon whether windows are open or closed, air conditioning is used, or other factors such as indoor sources. People with the greatest cumulative exposure are those heavily exercising outdoors for long periods of time when ozone concentrations are high. In addition, during exercise people breathe more deeply, and ozone uptake may shift from the upper airways to deeper areas of the respiratory tract, increasing the possibility of adverse health effects. People with the lowest cumulative exposure are those resting for most of the day in an air-conditioned building with little air turnover.

Ozone levels may also affect indoor levels of some aldehydes formed as reaction products of ozone with indoor substances (Apte et al 2008). This provides a potential pathway for people indoors to experience respiratory effects mediated by ozone reaction products. Further research is needed to test the importance of these exposures on health effects.

How does ozone react in the respiratory tract?

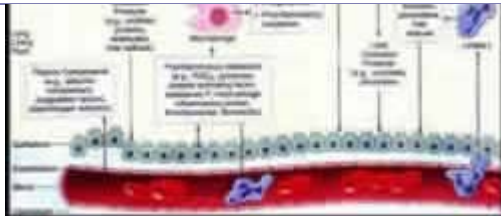
Because ozone has limited solubility in water, the upper respiratory tract is not as effective in scrubbing ozone from inhaled air as it is for more water soluble pollutants such as sulfur dioxide (SO_2) or chlorine gas (Cl_2). Consequently, the majority of inhaled ozone reaches the lower respiratory tract and dissolves in the thin layer of epithelial lining fluid (ELF) throughout the conducting airways of the lung.

In the lungs, ozone reacts rapidly with a number of biomolecules, particularly those containing thiol or amine groups or unsaturated carbon-carbon bonds. These reactions and their products are poorly characterized, but it is thought that the ultimate effects of ozone exposure are mediated by free radicals and other oxidant species in the ELF that then react with underlying epithelial cells, with immune cells, and with neural receptors in the airway wall. In some cases, ozone itself may react directly with these structures. Several effects with distinct mechanisms occur simultaneously following a short-term ozone exposure and will be described below.



Figure 3: Ozone is highly reactive in the respiratory tract

When breathed into the airways, ozone



interacts with proteins and lipids on the surface of cells or present in the lung lining fluid, which decreases in depth from 10 μm in the large airways to 0.2 μm in the alveolar region.

Epithelial cells lining the respiratory tract are the main target of ozone and its products.

These cells become injured and leak

intracellular enzymes such as lactate dehydrogenase into the airway lumen, as well as plasma components. Epithelial cells also release a variety of inflammatory mediators that can attract polymorphonuclear leukocytes (PMNs) into the lung, activate alveolar macrophages, and initiate a train of events leading to lung inflammation. Antioxidants present in cells and lining fluid may protect the epithelial barrier against damage by ozone or its reaction products.

Source: Devlin et al., (1997)



[Enlarge or print this figure](#)

What are ozone's acute physiological and symptom effects?

The predominant physiological effect of short-term ozone exposure is being unable to inhale to total lung capacity. Controlled human exposure studies have demonstrated that short-term exposure - up to 8 hours - causes lung function decrements such as reductions in forced expiratory volume in one second (FEV1), and the following respiratory symptoms:

- Cough
- Throat irritation
- Pain, burning, or discomfort in the chest when taking a deep breath
- Chest tightness, wheezing, or shortness of breath

The effects are reversible, with improvement and recovery to baseline varying from a few hours to 48 hours after an elevated ozone exposure.

Current thinking is that changes in symptoms and lung function are due to stimulation of airway neural receptors (probably airway C-fibers) and transmission to the central nervous system via afferent vagal nerve pathways. Although ozone exposure results in some airway narrowing, neural inhibition of inhalation effort at high lung volumes is believed to be the primary cause of being unable to inhale to total lung capacity.

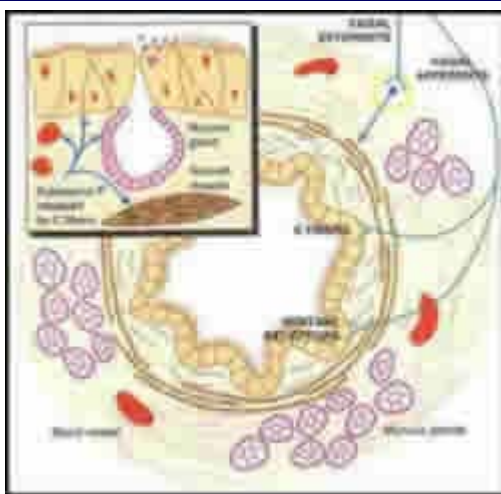


Figure 4: Ozone induces neurally mediated responses in the bronchial airways

Stimulation of nociceptive interepithelial nerve fibers by ozone leads to reflex cough and a decrease in maximal inspiration that is relieved by opioid agonists, which block sensory pathways. Two possible mechanisms are involved: (1) stimulation of irritant receptors contributes to cough and induces a vagally mediated reflex that increases airway resistance, probably via airway smooth muscle contraction that is blocked by atropine; (2) C fiber stimulation releases neurokinins such as substance P that dilate nearby capillaries, activate mucous glands, and contract airway smooth muscle via neurokinin receptors. Prostaglandin E2 released by epithelial cells

exposed to ozone or to ozone reaction products also sensitizes C fibers.

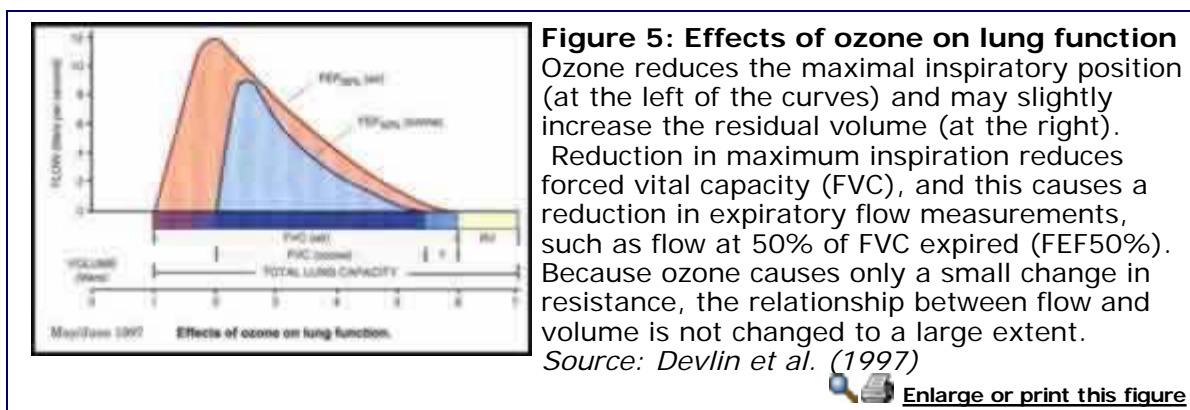
Source: Devlin et al. (1997)



[Enlarge or print this figure](#)

The overall effect is thus primarily restrictive in nature with a smaller obstructive component that reflects itself in decreases in forced vital capacity (FVC), FEV1 and other spirometric measures that require a full inspiration. It is likely that these lung function changes and respiratory symptoms are responsible for observations that short-term ozone exposure limits maximal exercise capability.

Ozone-induced changes in breathing pattern to more rapid shallow breathing may also be a manifestation of C-fiber stimulation and may be a protective response to limit penetration of ozone deep into the respiratory tract. Such effects may also contribute to changes in deposition pattern and retention of other inhaled substances such as allergens and particle pollution (also called particulate matter).



What effects does ozone have at the cellular level?

As a result of short-term exposure, ozone and/or its reactive intermediates cause injury to airway epithelial cells followed by a cascade of other effects. These effects can be measured by a technique known as bronchoalveolar lavage (BAL), in which samples of epithelial lining fluid (ELF) are collected during bronchoscopy on volunteers experimentally exposed to ozone. Cells and biochemical markers in the lavage fluid and in the blood can be analyzed to provide insight into the effects of exposure.

Evidence for airway inflammation following ozone exposure includes visible redness of the airway seen during bronchoscopy as well as an increase in the numbers of neutrophils in the lavage fluid. Cellular injury is suggested by an increase in the concentration of lactate dehydrogenase (LDH), an enzyme released from the cytoplasm of injured epithelial cells, in the ELF. Mediators (e.g., cytokines, prostaglandins, leukotrienes) that are released by injured cells include a number that attract inflammatory cells resulting in a neutrophilic inflammatory response in the airway. In addition, ozone reaction products as well as some mediators produced in the lung can be detected in the blood providing a possible mechanism for extrapulmonary effects of ozone exposure.



Other documented ozone-induced effects that may be related to the underlying injury and

inflammatory response are:

- An increase in small airway obstruction
- A decrease in the integrity of the airway epithelium
- An increase in nonspecific airway reactivity
- A decrease in phagocytic activity of alveolar macrophages

The decrease in epithelial integrity can be measured by an increase in the concentration of plasma proteins appearing in the ELF following exposure and by more rapid clearance of inhaled radio-labeled markers from the lung to the blood. This has the potential for allowing increased movement of inhaled substances (e.g. allergens or particulate air pollution) from the airway to the interstitium or the blood and could modify the known effects of inhaled allergen on asthma and particulate matter on mortality.

Although the significance of increased nonspecific airway reactivity to substances such as methacholine or histamine is not understood in healthy individuals, it is clearly of concern for people with asthma, as increased airway reactivity is a predictor for asthma exacerbations. (See section entitled How does ozone affect people with asthma?).

A decrease in macrophage function has the potential to interfere with host defense. Over a period of several days following a single short-term exposure, inflammation, small airway obstruction, and increased epithelial permeability resolve; damaged ciliated airway epithelial cells are replaced by underlying cells; and damaged type I alveolar epithelial cells are replaced by more ozone-resistant type II cells. Over a period of weeks, the type II cells differentiate into type I cells, and following this single exposure, the airway appears to return to the pre-exposure state.

How does response vary among individuals?

One striking characteristic of the acute responses to short-term ozone exposure is the large amount of variability that exists among individuals. For example, for a 2-hour exposure to 40 ppb ozone (note: 40 ppb is equal to .04 ppm) that includes 1 hour of heavy exercise, the least responsive individual may experience no symptom or lung function changes while the most responsive individual may experience a 50% decrement in FEV1 and have severe coughing, shortness of breath, or pain on deep inspiration. A similar range of response is evident for a 6.6-hour exposure to 80 ppb with 5 hours of moderate activity. Other individual responses fall into what appears to be a unimodal distribution between these two extremes. Those with large responses following exposure on one day also tend to have large responses upon re-exposure. Similarly, those with small responses following exposure on one day tend to have small responses upon re-exposure. A small fraction of the observed variability in lung function and symptom responsiveness can be explained by differences in age and in body mass index (BMI) with young adults (teens to thirties) and those with high BMI being much more responsive than older adults (fifties to eighties) and those with low BMI. Results similar to those in Figure 8 are also seen with longer duration exposures to concentrations more relevant to ambient levels (e.g. over a range of 60 to 120 ppb).

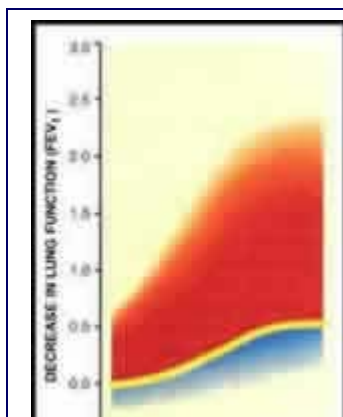


Figure 7:
Variability of
response to
ozone exposure
Source: Devlin et
al. (1997)

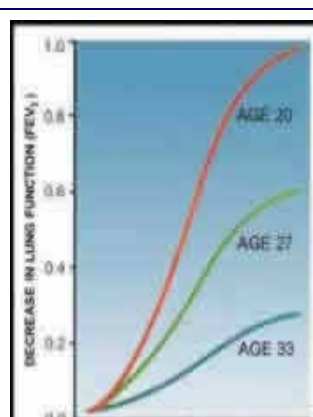


Figure 8:
Sensitivity to
ozone exposure
is age related
Source: Devlin et
al. (1997)



Individual differences in the intensity of the inflammatory response also exist, and it appears that these differences in response are also stable over time. The magnitude of the neurally-mediated lung function response, however, is not related to the degree of cell injury and inflammation for a given individual suggesting that these two effects are the result of different mechanisms of action. Further evidence for multiple mechanisms of action is provided by drug intervention studies. There is some evidence that Vitamin C and E supplements may slightly reduce the lung function effects of ozone but not the inflammatory or symptom responses. Pre-treatment with non-steroidal anti-inflammatory drugs (NSAID) reduces lung function and symptom responses but not the inflammatory responses in non-asthmatics. In asthmatic volunteers NSAID pretreatment did not block the restrictive lung function changes seen in nonasthmatics, but did blunt some of the changes due to airway obstruction. Pre-treatment with high doses of inhaled steroids has been shown to reduce the neutrophil influx following ozone exposure in people with asthma, but not in those without asthma.

True differences in individual responsiveness to ozone can be the result of either environmental or genetic factors. Research has demonstrated that genetic differences among strains of mice can explain the large range of inflammatory responses seen. Some preliminary evidence suggests that genetic polymorphisms for antioxidant enzymes and for genes regulating the inflammatory response may modulate the effect of ozone exposure on pulmonary function and airway inflammation.

What are the effects of ozone on mortality?

Studies show:

- Ozone is associated with increased mortality
- The absolute effect of ozone on mortality is considerably higher in older adults
- The ozone-mortality relationship is most prominent during the warm season

Recent epidemiologic research has clearly demonstrated that both short-term and longer-term exposures to low concentrations of particle pollution, a common air pollutant, are associated with increased mortality. Re-examination of the data upon which those findings are based as well as new studies indicate that short-term exposure to ozone is also associated with increased daily mortality.

The study most representative of the U.S. population (Bell et al 2004) evaluated the relationships between daily mortality counts and ambient ozone concentration for 95 large U.S. communities over the period of 1987-2000. Although there was considerable heterogeneity in the magnitude of effect among the various communities, a 0.5 % overall excess risk in non-accidental daily mortality was observed for each 20 ppb increase in the 24-hour average ozone concentration (approximately equal to a 30 ppb increase in the 8-hour average) on the same day. There was evidence that the effect was greatest on the day of exposure with smaller residual effects being evident for several days. A cumulative 1.04% excess risk was observed for each 20 ppb increase in the 24-hour average concentration during the previous week. The ozone-mortality relationship was robust even after controlling for possible effects of particulate matter and other air pollutants.

Although ozone mortality risk estimates tend to be only slightly higher for the older population compared to the younger population (based predominantly on Medicare studies of people 65 and older), the absolute effect of ozone on mortality is considerably higher in older adults due to their

higher baseline death rates. Even for older adults, however, the risk of dying on any given day as a result of ozone exposure is quite small. However, because of the large number of individuals at risk across the country, an effect of this magnitude has meaningful public health implications.

A preponderance of other time series studies supports the existence of an ozone-mortality relationship although with a wider range of effect estimates primarily due to the smaller sizes of the studies. An independent review of this literature by the National Research Council concludes that short-term ozone is likely to be associated with premature mortality.

Other observations made in these studies include the finding that the ozone-mortality relationship is most prominent during the warm season, with few or smaller effects in the winter. It also appears that the ozone-mortality association persists when deaths are limited to those caused by either cardiac or pulmonary disease or to those caused by cardiovascular disease alone. Risk estimates for other causes of death are generally inconsistent across studies probably reflecting the lower statistical power associated with smaller daily death rates. In the Bell study of 95 cities, the observed city-specific effect rates varied widely. The degree to which this variability reflects different ozone-mortality relationships in the different cities is not clear, but it does raise the question as to whether a single average 0.5% increase in daily mortality rates should be applied to all cities. Other unanswered questions pertain to the lowest concentrations at which these effects occur and the possible mechanisms of action responsible for increased mortality among many who spend much of their time indoors where ozone levels are generally quite low. Bell et al. divided days into those with a 24-hour average ozone concentration above and below 60 ppb and found that the relationship was similar for both subsets suggesting that the relationship is present at even very low levels of ozone. Biological mechanisms responsible for the ozone-mortality relationship are largely unknown although effects of ozone on the autonomic control of the cardiovascular system, on coagulation mechanisms, and on vasoactive substances in the blood are being actively investigated.

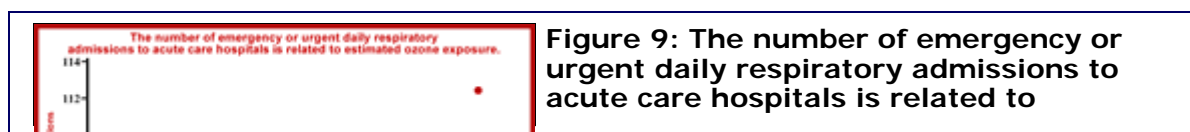
What are the other potential effects of short-term ozone exposure?

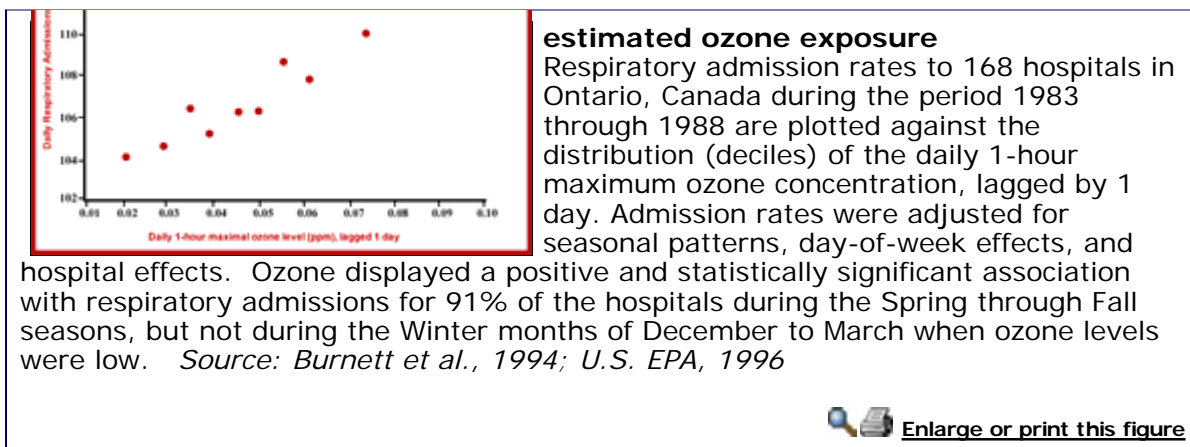
Other potential effects of short-term ozone exposure include:

- hospital admissions and emergency room visits for respiratory causes
- school absences

There is consistent epidemiologic evidence that ambient ozone levels are associated with other markers of respiratory morbidity, particularly during the warm season. In general, studies have reported positive relationships between short-term ozone concentrations and hospital admissions and emergency room visits for respiratory causes. Although not all studies have found significant effects, risk estimates for the majority of studies are positive. It is likely that those most at risk of serious respiratory morbidity are those with underlying respiratory disease. The evidence indicates that some of the increase in hospital visits for respiratory morbidity is due to exacerbations of asthma and possibly chronic obstructive pulmonary disease (COPD). Because of the small numbers of daily hospital admissions, the effects of ozone on other subcategories of respiratory disease are not clear.

A relationship has also been observed between ozone and school absences in two studies. However, in one case the absences were related to a measure of longer-term exposure, and in the other case absences were not limited to those due to illness. Although these latter results are consistent with increased infections secondary to impaired host defense, more research needs to be done before reaching any conclusion regarding any effect of ozone exposure on respiratory infection.





Ozone has been associated with daily hospitalizations for cardiovascular disease in some studies but it is not a consistent finding. A number of studies have explored the relationships between ozone and various other aspects of cardiovascular pathophysiology including heart rate variability, acute myocardial infarction, and tachyarrhythmias in those with implanted cardiac devices. Although some data are suggestive of a relationship, the results at this time do not fully substantiate a relationship between ozone exposure and adverse cardiovascular events.

At what exposure levels are effects observed?

The concentration of ozone at which effects are first observed depends upon the level of sensitivity of the individual as well as the dose delivered to the respiratory tract. The dose, in turn, is a function of the ambient concentration, the minute ventilation, and the duration of exposure. This can be expressed as a rough formula:

Dose = Ambient concentration X Level of exertion (minute ventilation) X Duration of exposure.

Thus individuals performing strenuous activity (higher minute ventilation) for several hours are likely to respond to lower concentrations than when exposed at rest (lower minute ventilation) for a shorter time. The following examples illustrate this point:

- An average young adult playing an active sport such as soccer or full court basketball outdoors for 2 hours would be expected to experience small to moderate lung function and symptom effects as well as lung injury and inflammation following exposure to 120 ppb ozone.
- If the same average young adult is at rest outdoors for the two hours, such effects would not be expected until exposures reach 300-400 ppb.
- An average outdoor laborer doing intermittent work might experience similar small to moderate lung function and symptom effects as well as lung injury and inflammation following an 8-hour exposure to 60 to 70 ppb ozone.

More sensitive individuals will experience such effects at lower concentrations while less sensitive individuals will experience these effects only at higher concentrations.

Children without asthma experience lung function decrements similar to those of young adults. But children often do not report respiratory symptoms at the lowest ozone concentrations. It is not clear whether this is the result of reduced sensitivity with regard to symptoms or whether children are less likely to recognize and report symptoms.

There are chamber studies and field studies that look at the ozone exposure level at which effects are first observed. It is not surprising that field studies show effects at much lower levels than chamber studies. This is because field studies can look at sensitive populations (including children), include exposure to all oxidant species of pollution, and may include longer exposure times. For

example, field studies of agricultural workers and hikers suggest that lung function changes may be associated with prolonged ozone exposures at lower levels than those observed in chamber studies. Below are findings from key field and observational studies.

Although the results vary somewhat, several field studies suggest that the lung function of highly active asthmatic and ozone sensitive children and the exercise performance of endurance athletes may be affected on days when the 8-hour maximum ozone concentration is less than 80 ppb ozone.

Emergency room data from one study indicate that asthma attacks in the most sensitive population (e.g., children with asthma or reactive airway disease) increase following days on which the 1-hour maximum ozone concentrations exceeded 110 ppb (approximately equivalent to an 8-hour average of 82 ppb). (White et al., 1994) Another study observed increased emergency room visits for asthma on days following those when 7-hour averages exceeded 60 ppb compared to those with lower ozone concentrations. (Weisel et. al., 1995).

For effects measured in some other types of observational studies, the lowest levels at which effects are expected to occur are more difficult to identify for a number of reasons. Effects of ozone on daily mortality have been detected even when study days are restricted to those with a 24-hour average ozone concentration below 60 ppb (approximately equivalent to an 8-hour average below 90 ppb). In one study, hospital admissions for respiratory causes appear to follow a linear relationship down to background levels. (Figure 9). Limited exposure-response modeling suggests that if a population threshold for these ozone effects exists, it is likely near the lower limit of ambient ozone concentrations in the United States.

What are the effects of recurrent or long-term exposure to ozone?

One of the major unanswered questions about the health effects of ozone is whether repeated episodes of damage, inflammation, and repair induced by years of recurrent short-term ozone exposures result in adverse health effects beyond the acute effects themselves.

Daily ozone exposure for a period of 4 days results in an attenuation of some of the acute, neurally-mediated effects (e.g., lung function changes and symptoms) for subsequent exposures occurring within 1 to 2 weeks. Some health experts have, therefore, suggested that individuals living in high ozone areas may be protected from any harmful effects of long-term ozone exposure. Others suggest, however, that the attenuation of the ozone-induced tendency to take rapid and shallow breaths may blunt a protective mechanism, resulting in greater delivery and deposition of ozone deeper in the respiratory tract and other airway responses described below.

Studies including bronchoalveolar lavage and bronchial mucosal biopsies indicate that, unlike the neurally-mediated lung function changes, the processes of airway injury, inflammation, and repair continue to occur during repeated exposure. After either 4 or 5 days of exposure, markers of cell injury and increased epithelial permeability remain elevated, and an increase in airway mucosal PMN, which was not present following a single exposure, has been noted. Also, unlike the neurally-mediated effects, small airway function has been observed to remain depressed over the course of exposures and is thought to be related to the ongoing inflammation.

Studies of laboratory animals have consistently demonstrated that long-term exposure to ozone concentrations above ambient levels results in persistent morphological changes that could be a marker of chronic respiratory disease. Exposed animals experience mucous cell metaplasia and epithelial cell hyperplasia in the upper airway as well as structural changes in the lower airway including an increase in fibrous tissue in the basement membrane area and a remodeling of the distal conducting airways. In addition to airway remodeling and basement membrane changes, concurrent long-term exposure of very young primates to ozone and house dust mite allergen has been observed to result in changes in the innervation of the airways as well as an accumulation of

eosinophils in the distal airways suggesting induction of an allergic phenotype. Other studies indicate that sensitization of animals to antigen occurs more easily during ongoing ozone exposures. Based on traditional measures, there is little evidence that long-term exposure in animals results in substantial changes in airway function. However, these morphological findings suggest that long-term ozone exposure might play a role in the development or progression of chronic lung disease and/or asthma.

The epidemiologic evidence is inconclusive with regard to whether long-term exposure of humans is related to chronic respiratory health effects in humans. Several cross-sectional studies have found that young adults who spent their childhoods in locales with high ozone concentrations had lower measures of lung function than those from locales with lower ozone. Similar results have not been observed, however, in a recent well-conducted longitudinal study of lung function in children or in other cross-sectional studies. Two longitudinal studies have observed associations between development of asthma and long-term ozone concentrations in subgroups of the population. These findings have not been confirmed in other longitudinal or cross-sectional studies, but they are consistent with the animal toxicological literature. Part of the difficulty in evaluating such associations has been the small number of longitudinal epidemiologic studies specifically designed to evaluate respiratory health in samples with differing ozone exposures. The mobility of the population as well as the inability to precisely estimate exposure to ozone and other potential confounders over a period of many years degrades the power of, and leads to bias in, both longitudinal and cross-sectional studies.

In spite of the inconclusive nature of the epidemiologic literature, the repeated cycles of damage, inflammation, and repair in humans and the morphological findings from the animal toxicological studies suggest that it would be prudent to avoid repeated short-term exposures, particularly in young children, until more is known about the effects of long-term ozone exposure.

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University of California at Berkeley
Environmental Economics & Policy 101
Spring 2002

All That Smog

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Negative Externality
Human
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Ecological

We often do not drive a car thinking of all the hazardous emissions we would release. Nor do we turn on the light with thought as to how that energy was generated. Yet, when we do all these activities subconsciously, we indirectly contribute to the growing amounts of hazardous air pollutants in our atmosphere that are responsible for many adversities.

Smog as a Negative Externality

Depending upon various factors, including location, season, and source of generation, the price an entity pays for a given amount of energy can vary. Typically, the price would account for all costs incurred within the value chain—research and development, design, production, marketing, distribution, and customer services—plus a markup. Unfortunately, this price, the cost charged to consumers, is what is known as the market price, and therefore may not accurately reflect the total costs inflicted upon society as a whole (Baird). In such a case as where the actions of one party directly affecting another are not accounted for, an externality arises.

In the case of energy, both productive and consumptive activities result in smog, a negative externality imposed on the environment and the welfare of society. The production of an output of energy through the process of burning coal or other fossil fuels, for example, releases two main air pollutants: sulfur dioxide and nitrogen oxides. Similarly, the consumption of energy—either for self-consumptive or other productive purposes—releases primary pollutants VOCs and nitrogen dioxides, which in turn can undergo chemical reactions to yield secondary pollutants such as ground level ozone and PAN. All these air pollutants are responsible for adverse effects in both humans and plants and on materials and aesthetics, as well as the negative impacts on the environment, namely acid rain. In whichever case, the stated price of either energy or an intermediate form of energy, such as gas, or a finished output that uses energy as an input, rarely reflects the complete burden placed upon society. This neglect of externalities, in turn, often results in an over-production or over-consumption of energy and other related goods. Here, we take a closer look at these externalities as to see what costs to society the market fails to account for.



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Smog and its Effects on Human Health

We, as humans, can live a few days without food and water, but can only live a few minutes without air. The fact that an active adult inhales 10,000 to 20,000 liters of air each day, or 7 to 14 liters every minute, highlights a critical point in the fight for clean air (Elsom 30).

While the effects of smog vary according to factors such as age, state of health, time of exposure, and dosage, the general symptoms include coughing, sneezing, headaches, tiredness, irritation, nausea, and hoarseness of the throat, nose, and eyes, and constrictions of the chest (Lewis 37; Elsom 31).

Additionally, nitrogen dioxide and ground-level ozone were found to cause reductions in the immune system's ability to fight bacteria and viruses in the respiratory system (Nebel and Wright 530; EPA, "Smog-Who Does it Hurt?" 3). These effects are all considered to be short-term in that once exposure ceases, the symptoms are no longer present. However, in most cases, it is the long-term effects of air pollutants that bring the greatest concerns, since these effects are often the most severe.

Unsurprisingly, most acute effects of smog are related to the respiratory system. Some components of smog such as nitrogen dioxide, sulfur dioxide, and ground-level ozone are found to have caused damages to the mucociliary system responsible for cleaning the air tracts (Elsom 56). As a result, the lung's ability to resist disease is reduced, and illnesses, such as bronchitis and emphysema, can be aggravated (Gow and Pidwirny; Elsom 56). Likewise, while some VOCs were found to be carcinogenic, the main problem with VOCs was its role in the formation of ground-level ozone. Present in ambient concentrations, ground-level ozone can cause inflammation and fibrosis to the lungs, resulting in permanent morphological changes to the lungs (Nebel and Wright 530; EPA, "Smog-Who Does it Hurt?" 3). Consequently, these air pollutants can not only decrease lung function, elasticity, and capacity by as much as 5%, but can also lead to the premature aging of the lungs (Elsom 33, 63; "Smog").



While continuous research is being made as to link the long-term effects of smog to human health, scientists in general have agreed on several findings. By and large, children, asthmatics, people with chronic respiratory or pulmonary and heart disease, and the elderly are the most susceptible to air pollutants (Nebel and Wright 530). Because the lungs of children are not yet fully developed and because children inhale more air per unit of body weight than adults, they are prone to greater health effects as well as long-term damage to the lungs (Elsom 42). Similarly, because asthmatics and those suffering from chronic diseases are already in a weakened state, smog adds stress to their bodies

(Nebel and Wright 532). For the elderly, smog increases their susceptibility to viral and bacterial attacks, as both lung and immune system functions decrease with age (Elsom 42). Healthy adults who work actively outdoors or who have higher levels of exposure to air pollutant are also considered, by the EPA, to be in a "sensitive group" (EPA, "Smog-Who Does it Hurt?" 3).

In all these cases, it is important to note that contrary to popular belief, death as a result of a smog siege is often not a result of air pollutant poisoning, but rather, a result of increasing susceptibility to diseases. Equally important, however, is the fact that a great level of uncertainty exists in identifying a cause-and-effect relationship between smog and smog-related illnesses. At most, we can often only say that pollutants are contributing factors to related illnesses. Consequently, this makes the exact measurements of externalities difficult, if not impossible.

Estimates have been made, however, to provide a monetary value of the costs and benefits of smog. In several studies conducted by the American Lung Association, the costs of premature deaths, hospital stays and emergency room visits, productivity loss as a result of missing work or school, and other air pollutant related health effects were an indication of inefficiency within the economy ("Air"). The reports went so far as to argue that economic growth was correlated with environmental protection by demonstrating that human health benefits of cleaner air outweighed the costs industries would have to incur as a result of higher standards (ibid). It was estimated that enforcement of all parts of the Clean Air Act between 1970 and 1990 would result in minimum benefits of \$23 trillion over the twenty years, an average of over \$1 trillion annually (ibid).

In a similar study conducted by the EPA for United States Congress in 1999, it was estimated that if the Clean Air Act Amendments were enforced in the 48 contingent states for the twenty-year period between 1990 and 2010, the total human health benefits in 2000 would be \$68 billion and \$118 billion in 2010 (EPA, "The Benefits and Costs" H-27). These benefits represent underestimates, since, in the words of the EPA itself, "there is insufficient information from both the medical and the economic sciences to satisfactorily resolve these issues from a theoretically/analytical standpoint" (ibid. H-36).

Apparently, smog is a costly externality from a human health perspective alone.

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Smog and its Effects on Agriculture and Forests

The adverse effects of smog are not limited to humans alone. As it turns out, plants are perhaps more sensitive to air pollutants than humans. In particular, acid rain has left areas barren or with severely damaged vegetation (Nebel and Wright 533). Yet, perhaps the greatest damage has been from ground-level ozone and PAN. Entering leaves of plants from the stomata during normal gas exchange, both ground-level ozone and PAN can cause discoloration, damage, and loss of leaves-reducing photosynthesis by as much as 50% (Munster; Gow and Pidwirny). Plants also become more vulnerable to attacks by pests, disease, and other environmental disasters (Shaw). Consequently, the plant's ability to store food, grow, and reproduce is hindered (ibid).

In numerical terms, ground-level ozone, alone, has been estimated to cause 10% to 40% growth loss, premature aging, and a decrease in pollen lifespan resulting in an estimable cost in agriculture of \$2 billion to \$6 billion per year (Nebel and Wright 533; "Smog"). Losses in crop yields were estimated to be 20% to 30% between 1989 and 1992 (Nebel and Wright 533). In Ontario alone, smog was attributed to reduce crop yields equivalent to \$70 million per year ("Smog"). In a study conducted by the EPA to Congress, continuous implementation of a Clean Air Act Amendments over the period 1990 to 2010 would accumulate a minimum 1999 net present value of agricultural benefits of at least \$4 billion (EPA, "The Benefits and Costs" F-8). Along with the fact that 60% of the world's food is produced in countries that also produce 60% of the world's air pollution, the significance of clean air is clearly seen (Nebel and Wright 533).



In a forestry aspect, smog incurs a cost on the existence value of trees and wild plants. In Los Angeles, smog was attributed to the deaths of 50% of trees in nearby areas (ibid.). Similarly, ground-level ozone from the Central Valley and San Francisco-Oakland metropolitan areas was responsible for increasing stress and vulnerability on the ponderosa and Jeffrey pines in the Sierra Nevada (ibid.). An attack by western pine beetles subsequently diminished the number of these trees.

As it perhaps can be predicted, the monetary costs of the loss of forests are difficult to measure, if measurable at all. Yet, it may still be worthwhile to keep in mind the option value benefits, non-consumptive use benefits, and existence value of forests, when making a balance sheet of costs and benefits of reducing smog. In another aspect, the damage to trees can have direct economic costs-as Canada discovered when it was found that ground-level ozone was the cause of damage to its sugar maple trees and other trees in its forestry industry ("Smog").

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Smog and its Effects on Materials and Aesthetics

It is said that cleaning is just as destructive as it is costly. Perhaps this is even more so when considering the material and aesthetic aspects of smog. Besides the fact that most people derive a psychological benefit of seeing a clear sky and a clean surrounding, the costs of smog can be millions of dollars.



The most visible characteristic of cities smothered by smog is perhaps the black and soot-covered windows, walls, drapes and curtains, and other exposed surfaces. Yet, other damages can be seen. Sulfur dioxide corrodes metal and stone-damaging machinery and industrial instruments, as well as destroying buildings, statues, and monuments (Lewis 33; EPA, "The Plain English"). Ground-level ozone, destroying synthetic materials, can cause leather to become brittle and rubber to lose its elasticity, resulting in



cracks (Lewis 33). Moreover, ground-level ozone has been found to damage cotton, acetate, nylon, polyester, and other textiles, while bleaching dyes, paints, and coatings ("Smog").

While it is uncertain as to how much is exactly spent on the cleaning or replacement of materials, a couple of million dollars is considered to be a reasonable estimate. Canada, alone, estimates that the increase in ground-level ozone from the United States has cost it up to one billion dollars in material damages ("Smog"). Considering that cleaning and replacement costs do not include materials that are irreplaceable and the observation that people have actually spent more to move further away from cities, these costs of pollution most likely will be underestimated (Nebel and Wright 534).



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Smog and its Effects on Ecological Systems

Sulfur dioxide and nitrogen oxides are largely responsible for the sources of acid precipitation. Because it results in acid rain with a pH of 5.5 or less, smog can have serious widespread ecological impacts on aquatic systems, forests, and on humans far away from its point of origin.

As a basic biology course will explain, slight deviations from pH values in the environment can be critical to the proper functioning of enzymes, hormones, and other proteins. In aquatic systems with a normal pH of 6 to 8, a slight deviation in most cases will pose no threat, as organisms adapt (Nebel and Wright 541). However, an organism's ability to successfully reproduce may be hindered, and in more extreme cases, a population of an organism may actually become extinct (ibid.). In forests, acid precipitation not only damages trees and plants, but also affects soil contents, which can thwart growth towards acid-tolerant species (ibid. 542). For humans, the effects of acid rain may vary from aesthetic values to the issue of clean water and air. In all of these cases, no exact monetary value can be assigned.



The fact that everyone and everything in the environment is interlinked in a chain demonstrates the difficulty in measuring an externality such as smog. Yet the simple recognition that such externalities exist can work wonders in policies attempting to ensure a more sustainable and healthier future.



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March 12, 2009

Study links smog exposure to premature death

By **ROBIN BRAVENDER**, [Greenwire](#)

Long-term exposure to concentrated smog significantly raises the risk of dying from lung disease, a new study shows.

The [study \(pdf\)](#), published today in the *New England Journal of Medicine*, found that the risk of dying from respiratory disease is more than three times higher in metropolitan areas with the most concentrated ozone -- a precursor of smog -- than in those with the lowest ozone concentrations.

The report is the first nationwide study to evaluate the effects of long-term impacts of ozone on human health and the first to separate the effects of ozone pollution from those of fine particle pollution, or soot, according to a statement from New York University's Langone Medical Center.

"Many studies have shown that a high ozone day leads to an increase in risk of acute health effects the next day, for example, asthma attacks and heart attacks," said co-author George Thurston, a professor at NYU's Department of Environmental Medicine, in the statement.

"What this study says is that to protect the public's health, we can't just reduce the peaks, we must also reduce long-term, cumulative exposure."

The study was co-authored by scientists from Health Canada, Brigham Young University, New York University's School of Medicine, the University of Ottawa, the American Cancer Society and the University of California, Berkeley.

Ozone is formed by a chemical reaction between nitrogen oxides and volatile organic compounds in the presence of sunlight. It is considered beneficial in the earth's stratosphere, where it forms a shield that blocks the sun's harmful rays. But ground-level ozone -- which can come from tailpipes, coal-fired utilities and other industries -- can trigger health problems including chest pain, coughing, throat irritation and congestion, according to U.S. EPA. It can also damage vegetation and ecosystems.

'Substantial risk' under EPA limits

Thurston said the study shows that EPA's current standards for airborne ozone -- measured over eight-hour periods -- do not protect against the long-term effects of ozone exposure.

"It seems clear that even in cities that are approaching meeting the existing standard, you still have a substantial risk from the cumulative long-term exposure that's not addressed by the acute standard," he said.

New York City's air, for example, is nearly in compliance with EPA's short-term ozone standard of 75 parts

per billion, he said. Still, New Yorkers face a 25 percent increased risk of respiratory death as a result of their ozone exposures, he said.

Yesterday, the Obama administration asked a federal appeals court to stall a pending court case over EPA's current smog standards to give the agency more time to consider whether to revise the controversial Bush-era air quality standards (*E&ENews PM*, March 11). Environmental groups have blasted the Bush-era standard for being too weak, while industry groups have argued that the current standard is too stringent.

Frank O'Donnell, president of the advocacy group Clean Air Watch, said the study adds fuel to clean air advocates' argument that the federal standards should be stricter.

"There's certainly a great weight of evidence to document that tougher ozone standards are needed," O'Donnell said.

[Click here](#) (pdf) to read the report.

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AIRtrends 1995 Summary

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<http://www.epa.gov/airtrends/aqtrnd95/pm10.html>

Last updated on Thursday, January 05, 2012

Particulate Matter (PM-10)

Note: EPA no longer updates this information, but it may be useful as a reference or resource.

Please see www.epa.gov/airtrends for the latest information on Air Quality Trends.

Nature and Sources of the Pollutant:

Particulate matter is the term for solid or liquid particles found in the air. Some particles are large or dark enough to be seen as soot or smoke. Others are so small they can be detected only with an electron microscope.

Because particles originate from a variety of mobile and stationary sources (diesel trucks, woodstoves, power plants, etc.), their chemical and physical compositions vary widely. Particulate matter can be directly emitted or can be formed in the atmosphere when gaseous pollutants such as SO₂ and NO_x react to form fine particles.



Health and Environmental Effects: In 1987, EPA replaced the earlier Total Suspended Particulate (TSP) air quality standard with a PM-10 standard. The new standard focuses on smaller particles that are likely responsible for adverse health effects because of their ability to reach the lower regions of the respiratory tract. The PM-10 standard includes particles with a diameter of 10 micrometers or less (0.0004 inches or one-seventh the width of a human hair). EPA's health-based national air quality standard for PM-10 is 50 µg/m³ (measured as an annual mean) and 150 µg/m³ (measured as a daily concentration). Major concerns for human health from exposure to PM-10 include: effects on breathing and respiratory systems, damage to lung tissue, cancer, and premature death. The elderly, children, and people with chronic lung disease, influenza, or asthma, are especially sensitive to the effects of particulate matter. Acidic PM-10 can also damage human-made materials and is a major cause of reduced visibility in many parts of the U.S. New scientific studies suggest that fine particles (smaller than 2.5 micrometers in diameter) may cause serious adverse health effects. As a result, EPA is considering setting a new standard for PM-2.5. In addition, EPA is reviewing whether revisions to the current PM-10 standards are warranted.

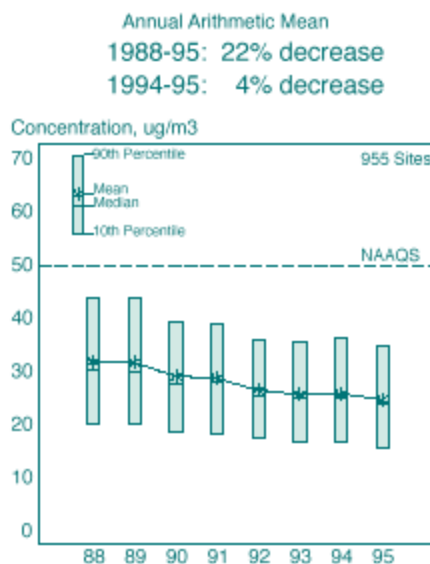
Trends in PM-10 Levels: Air monitoring networks were changed in 1987 to measure PM-10 (replacing the earlier TSP monitors).

Between 1988 and 1995, average PM-10 concentrations decreased 22 percent. Short-term trends between 1994 and 1995 showed a decrease of 4 percent in monitored PM-10 concentration levels.

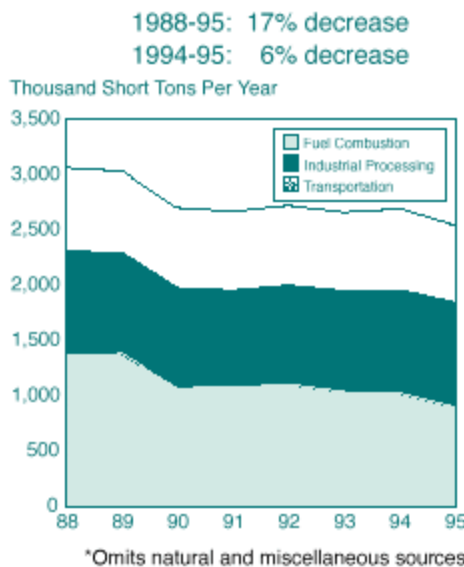
Emissions of PM-10 shown in the chart are based on estimates from fuel combustion sources, industrial processes, and transportation sources, which account for only 6 percent of the total PM-10 emissions nationwide. Between 1988 and 1995, PM-10 emissions for these sources decreased 17 percent. Short-term emissions trends between 1994 and 1995 showed a 6 percent decrease.

The emissions estimates presented below do not include emissions from natural and miscellaneous sources which are fugitive dust (unpaved and paved roads), agricultural and forestry activities, wind erosion, wildfires and managed burning. These emissions estimates also do not account for particulate matter that is secondarily formed in the atmosphere from gaseous pollutants (e.g., SO₂ and NO_x).

PM-10 Concentrations, 1988-95



PM-10 Emissions, 1988-95*



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Air Pollution - Particulate Matter Brochure

This page last reviewed May 6, 2009

What is Particulate Matter (PM10)?

Particulate matter (PM10) pollution consists of very small liquid and solid particles floating in the air. Of greatest concern to public health are the particles small enough to be inhaled into the deepest parts of the lung. These particles are less than 10 microns in diameter - about 1/7th the thickness of the a human hair - and are known as PM10. This includes fine particulate matter known as PM2.5.

PM10 is a major component of air pollution that threatens both our health and our environment.

Where does PM10 come from?

In the western United States, there are sources of PM10 in both urban and rural areas, major sources include:

1. Motor vehicles.
2. Wood burning stoves and fireplaces.
3. Dust from construction, landfills, and agriculture.
4. Wildfires and brush/waste burning.
5. Industrial sources.
6. Windblown dust from open lands.

PM10 is a mixture of materials that can include smoke, soot, dust, salt, acids, and metals. Particulate matter also forms when gases emitted from motor vehicles and industry undergo chemical reactions in the atmosphere.

How does PM10 affect our health?

PM10 is among the most harmful of all air pollutants. When inhaled these particles evade the respiratory system's natural defenses and lodge deep in the lungs.

Health problems begin as the body reacts to these foreign particles. PM10 can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections.

Although particulate matter can cause health problems for everyone, certain people are especially vulnerable to PM10's adverse health effects. These "sensitive populations" include children, the elderly, exercising adults, and those suffering from asthma or bronchitis.

Of greatest concern are recent studies that link PM10 exposure to the premature death of people who already have heart and lung disease, especially the elderly.

Does PM10 affect our view?

PM10 is often responsible for much of the haze that we think of as smog. This is a problem in our cities, rural areas and pristine areas - such as national parks and forests.

What is being done to reduce PM10 pollution?

The United States Environmental Protection Agency has set air quality standards for PM10. Based on health research, these identify acceptable levels of PM10. Currently, these standards are violated in many parts of the western United States.

Air quality agencies in several states have developed, or are now developing, air quality plans to bring PM10 concentrations down to healthful levels. These plans include a variety of programs to reduce emissions, including:

1. Dust control for roads, construction, and landfills.
2. Landscaping, barrier, and fencing to reduce windblown dust.
3. Programs to reduce emission from wood stoves and fireplaces.
4. Cleaner - burning gasoline and diesel fuels.
5. Emission control devices for motor vehicles.
6. Controls for industrial facilities.

What can you do?

Here are a few things individuals, business, and other organizations can do immediately to reduce the threat of PM10:

1. Reduce travel on days with poor air quality.
2. Avoid vigorous physical activity on days that have poor air quality.
3. Avoid using your wood stove and fireplace on days that have poor air quality.
4. Avoid using leaf blowers and other dust - producing equipment.
5. Drive slowly on unpaved roads and other dirt surfaces.
6. Get involved with air quality improvement programs in your community.
7. If you own or operate an industrial source of PM10, comply with local rules that apply to your operation. Work with local agencies to develop strategies that will further reduce PM10 emissions.

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**2009 IMPERIAL COUNTY
STATE IMPLEMENTATION PLAN FOR
PARTICULATE MATTER LESS THAN
10 MICRONS IN AERODYNAMIC DIAMETER**

FINAL

Prepared for

Imperial County Air Pollution Control District
150 South 9th Street
El Centro, CA. 92243-2801

Prepared by

ENVIRON International Corporation
707 Wilshire Blvd., Suite 4950
Los Angeles, CA 90017

August 11, 2009

PM₁₀ is respirable, with fine and ultrafine particles reaching the alveoli deep in the lungs, and larger particles depositing principally in the nose and throat area. PM₁₀ deposition in the lungs results in irritation that triggers a range of inflammation responses, such as mucus secretion and bronchoconstriction, and exacerbates pulmonary dysfunctions, such as asthma, emphysema, and chronic bronchitis. Sufficiently small particles may penetrate into the bloodstream and impact functions such as blood coagulation, cardiac autonomic control, and mobilization of inflammatory cells from the bone marrow. Individuals susceptible to higher health risks from exposure to PM₁₀ airborne pollution include children, the elderly, smokers, and people of all ages with low pulmonary/cardiovascular function. For these individuals in particular, adverse health effects of PM₁₀ pollution include coughing, wheezing, shortness of breath, phlegm, bronchitis, and aggravation of lung or heart disease, leading for example to increased risks of hospitalization and mortality from asthma attacks and heart attacks.¹

1.2 Imperial County

1.2.1 Geography, Population, and Land Use

Imperial County extends over 4,597 square miles² in the southeastern portion of California, bordering Mexico to the south, Riverside County to the north, San Diego County to the west, and the State of Arizona to the east. The Imperial Valley runs approximately north-to-south through the center of the county and extends into Mexico. The terrain elevation varies from as low as 230 feet below sea level at the Salton Sea to the north to more than 2,800 feet above sea level at the mountain summits to the east.

Imperial County's population is about 173,000 people,³ and its principal industries are farming and retail trade. Most of the population, farming, and retail trade exist in a band of land that, on average, comprises less than one-fourth the width of the county, stretching from the south shore of the Salton Sea to the Mexican border. The road network is densest within this strip, as shown in Figure 1.1. The rest of Imperial County is the Salton Sea and mostly dry, barren desert area with little or no human population. Imperial County's population distribution and population growth in recent years are reported in Appendix V.

Imperial County's agricultural industry⁴ grew to \$1.37 billion in 2007, led by cattle farming at \$334 million. More than 40 types of crops and commodities are grown in the county, ranking Imperial County 11th among California counties.⁵ The total acreage of farmed land has remained fairly constant at ~500,000 acres over the last decade, and nearly 25% of the county's labor force works in the Agricultural Sector during the high season.

¹ Additional details regarding the adverse health effects of PM can be found in the San Joaquin Valley 2006 PM₁₀ Plan (Chapter 1, Section 1.5), available at http://www.valleyair.org/Air_Quality_Plans/06PM10.htm.

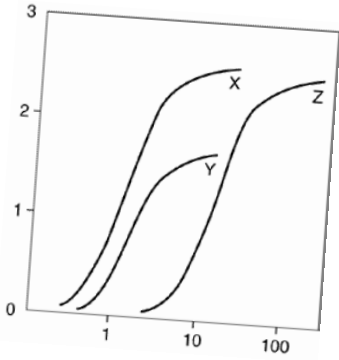
² Official website of Imperial County, <http://www.co.imperial.ca.us/>.

³ Southern California Association of Governments, http://www.scag.ca.gov/publications/pdf/2007/SOTR07/SOTR07_Population.pdf

⁴ Imperial County Agricultural Commissioners Office, *Imperial County 2007 Agricultural Crop and Livestock Report*, available at <http://imperialcounty.net/ag/Crop%20&%20Livestock%20Reports/Crop%20&%20Livestock%20Report%202007%20Color.pdf>

⁵ California Farm Bureau Federation, <http://www.cfbf.com/counties/index.cfm?id=13>

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August 31, 2012

Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Attn: Mr. Michael Lozeau

Subject: Comment Letter on the Draft Environmental Impact Report for the Prologis Eucalyptus Industrial Park, SCH No. 2008021002.

Dear Mr. Lozeau:

At the request of Lozeau | Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Draft Environmental Impact Report¹ (DEIR) for the Prologis Eucalyptus Industrial Park (hereafter called the Project), SCH No. 2008021002 and its appendices. The proposed project site is located in the eastern portion of the City of Moreno Valley, in Riverside County, California. The 122.8-acre project site is located south of State Route 60 (SR-60) east of the Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel. According to the DEIR the proposed project would result in the construction and operation of a warehouse facility, consisting of approximately 2,244,638 square feet (sq ft).

Currently the site is used undeveloped for commercial uses and has two citrus groves in the northeastern and northwestern portions of the site, while the central and southern portions are vacant and support mainly weedy vegetation. According to a March, 2012 Memo from LSA

¹ LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg. 1-2

Associates², the project site contains 57-acres of citrus (Grapefruit) trees with the rest of the site vacant. The surrounding area has been dry-farmed in the past, and the eastern end of the City has historically supported a variety of crops, including citrus, melon, potatoes, etc³. There are three small natural drainage features on site, two ephemeral channels in the southwestern portion of the site and the larger Quincy Channel along the eastern edge of the property. According to the DEIR⁴, there is some minor amount of refuse is present in the southwest and southeast corners of the site from unauthorized dumping.

Land adjacent to the project site includes vacant land east and south of the proposed project site, SR- 60 to the north, and the Moreno Valley Auto Mall and the City of Moreno Valley Fire Station No. 58 northwest of the project site. Existing single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the project site⁵.

The proposed project has had and will have significant impacts on the community prior to the approval of the DEIR. The proposed project will require significant changes in the local zoning ordinances (General Plan for the City of Moreno Valley) including:

² LSA. 2012. Project Memorandum: Agricultural Use of ProLogis Industrial Property. Memorandum from Kent Norton, LSA Riverside Office to Jeff Bradshaw, City of Moreno Valley. Dated March 21, 2012.

³ LSA. 2012. Project Memorandum: Agricultural Use of ProLogis Industrial Property. Memorandum from Kent Norton, LSA Riverside Office to Jeff Bradshaw, City of Moreno Valley. Dated March 21, 2012.

⁴ LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 3-1

⁵ LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 3-1

- Approval of a General Plan Amendment to change the land use designation of 71.3 acres of the project site from Residential (R15, R5, and R2) to Business Park (BP) so the entire site would then be designated Business Park (BP).
- Approval of a Zone Change of the entire 122.8 acres from its current zoning designations of Business Park (BP), Business Park/Mixed Use (BPX), Residential 15 District (R15), Residential 5 District (R5), and Residential Agriculture 2 (RA-2) to all Light Industrial (LI).
- Zone Change will also be used to redraw the boundary of the Primary Animal Keeping Overlay (PAKO) district.
- Approval of an amendment to the City’s Master Plan of Trails to relocate the Eucalyptus Avenue Trail to the north side of future Eucalyptus Avenue and eliminate the planned trail segment on Quincy Avenue from SR-60 to Fir Avenue (future Eucalyptus Avenue), based on discussion with the City Trails Commission.
- Approval of an amendment to the Circulation Element of the General Plan. These changes include the following:
 - Eliminate the undeveloped Quincy Street from Eucalyptus Avenue south to Encilia Avenue;
 - Realign Encilia Avenue from its current alignment such that its westerly terminus is located at Moreno Beach Drive instead of the current General Plan westerly terminus at Eucalyptus Avenue; and
 - The segment between Quincy Channel and Moreno Beach Drive would be classified as a Collector.

In addition, to the changes above, the proposal of the project has forced the Moreno Valley Unified School District (MVUSD) to abandon plans to locate an elementary school (MVUSD Elementary School #24), a middle school (MVUSD Middle School #7), and a high school (MVUSD

High School #5) in the vicinity of Redlands Boulevard and future Eucalyptus Avenue, in close proximity to the proposed. After the Notice of Preparation (NOP) for the proposed project was released, MVUSD decided to abandon plans for these school sites and relocate the future school facilities in a different area of the City⁶. Students who live in the area to be serviced by the proposed schools will now have to travel farther to attend schools.

The DEIR for the Project, determined that the proposed project's construction and operational phases would have impacts on air quality that would be less than significant with mitigation incorporated. These conclusions are premature and based upon a flawed analysis of the potential emissions at the site. The proponents should re-evaluate the impacts of the project and present them in a revised draft environmental impact report (RDEIR).

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

This DEIR was issued prematurely without considering the serious flaws in the Proponent's analysis of the project. The flaws include:

1. The proponent's use of the CalEEMod ensures an underestimation of the potential particulate emission for the construction phase of the proposed project.
2. Failure of the proponent to compare construction emissions to daily construction significance thresholds;
3. Failure to consider health risks from contaminated dust; and
4. Failure to properly identify and address the Project's operational air quality impacts.

⁶ LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 4.3-6.

COMMENTS

1. The Proponent's Use Of The CalEEMod Ensures An Underestimation Of The Potential Particulate Emission For The Construction Phase Of The Proposed Project.

The California Air Resource Board's (CARB's) Urban Emission (URBEMIS) model and the California Emissions Estimator Model (CalEEMod) are computer models designed to estimate emissions of criteria pollutants during construction and operational phases of projects. Currently, South Coast Air Quality Management District (SCAQMD) accepts the outputs from both models in their air quality analyses. Significant differences in the models must be highlighted in the DEIR. The changes in the method used to estimate construction impacts from the proposed project by using the CalEEMod model instead of the URBEMIS model include:

- Failure to account for wind-blown fugitive dust⁷. According to the July, 2011 CalEEMod Technical Paper, wind-blown fugitive dust is not calculated in CalEEMod. For sites as large as the proposed project site, this can result in significant quantities of particulate matter being released.
- SCAQMD's surveys of construction sites were limited to sites of 35 acres or less. For projects larger than 35-acres the data was extrapolated by increasing the number of construction days but not increasing the number of construction equipment pieces used on a given day. The impact is to reduce the construction PM estimates for the site as compared to URBEMIS⁸.

⁷ CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 4.

⁸ CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

- Grading in URBEMIS is based upon 25% of total project acreage in one day. Grading in CalEEMod is based upon Walker's Building Estimator's Reference Book. The impact of this change is to decrease PM emissions from grading in the CalEEMod⁹ by tying the emissions to the number of pieces of equipment present at the site.

The proponent's must include an analysis of these impacts in a revised DEIR (RDEIR) to ensure that an accurate analysis of the potential impacts from the proposed project are presented as required by CEQA.

2. Failure To Accurately Compare Construction Emissions To Daily Construction Significance Thresholds.

Unlike the operational emissions from most projects, which are typically more or less continuous, emissions from construction sites are highly variable depending on the type of construction that is being performed. For example, grading results in large quantities of fugitive dust and combustion emissions from diesel-powered equipment. Short-term emissions during the various construction phases can be considerable and may result in degradation of local and regional air quality and severe health effects.

To determine whether short-term emissions may result in degradation of local and regional air quality and severe health effects, it is common practice for lead agencies to compare project emissions to quantitative significance thresholds developed by local air districts as a screening tool for CEQA review. Thresholds of significance for construction emissions are typically expressed on a short-term basis, *i.e.* daily or hourly basis to adequately capture impacts due to the high variability of emissions during different construction stages.

⁹ CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

Table 1 presents a summary of short-term emissions thresholds developed by SCAQMD and other air districts for assessing impacts on air quality from construction projects.

**Table 1:
CEQA significance thresholds for construction emissions from various air districts**

Air district construction thresholds*	NO_x (lbs/day)	ROG (lbs/day)	PM₁₀ (lbs/day)	DPM (lbs/day)	PM_{2.5} (lbs/day)	CO (lbs/day)
SCAQMD	100	75	150		55	550
BAAQMD	54	54	82		54	
EDCAPCD	82	82				
SLOCAPCD				7		
MBUAPCD			82			550
FRAQMD	25	25	80			
SMAQMD	85					
YSAQMD	82	82	150			

SCAQMD = South Coast Air Quality Management District, CEAQ Handbook, 1993;
 BAAQMD = Bay Area Air Quality Management District, CEQA Guidelines 2009;
 EDCAPCD = El Dorado County Air Pollution Control District, CEQA Guide, February 2002;
 SLOCAPCD = San Louis Obispo County Air Pollution Control District, CEQA Air Quality Handbook, December 2009.
 MBUAPCD = Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines, June 2004,
 FRAQMD = Feather River Air Quality Management District,
http://www.fraqmd.org/CEQA_Thresholds.htm;
 SMAQMD Sacramento Metropolitan Air Quality Management District, Guide to Air Quality Assessment, July 2004;
 YSAQMD, Yolo-Solano Air Quality Management District, Air Quality Handbook, Guidelines for Determining Air Quality Thresholds of Significance and Mitigation Measures for Proposed Development Projects that Generate Emissions from Motor Vehicles, revised 2002

According to the DEIR¹⁰, “criteria pollutant emissions during project construction would exceed the SCAQMD emission thresholds for oxides of nitrogen (NO_x) and reactive organic gases (ROG). Compliance with SCAQMD Rules and Regulations during construction will minimize construction-related air quality impacts from fugitive dust emissions and construction equipment emissions. Mitigation is required. The proposed

¹⁰ LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 1.

project would not exceed any of the localized significance thresholds (LSTs) during construction periods.” This statement is incorrect and misleading.

A review of the CalEEMod analysis for the project shows that the mitigated construction emissions of ROG and particulate matter less than 2.5 microns (PM_{2.5}) exhaust (a surrogate for diesel particulate emissions) are in excess of the CEQA significance thresholds listed above. During Year 2013, ROG and PM_{2.5} exhaust emissions are estimated to be 368.03 lbs/day and 7.95 lbs/day, respectively.

In addition to the Significant Thresholds above, SCAQMD recommends the use of LSTs to determine potential impacts to receptors near projects. According to the Air Quality Analysis prepared by the proponent, Table I of the Air Quality Analysis (Table 2 below) shows that the emissions of the pollutants on the peak day of construction are below the SCAQMD LST. In this table the proponent uses the emission estimates from the grading phase of the construction. The proponent inaccurately asserts that the emission levels will be below the LST values.

Table 2:

Construction LST Impacts from Air Quality Analysis

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM ₁₀	PM _{2.5}
On-Site (grading) Emissions	104	55	8.4	6.3
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	No	No

A review of the CalEEMod analysis shows that the highest emission values are not associated with the grading phase. In Section 2.0 Emission Summary of the CalEEMod analysis presented in the Air Quality Analysis the construction impacts are listed as:

**Table 3:
Construction LST Impacts from CalEEMod Output**

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM ₁₀	PM _{2.5}
Mitigated Construction Emissions	139.84	166.77	29.2	8.28
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	Yes	Yes

The Proponent’s analysis of air quality impacts clearly fails to accurately describe the impacts of the emissions on the receptors closest to the project site (homes within 50 feet of the site boundary and the fire station immediately adjacent to the site boundary). Emissions of PM_{2.5} (surrogate for diesel exhaust) and PM₁₀ from the construction site may have lasting impacts on the receptors nearby.

Diesel exhaust contains nearly 40 toxic substances including toxic air contaminants (TACs) and may pose a serious public health risk for residents in the vicinity of the facility. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. The current California list of TACs¹¹ includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

DPM and TAC emissions may affect numerous sensitive receptors in the region including onsite construction workers, fire personnel at the station adjacent to the site and the single-family residences located near the site. Evidence exists that clouds of soot emitted by heavy-duty

¹¹ URS. 2012. Impacts to Air Quality from the Construction and Operation of the Brannon Solar, LLC Solar Energy Generation Project. Dated Febraury 7, 2012. Table A-7

construction equipment can travel downwind for miles, then drift into heavily populated areas. For example, health impact studies from the SCAQMD¹² have documented that diesel emissions travel miles from the sources impacting residents.

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death^{13,14,15}. Fine diesel particles are deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.¹⁶ Exposure to diesel exhaust increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction.¹⁷

¹² SCAQMD MATES I, II, and III have documented the impacts for DPM in the SCAB.

¹³ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

¹⁴ U.S. EPA, Health Assessment Document for Diesel Engine Exhaust, Report EPA/600/8-90/057F, May 2002.

¹⁵ Environmental Defense Fund, Cleaner Diesel Handbook, Bring Cleaner Fuel and Diesel Retrofits into Your Neighborhood, April 2005; http://www.edf.org/documents/4941_cleanerdieselhandbook.pdf, accessed March 27, 2008.

¹⁶ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

¹⁷ Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel's April 22, 1998 Meeting.

A recent analysis found that air pollution from diesel construction equipment is already taking a heavy toll on the health and economic well-being of Californians^{18,19}.

PM₁₀ emissions from the construction phase of the proposed project may be extremely troublesome for receptors near the site (i.e., homes near the site boundary and the fire station next to the site) since they will act as carriers for residual pesticides/herbicides from the site (see comment below). The project site currently contains 57-acres of citrus (Grapefruit) trees and the surrounding area has been dry-farmed in the past, and the eastern end of the City of Moreno Valley historically supported a variety of other crops²⁰. Given the proximity of receptors to the site and the estimated emission rates of particulate matter from the site after mitigation, it is clear that construction activities at the project site will adversely impact the previously identified receptors.

Based on my expert opinion, applicable significance thresholds, and the CalEEMod analysis performed by the proponent, I conclude that the Project will have significant adverse impacts from construction air emissions of fugitive dust, ROG, and diesel emissions. The lead agency must re-evaluate the construction emissions and incorporate a phased approach to estimate the true impacts of construction activities on air quality, and propose all feasible mitigation measures to reduce these significant emissions, in a RDEIR.

¹⁸ These estimates are conservative because they do not include emissions from a large number of small construction projects (residential and commercial and projects smaller than 1 acre in size). Further, John Hakel, vice president of the Associated General Contractors, which represents construction equipment fleet owners and general contractors, indicated that the report appeared to underestimate the sheer volume of construction equipment.

¹⁹ Union of Concerned Scientists, Digging up Trouble: Construction Pollution in the Bay Area; http://www.ucsusa.org/assets/documents/clean_vehicles/Bay-Area-Fact-Sheet.pdf, accessed March 27, 2008.

²⁰ LSA. 2012. Project Memorandum: Agricultural Use of ProLogis Industrial Property. Memorandum from Kent Norton, LSA Riverside Office to Jeff Bradshaw, City of Moreno Valley. Dated March 21, 2012.

3. Failure To Consider Health Risks From Contaminated Dust.

Residual contaminants in soils at the site may be entrained in dust generated during construction activities. The release of residual contamination is a potentially significant impact, given the past use of the site for agricultural production. According to the California Department of Toxic Substances Control August 2002 Interim Guidance for Sampling Agricultural Fields for School Sites (known sensitive receptors), “the most commonly detected pesticides have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. Of these pesticides, toxaphene has been the major pesticide driving unacceptable levels of risk requiring remediation by soil removal.” Given the volume of soils to be graded at each of the sites it is imperative to understand whether particulate matter generated at the sites will pose a potential health risk to sensitive receptors in the vicinity of each site.

According to DTSC, “the guidance is applicable to agricultural land that is currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural land that is no longer in production and has not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized, and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field.”

There is no indication of a sampling and analysis plan in the DEIR, or the Project documents provided by the lead agency, which is a serious deficiency. Prior to issuing a DEIR for the project, the Proponent should be required to complete a sampling and analysis plan to confirm or rule out the possibility of the presence of residual contaminants at the site. Identifying residual pesticides or other contaminants in soils at the site

prior to construction activities will provide an opportunity for the Proponent to remove/mitigate the potential exposure of sensitive receptors within the vicinity of the sites. In the absence of any sampling or analysis, and given the past use of the Project site, I conclude that there is at least a fair argument that the Project may have significant impacts related to residual contaminants at the site.

4. Failure To Properly Identify and Address the Project's Operational Air Quality Impacts.

The DEIR asserts with no analysis whatsoever that the project's emissions of criteria pollutants will not result in a considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

During the operational phase of the project the project will have the potential to generate significant quantities of criteria pollutants (NO_x, SO_x, Ozone precursors, PM). According to Table 3-1 of the most recent BAAQMD CEQA guidance, a construction of a 259,000 square foot light industrial or warehouse operation will typically violate NO_x construction thresholds and GHG operational thresholds. The proposed Project's 2,000,000 square feet plus of warehouse and manufacturing buildings are nearly 8 times the size of the screening threshold, ensuring a violation of local air quality thresholds. I therefore conclude that the Project will have significant NO_x and GHG emissions during Project operations.

The air quality impacts from the traffic associated with a 2,000,000 square foot facility are significant. Typically the impacts are quantified by the number of vehicle trips per day. In the case of the proposed project, the primary concern will be the number of truck trips per day. A truck trip is one round trip (one trip segment to a site and one trip segment away from a site).

According to one source, Bluffstone and Ouderkirk²¹, a 500,000 square feet facility on 50 acres, will on average have 350 truck trips per day (or 700 trip segments) associated with its development. This figure is proportionate to estimates for an AMB Property Corporation center in Redlands (1,000 truck trips for a 1.3 million square feet structure); Wal-Mart distribution centers in Pueblo, Colorado (700 truck trips per day for an 880,000 square feet facility), Connecticut, and Delaware (both 1,000 truck trips per day for 1.2 million square feet structures); and a grocery distribution center in New York (Boas, 2002; Gasiewski, 2004; Hernandez, 2005; Pueblo Chieftain, 2004; Sholl, 2004).

Estimates from other sources indicate approximately 1 truck per 1,000 square feet of the building, which means that the proposed project would require 1,000 trucks per day (or 1,000 trip segments per day) for the warehouse segment of the Project. The number of truck trips could be higher at a new, more efficient facility where more inventory is moved per day. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of Moreno Valley is unknown. It is clear that the size of the Project will have significant NOx and GHG emissions during Project operations.

A proper operational impact analysis is vital for an environmental analysis because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that the environmental damage often occurs incrementally from a variety of small sources with which they interact. The increase in PM in the region, even for short periods of time, will only exacerbate the already serious air quality issues in the region.

²¹Bluffstone and Ouderkirk. 2007. Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire. Contemporary Economic Policy 25(1):

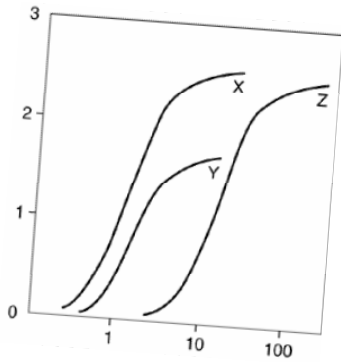
Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project will result in significant adverse impacts that were not identified in the DEIR and that are not adequately mitigated. Many of the DEIR's conclusions that environmental impacts are not significant or less than significant with mitigation are unsupported or contradicted by the evidence. As a result, several analyses presented in the DEIR, including impacts on air quality fail to identify or disclose the magnitude of significant adverse impacts. To protect air quality and public health the Proponent must prepare a RDEIR for the Project.

Sincerely,

A handwritten signature in blue ink that reads "James Clark". The signature is written in a cursive style.

James Clark, Ph.D.



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling
Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995
M.S., Environmental Health Science, University of California, 1993
B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litigation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

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Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.

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Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, Volume 70 (2008) page 002254.
- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.
- Rosenfeld, P.E., **Clark, J. J.**, Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" *Water Science & Technology*. 55(5): 345-357.
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
- Clark, J.J.J.** 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophenoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

- Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.
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- Clark J.J.J.**, Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
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Selected References



Technical Paper

Methodology Reasoning and Policy Development of the California Emission Estimator Model
July 2011

South Coast Air Quality Management District
Bay Area Air Quality Management District
Sacramento Metropolitan Air Quality Management District
San Joaquin Valley Air Pollution Control District
Santa Barbara County Air Pollution Control District
San Luis Obispo Air Pollution Control District

The following sections discuss the three primary emission source sectors (construction, area, and operational), the factors and methodology used in CalEEMod that were different from other models such as URBEMIS, and the justification if different from the URBEMIS model, which has been widely used in the past for calculating criteria pollutant emissions from land use development projects.

Construction

A construction schedule is critical in determining the appropriate CARB OFFROAD emission factors for construction equipment because the emission factors change each year. In addition, the peak daily emissions will be different if the schedule between construction phases (e.g., site preparation, grading, building construction, etc.) overlaps. CalEEMod was developed using a construction survey to determine the construction profile (equipment type, number of equipment, hours of activity, etc.) for each construction phase. When changing the construction schedule, the model does not automatically change the default construction equipment type. The equipment type dictates construction phase activity, such as acres graded per day. Fugitive dust is generated when material (e.g., from demolition objects) and soil (e.g., from site preparation and grading) are transported to and from the site.

For non-residential land uses, the default lot acreage value corresponds to the building footprint. The lot acreage is used to calculate grading values. Therefore, any additional graded area must be entered separately as “other paved surfaces” or other land use to ensure an accurate grading calculation. For residential land uses, the default lot acreage value is greater than the default square footage value because the values are derived from different sources. The default lot acreage per residential dwelling unit is from the ITE Trip Generation and the square footage per dwelling unit is from the California Energy Commission’s Residential Appliance Saturation Survey (RASS). Thus, the lot acreage includes building footprint, paved areas and undeveloped areas, so no additional grading area need to be entered separately.

Wind-blown fugitive dust is not calculated in CalEEMod because of the number of input parameters required such as soil type, moisture content, wind speed, etc. This limitation could result in underestimated fugitive dust emissions if high wind and loose soil are substantial characteristics for a given land use/construction scenario.

Construction activity also involves on-road mobile source emissions from vehicles driven to and from the construction site by workers, vendors (e.g., water trucks, product deliveries, etc.), and haulers. In addition, fugitive dust is generated by these vehicles.

Finally, volatile organic compound (VOC) emissions are generated when the interior and exterior surface walls of the structures are painted.

Differences in methodology between CalEEMod and URBEMIS for the construction emissions sector are summarized in the following table.

Table 1 – Updated/New Features in CalEEMod during Construction Phase

CalEEMod Updated/New Feature	Justification for Change in Methodology	General Trends in CalEEMod as compared to URBEMS
Uses a construction profile (equipment type, hours of activity) based on SCAQMD construction survey	Uses documented data (URBEMIS survey data is not well documented). During the development of its localized significance thresholds, SCAQMD staff worked with construction and building industries to conduct a construction site survey gathering accurate information to better estimate emissions from construction equipment based on their typical operations. The SCAQMD hired a consultant to conduct construction site surveys throughout the South Coast Air Basin. The consultant surveyed approximately 50 construction sites and compiled information on the various construction phases including demolition, site preparation, construction of structures, etc. The survey was limited to 35 acres or less. For those projects sized larger, the data was extrapolated by increasing the number of construction phase days but not increasing the number of construction equipment on a given day.	<ul style="list-style-type: none"> • Increase in construction ROG, NOx, CO and SO2 • Decrease in construction PM (see grading activity)
Revises amount of acres graded	Acreage graded based on construction equipment ability (i.e., maximum acres a piece of equipment can pass over land in an 8-hr day) from Walker's Building Estimator's Reference Book. Grading in URBEMIS is based on 25% of total project acreage in one day.	<ul style="list-style-type: none"> • Decrease in PM emissions from grading
Modifies calculation methodology from material hauling	Provides a more specific calculation based on actual construction equipment and amount of material hauled. Although the user inputs the amount of material hauled, the model calculates exhaust and fugitive dust emissions based on 16 cubic yards per truck (an industry average). The model credits "phased" trips (i.e., the truck enters and leaves with a load, thus reducing the total number of trips in half).	<ul style="list-style-type: none"> • PM emissions increase or decrease depending upon user input

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California Environmental Protection Agency



Air Resources Board

INITIAL STATEMENT OF REASONS
FOR RULEMAKING

STAFF REPORT

PROPOSED IDENTIFICATION OF DIESEL EXHAUST
AS A TOXIC AIR CONTAMINANT

Prepared by the Staff of
the Air Resources Board and
the Office of Environmental Health Hazard Assessment

June 1998

specific compounds emitted from a variety of engine technologies, operating cycles, and fuel to characterize better any differences between old and new fuels and technologies and the potential impact on the toxicity of diesel exhaust.

HEALTH EFFECTS OF DIESEL EXHAUST EXPOSURE

The OEHHA reviewed and evaluated the potential for diesel exhaust to affect human health, and the associated scientific uncertainties. The OEHHA considered acute and chronic noncancer health impacts, and potential cancer health impacts. The SRP approved the OEHHA's health assessment at its April 22, 1998, meeting.

A number of adverse short-term (acute) health effects have been associated with exposures to diesel exhaust. Occupational exposures to diesel exhaust particles have been associated with significant cross-shift decreases in lung function. Increased cough, labored breathing, chest tightness, and wheezing have been associated with exposure to diesel exhaust in bus garage workers. A significant increase in airway resistance and increases in eye and nasal irritation were observed in human volunteers following one-hour chamber exposure to diesel exhaust. In acute and subchronic animal studies, exposure to diesel exhaust particles induced inflammatory airway changes, lung function changes, and increased the animals' susceptibility to infection.

A number of adverse long-term (chronic) noncancer effects have been associated with exposures to diesel exhaust. Occupational studies have shown that there may be a greater incidence of cough, phlegm and chronic bronchitis among those exposed to diesel exhaust than among those not exposed. Histopathological changes in the lung of diesel-exposed test animals reflect inflammation of the lung tissue. Reduced pulmonary function was noted in monkeys during long-term exposure. Reductions in pulmonary function have also been reported following occupational exposures in chronic studies.

Diesel exhaust particles can induce immunological allergic reactions and localized inflammatory responses in humans, as well as acting as an adjuvant for pollen allergy. Intranasal challenge with diesel exhaust particles in human volunteers resulted in an immunological response. Co-exposure to diesel exhaust particles and ragweed pollen resulted in an immune response greater than that following pollen or diesel exhaust particles alone. Effects of intratracheal, intranasal, and inhalation exposures of laboratory animals are supportive of the findings in humans. These effects include allergic reactions and inflammation, increased mucus secretion and respiratory resistance, and airway constriction.

The World Health Organization and the OEHHA have conducted further analyses of the dose-response relationships for several of the non-cancer, adverse effects of chronic exposures to diesel exhaust on the rat lung. These analyses gave a range of health risk guidance values of 2 to 21 $\mu\text{g}/\text{m}^3$ and support the adoption of 5 $\mu\text{g}/\text{m}^3$ which is also the 1993 U.S. EPA Reference Concentration. A U.S. EPA Reference Concentration or California Reference Exposure Level (REL) of a chemical is an estimate, with uncertainty spanning perhaps an order of magnitude, of the air concentration below which no noncancer adverse health effects are likely to occur from

lifetime exposure. This estimate takes into consideration persons who may be more sensitive than others to the effects of a chemical. The OEHHA concurs with the U.S. EPA in recommending 5 $\mu\text{g}/\text{m}^3$ as the chronic REL for diesel exhaust.

Diesel exhaust contains genotoxic compounds in both the vapor phase and the particle phase. Diesel exhaust particles or extracts of diesel exhaust particles are mutagenic in bacteria and in mammalian cell systems, and can induce adverse chromosomal changes. DNA adducts (representing genotoxins bound chemically to DNA) have been shown to increase following inhalation exposure of rodents and monkeys to whole diesel exhaust and have been found in mammalian cells following treatment with diesel exhaust particle extract. Elevated levels of DNA adducts have been associated with occupational exposure to diesel exhaust.

Over 30 human epidemiological studies have investigated the potential carcinogenicity of diesel exhaust. These epidemiological studies provide evidence consistent with a causal relationship between occupational diesel exhaust exposure and lung cancer. These studies, on average, found that long-term occupational exposures to diesel exhaust were associated with a 40 percent increase in the relative risk of lung cancer. The OEHHA analyzed the lung cancer findings for consistency and found that the association was unlikely to be due to bias or chance. Results of inhalation bioassays in the rat, and with less certainty in mice, have demonstrated the carcinogenic potential of diesel exhaust in animals, although the mechanisms by which diesel exhaust induces lung tumors in animals remain uncertain.

Other agencies or scientific bodies have studied the health effects of diesel exhaust. The National Institute of Occupational Safety and Health first recommended that whole diesel exhaust be regarded as a potential occupational carcinogen based upon animal and human evidence in 1988. The IARC concluded that diesel engine exhaust is probably carcinogenic to humans (Group 2A). Based upon the IARC findings, in 1990, the State of California under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) identified diesel exhaust as a chemical “known to the State to cause cancer.” (Title 22, California Code of Regulations, section 12000.) The 1998 draft U.S. EPA document (Health Assessment Document for Diesel Emissions, Review Draft, February 1998) similarly concluded that diesel exhaust be considered a “probable” human carcinogen (category B1). This conclusion evolves from positive yet “limited” evidence in the human studies, a “sufficient” level of evidence in bioassays, and consideration of the supporting information from mutagenicity and genotoxicity data.

Risk assessments can use carcinogenicity data from either animal or human studies. For diesel exhaust, there are data from human epidemiological studies of occupationally exposed populations which are useful for quantitative risk assessment. On balance, the OEHHA concluded that available human data lend more confidence in the prediction of human risks than the data from the available animal studies because of the uncertainties in the animal studies and of extrapolating from animals to humans. Thus, the OEHHA preferred to derive the range of human risk estimates based only upon the epidemiological findings and not the animal data. Using data from a case-control study and a cohort study, the OEHHA estimated the risk (95 percent upper confidence limit) of lung cancer in the general population due to diesel exhaust. Because of

uncertainties in the actual workplace exposures, the OEHHA developed a variety of exposure scenarios to bracket the exposures that were plausible. Based on these exposure estimates, presented in Table 1-1, the range of resulting estimates of cancer unit risk is 1.3×10^{-4} to $2.4 \times 10^{-3} (\mu\text{g}/\text{m}^3)^{-1}$. The unit risk represents the 95 percent upper confidence limit of cancer risk per million people exposed per microgram of diesel exhaust particulate in a cubic meter of air over a 70-year lifetime. The SRP approved the range of risk estimated by the OEHHA. In addition, the SRP concluded that a value of $3 \times 10^{-4} (\mu\text{g}/\text{m}^3)^{-1}$ is a reasonable estimate of unit risk expressed in terms of diesel particulate (see Appendix II).

The OEHHA and ARB staffs recognize that the limited exposure information available contributes to the uncertainty of the dose response risk assessment based on the human studies. However, the overall magnitude of uncertainty is not atypical of the types of uncertainty encountered when the Board identified other TACs. The greater than usual uncertainty in the exposure estimates is substantially offset by the much smaller than usual range of extrapolation from the occupational exposures to the ambient air concentrations. Interspecies extrapolation uncertainty is not an issue in this diesel exhaust risk assessment. In addition, there are more than 30 human studies of more than one occupation that show overall an increase in lung cancer from diesel exhaust exposure.

Based on available scientific evidence, a level of diesel exhaust exposure below which no carcinogenic effects are anticipated has not been identified. This finding was approved by the SRP at its meeting on April 22, 1998.

As with other substances evaluated by the SRP and after reviewing the field of published peer reviewed research studies on diesel exhaust, the SRP indicated that additional research is appropriate to further clarify the health effects of diesel exhaust. The OEHHA and ARB staffs recognize that diesel exhaust health studies will continue. For example, the HEI, which is jointly funded by industry and the U.S. EPA, has started a five-year study to review key epidemiologic studies and make recommendations for the design of new studies. The OEHHA and ARB staffs will follow these efforts closely, and will provide support to the extent resources are available. If the outcome of this, or other future health studies, ultimately reduces uncertainties or improves the scientific basis for estimating diesel exhaust risk, the OEHHA and ARB staffs would consider such information. When research results become available, the TAC program has a process in place for further evaluation of new scientific evidence pertaining to a previously completed TAC risk assessment. The process specifically addresses the evaluation and response to submittals of new scientific information as evidence for review of a TAC risk assessment.

Table 1-1. Summary of Cancer Unit Risks According to Study, Exposure Assumptions, and Modeling Approaches.

		95% UCL Cancer Unit Risk ($\mu\text{g}/\text{m}^3$) ⁻¹	95% Upper Confidence Limit of Cancer Risk per Million per Microgram of Diesel Exhaust Particulate in a Cubic Meter of Air Exposure Over a 70-year Lifetime
Garshick <i>et al.</i> (1987a) Case Control ¹			
Scenario ²			
	A	2.4×10^{-3}	2400
	B	1.8×10^{-3}	1800
	C	1.0×10^{-3}	1000
	D	6.6×10^{-4}	660
	E	3.6×10^{-4}	360
Garshick <i>et al.</i> (1988) Cohort Study (Chapter 7) ³			
Scenario			
	A	1.8×10^{-3}	1800
	B	1.4×10^{-3}	1400
	C	8.2×10^{-4}	820
	D	5.1×10^{-4}	510
	E	2.8×10^{-4}	280
Garshick <i>et al.</i> (1988) Cohort Study (Appendix D) ⁴			
Scenario A			
	general multiplicative model	1.9×10^{-3}	1900
	biologically based ⁵	3.8×10^{-4}	380
Scenario C			
	general multiplicative model	7.2×10^{-4}	720
	biologically based ⁵	1.3×10^{-4}	130
	biologically based ⁶	1.5×10^{-4}	150

EVALUATION OF NEED AND APPROPRIATE DEGREE OF CONTROL FOR DIESEL

¹ Using published slope coefficient for hazard on years to diesel exhaust as described in Appendix III (Part B, Section 7.3.3).

² A Ramp pattern of exposure plateauing in 1959 at the 1980 exposure level of $50 \mu\text{g}/\text{m}^3$
 B Roof pattern of exposure peaking in 1959 at twice the 1980 exposure level of $40 \mu\text{g}/\text{m}^3$
 C Roof pattern of exposure peaking in 1959 at 3-fold the 1980 exposure level of $50 \mu\text{g}/\text{m}^3$
 D Roof pattern of exposure peaking in 1959 at 3-fold the 1980 exposure level of $80 \mu\text{g}/\text{m}^3$
 E Roof pattern of exposure peaking in 1959 at 10-fold the 1980 exposure level of $50 \mu\text{g}/\text{m}^3$

³ Using individual data to obtain a slope for hazard on years of exposure to diesel exhaust as described in Appendix III (Part B, Section 7.3.4).

⁴ Applying time varying concentrations to individual data to obtain a slope of hazard on exposure as described in Appendix III (Part B, Appendix D).

⁵ 6th/7 stage model.

⁶ 7th/7 stage model.

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United States
Environmental Protection
Agency

Health Assessment Document For Diesel Engine Exhaust

Health Assessment Document for Diesel Engine Exhaust

National Center for Environmental Assessment
Office of Research and Development
U.S. Environmental Protection Agency
Washington, DC

atmosphere. It is not clear what the overall toxicological consequences of DE's transformations are because some compounds in the DE mixture are altered to more toxic forms while others are made less toxic.

1.5. EXPOSURE TO DIESEL EXHAUST

DPM mass (expressed as $\mu\text{g DPM}/\text{m}^3$) has historically been used as a surrogate measure of exposure for whole DE. Although uncertainty exists as to whether DPM is the most appropriate parameter to correlate with human health effects, it is considered a reasonable choice until more definitive information about the mechanisms of toxicity or mode(s) of action of DE becomes available. In the ambient environment, human exposure to DE comes from both on-road and nonroad engine exhaust. A large percentage of the U.S. population also is exposed to ambient $\text{PM}_{2.5}$, of which DPM is typically a significant constituent. Although this document does not provide an exposure assessment, DE exposure information is included to provide a context for the health effects information. Exposure estimates for the early to mid-1990s suggest that national annual average DE exposure from on-road engines alone was in the range of about 0.5 to 0.8 $\mu\text{g DPM}/\text{m}^3$ of inhaled air in many rural and urban areas, respectively. Exposures could be higher if there is a nonroad DE source that adds to the exposure from on-road vehicles. For example, preliminary estimates show that, on a national average basis, accounting for nonroad DE emissions adds another twofold to the on-road exposure. For localized urban areas where people spend a large portion of their time outdoors, the exposures are higher and, for example, may range up to 4.0 $\mu\text{g DPM}/\text{m}^3$ of inhaled air.

1.6. HEALTH EFFECTS OF DIESEL EXHAUST

Available evidence indicates that there are human health hazards associated with exposure to DE. The hazards include acute exposure-related symptoms, chronic exposure-related noncancer respiratory effects, and lung cancer. The health hazard conclusions are based on exhaust emissions from diesel engines built prior to the mid-1990s. With current engine use including some new and many more older engines (engines typically stay in service for a long time), the health hazard conclusions, in general, are applicable to engines currently in use. As new and cleaner diesel engines, together with different diesel fuels, replace a substantial number of existing engines, the general applicability of the health hazard conclusions will need to be re-evaluated. With new engine and fuel technology expected to produce significantly cleaner engine exhaust by 2007 (e.g., in response to new federal heavy duty engine regulations), significant reductions in public health hazards are expected for those engine uses affected by the regulations.

1.6.1. Acute (Short-Term Exposure) Effects

Information is limited for characterizing the potential health effects associated with acute or short-term exposure. However, on the basis of available human and animal evidence, it is concluded that acute or short-term (e.g., episodic) exposure to DE can cause acute irritation (e.g., eye, throat, bronchial), neurophysiological symptoms (e.g., lightheadedness, nausea), and respiratory symptoms (cough, phlegm). There also is evidence for an immunologic effect—the exacerbation of allergenic responses to known allergens and asthma-like symptoms. The lack of adequate exposure-response information in the acute health effect studies precludes the development of recommendations about levels of exposure that would be presumed safe for these effects.

1.6.2. Chronic (Long-Term Exposure) Noncancer Respiratory Effects

Information from the available human studies is inadequate for a definitive evaluation of possible noncancer health effects from chronic exposure to DE. However, on the basis of extensive animal evidence, DE is judged to pose a chronic respiratory hazard to humans. Chronic-exposure, animal inhalation studies show a spectrum of dose-dependent inflammation and histopathological changes in the lung in several animal species including rats, mice, hamsters, and monkeys.

This assessment provides an estimate of inhalation exposure of DE (as measured by DPM) to which humans may be exposed throughout their lifetime without being likely to experience adverse noncancer respiratory effects. This exposure level, known as the reference concentration (RfC) for DE of $5 \mu\text{g}/\text{m}^3$ of DPM was derived on the basis of dose-response data on inflammatory and histopathological changes in the lung from rat inhalation studies. In recognition of the presence of DPM in ambient $\text{PM}_{2.5}$, it also is appropriate to consider the wealth of $\text{PM}_{2.5}$ human health effects data. In this regard, the 1997 National Ambient Air Quality Standard for $\text{PM}_{2.5}$ of $15 \mu\text{g}/\text{m}^3$ (annual average concentration) also would be expected to provide a measure of protection from DPM, reflecting DPM's current approximate proportion to $\text{PM}_{2.5}$.

1.6.3. Chronic (Long-Term Exposure) Carcinogenic Effects

This assessment concludes that DE is “likely to be carcinogenic to humans by inhalation” and that this hazard applies to environmental exposures. This conclusion is based on the totality of evidence from human, animal, and other supporting studies. There is considerable evidence demonstrating an association between DE exposure and increased lung cancer risk among workers in varied occupations where diesel engines historically have been used. The human evidence from occupational studies is considered strongly supportive of a finding that DE

exposure is causally associated with lung cancer, though the evidence is less than that needed to definitively conclude that DE is carcinogenic to humans. There is some uncertainty about the degree to which confounders are having an influence on the observed cancer risk in the occupational studies, and there is uncertainty evolving from the lack of actual DE exposure data for the workers. In addition to the human evidence, there is supporting evidence of DPM's carcinogenicity and associated DPM organic compound extracts in rats and mice by noninhalation routes of exposure. Other supporting evidence includes the demonstrated mutagenic and chromosomal effects of DE and its organic constituents, and the suggestive evidence for bioavailability of the DPM organics in humans and animals. Although high-exposure chronic rat inhalation studies show a significant lung cancer response, this is not thought predictive of a human hazard at lower environmental exposures. The rat response is considered to result from an overload of particles in the lung resulting from the high exposure, and such an overload is not expected to occur in humans at environmental exposures.

Although the available human evidence shows a lung cancer hazard to be present at occupational exposures that are generally higher than environmental levels, it is reasonable to presume that the hazard extends to environmental exposure levels. While there is an incomplete understanding of the mode of action for DE-induced lung cancer that may occur in humans, there is the potential for a nonthreshold mutagenic mode of action stemming from the organics in the DE mixture. A case for an environmental hazard also is shown by the simple observation that the estimated higher environmental exposure levels are close to, if not overlapping, the lower range of occupational exposures for which lung cancer increases are reported. These considerations taken together support the prudent public health choice of presuming a cancer hazard for DE at environmental levels of exposure. Overall, the evidence for a potential cancer hazard to humans resulting from chronic inhalation exposure to DE is persuasive, even though assumptions and uncertainties are involved. While the hazard evidence is persuasive, this does not lead to similar confidence in understanding the exposure/dose-response relationship.

Given a carcinogenicity hazard, EPA typically performs a dose-response assessment of the human or animal data to develop a cancer unit risk estimate that can be used with exposure information to characterize the potential cancer disease impact on an exposed population. The DE human exposure-response data are considered too uncertain to derive a confident quantitative estimate of cancer unit risk, and with the chronic rat inhalation studies not being predictive for environmental levels of exposure, EPA has not developed a quantitative estimate of cancer unit risk.

In the absence of a cancer unit risk, simple exploratory analyses were used to provide a perspective of the range of possible lung cancer risk from environmental exposure to DE. The analyses make use of reported lung cancer risk increases in occupational epidemiologic studies,

and the differences between occupational and environmental exposure. The purpose of having a risk perspective is to illustrate and have a sense of the possible significance of the lung cancer hazard from environmental exposure. The risk perspective cannot be viewed as a definitive quantitative characterization of cancer risk nor is it suitable for estimation of exposure-specific population risks.

1.7. SOURCES OF UNCERTAINTY

Even though the overall evidence for potential human health effects of DE is persuasive, many uncertainties exist because of the use of assumptions to bridge data and knowledge gaps about human exposures to DE and the general lack of understanding about underlying mechanisms by which DE causes observed toxicities in humans and animals. A notable uncertainty of this assessment is whether the health hazards identified from studies using emissions from older engines can be applied to present-day environmental emissions and related exposures, as some physical and chemical characteristics of the emissions from certain sources have changed over time. Available data are not sufficient to provide definitive answers to this question because changes in DE composition over time cannot be confidently quantified, and the relationship between the DE components and the mode(s) of action for DE toxicity is/are unclear. While recognizing the uncertainty, for this assessment a judgment is made that prior-year toxicologic and epidemiologic findings can be applied to more current exposures, both of which use DPM mass in air as the measure of DE exposure.

Other uncertainties include the assumptions that health effects observed at high doses may be applicable to low doses, and that toxicologic findings in laboratory animals generally are predictive of human responses. In the absence of a more complete understanding of how DE may cause adverse health effects in humans and laboratory animals, related assumptions (i.e., the presence of a biological threshold for chronic respiratory effects based on cumulative dosage and absence of a threshold for lung cancer stemming from subtle and irreversible effects) are considered reasonable and prudent.

Although parts of this assessment, particularly the noncancer RfC estimate, have been derived with a generic consideration of sensitive subgroups within the population, the actual spectrum of the population that may have a greater susceptibility to DE is unknown and cannot be better characterized until more information is available regarding the adverse effects of DPM in humans. Increased susceptibility, for example, could result from above-average increases in DE deposition and retention in the respiratory system or intrinsic differences in respiratory system tissue sensitivity. There is no DE-specific information that provides direct insight to the question of differential human susceptibility. Given the nature of DE's noncancer effects on the respiratory system it would be reasonable, for example, to consider possible vulnerable

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The Report on Diesel Exhaust

This page last reviewed July 29, 2008

Findings of the Scientific Review Panel On

The Report on Diesel Exhaust

As Adopted at the Panel's April 22, 1998 Meeting

Pursuant to Health and Safety Code section 39661, the Scientific Review Panel (SRP / Panel) has reviewed the report *Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant* by the staffs of the California Air Resources Board (ARB or Board) and the Office of Environmental Health Hazard Assessment (OEHHA) describing the public exposure to, and health effects of, diesel exhaust. The Panel members also reviewed the public comments received on this report.

Panel members participated in workshops devoted to discussion of the exposure and health issues associated with diesel exhaust in September 1994, January 1996, July 1997, and March 1998. The SRP reviewed the issues at its meetings in October 1997 and April 1998. A special meeting of the SRP was held on March 11, 1998, to hear testimony on health issues including the quantitative risk assessment from highly respected scientists invited by the Panel. Based on these reviews and information provided at scientific workshops and meetings, the SRP makes the following findings pursuant to Health and Safety Code section 39661:

Exposure Related Conclusions:

1. Diesel exhaust is a complex mixture of gases and fine particles emitted by a diesel-fueled internal combustion engine.
2. The gaseous fraction is composed of typical combustion gases such as nitrogen, oxygen, carbon dioxide, and water vapor. However, as a result of incomplete combustion, the gaseous fraction also contains air pollutants such as carbon monoxide, sulfur oxides, nitrogen oxides, volatile organics, alkenes, aromatic hydrocarbons, and aldehydes, such as formaldehyde and 1,3-butadiene and low-molecular weight polycyclic aromatic hydrocarbons (PAH) and PAH-derivatives.
3. One of the main characteristics of diesel exhaust is the release of particles at a markedly greater rate than from gasoline-fueled vehicles, on an equivalent fuel energy basis. The particles are mainly aggregates of spherical carbon particles coated with inorganic and organic substances. The inorganic fraction primarily consists of small solid carbon (or elemental carbon) particles ranging from 0.01 to 0.08 microns in diameter. The organic fraction consists of soluble organic compounds such as aldehydes, alkanes and alkenes, and high-molecular weight PAH and PAH-derivatives, such as nitro-PAHs. Many of these PAHs and PAH-derivatives, especially nitro-PAHs, have been found to be potent mutagens and carcinogens. Nitro-PAH compounds can also be formed during transport through the

atmosphere by reactions of adsorbed PAH with nitric acid and by gas-phase radical-initiated reactions in the presence of oxides of nitrogen.

4. Diesel exhaust includes over 40 substances that are listed by the United States Environmental Protection Agency (U.S. EPA) as hazardous air pollutants and by the ARB as toxic air contaminants. Fifteen of these substances are listed by the International Agency for Research on Cancer (IARC) as carcinogenic to humans, or as a probable or possible human carcinogen. Some of these substances are: acetaldehyde; antimony compounds; arsenic; benzene; beryllium compounds; bis(2-ethylhexyl)phthalate; dioxins and dibenzofurans; formaldehyde; inorganic lead; mercury compounds; nickel; POM (including PAHs); and styrene.
5. Almost all of the diesel particle mass is in the fine particle range of 10 microns or less in diameter (PM₁₀). Approximately 94 percent of the mass of these particles are less than 2.5 microns in diameter. Because of their small size, these particles can be inhaled and a portion will eventually become trapped within the small airways and alveolar regions of the lung.
6. The estimated population-weighted average outdoor diesel exhaust PM₁₀ concentration in California for 1995 is 2.2 microgram per cubic meter ($\mu\text{g}/\text{m}^3$). Several independent studies have reported similar outdoor air diesel exhaust PM₁₀ concentrations. The 1995 estimated average indoor exposure concentration is approximately $1.5 \mu\text{g}/\text{m}^3$.
7. The population time-weighted average total air exposure to diesel exhaust particle concentrations across all environments (including outdoors) is estimated to be $1.5 \mu\text{g}/\text{m}^3$ in 1995. This total exposure estimate may underestimate many Californians' actual total exposure because it excludes elevated exposures near roadways, railroad tracks, and inside vehicles. Near-source exposures to diesel exhaust may be as much as five times higher than the 1995 population time-weighted average total air exposure. It also excludes other routes of exposure to diesel exhaust, such as ingestion and dermal absorption.
8. Diesel engine exhaust contains small carbonaceous particles and a large number of chemicals that are adsorbed onto these particles or present as vapors. These particles have been the subject of many studies because of their adverse effects on human health and the environment. A recent study conducted for the Health Effects Institute showed that, despite a substantial reduction in the weight of the total particulate matter, the total number of particles from a 1991-model engine was 15 to 35 times greater than the number of particles from a 1988 engine when both engines were operated without emission control devices. This suggests that more fine particles, a potential health concern, could be formed as a result of new technologies. Further study is needed since the extent of these findings only measured exhaust from two engines and engine technologies.
9. The major sources of diesel exhaust in ambient outdoor air are estimated to emit approximately 27,000 tons per year in 1995. On-road mobile sources (heavy-duty trucks, buses, light-duty cars and trucks) contribute the majority of total diesel exhaust PM₁₀ emissions in California. Other mobile sources (mobile equipment, ships, trains, and boats) and stationary sources contribute the remaining emissions.
10. Significant progress has been made as a result of federal and state regulations that have addressed particulate matter levels from diesel engines. Emissions of on-road mobile source diesel exhaust PM₁₀ in California are expected to decline by approximately 85 percent from 1990 to 2010 as a result of mobile source regulations already adopted by the ARB.
11. The results of a study funded by the ARB at the University of California, Riverside, indicate that the diesel exhaust from the new fuel tested contained the same toxic air contaminants as the old fuel, although their concentrations and other components may differ. Further research would be helpful to quantify the amounts of specific compounds emitted from a variety of

engine technologies, operating cycles, and fuel to characterize better any differences between old and new fuels and technologies.

Health Effects Associated with Diesel Exhaust:

12. A number of adverse short-term health effects have been associated with exposures to diesel exhaust. Occupational exposures to diesel exhaust particles have been associated with significant cross-shift decreases in lung function. Increased cough, labored breathing, chest tightness, and wheezing have been associated with exposure to diesel exhaust in bus garage workers. A significant increase in airway resistance and increases in eye and nasal irritation were observed in human volunteers following one-hour chamber exposure to diesel exhaust. In acute or subchronic animal studies, exposure to diesel exhaust particles induced inflammatory airway changes, lung function changes, and increased the animals' susceptibility to infection.
13. A number of adverse long-term noncancer effects have been associated with exposure to diesel exhaust. Occupational studies have shown that there may be a greater incidence of cough, phlegm and chronic bronchitis among those exposed to diesel exhaust than among those not exposed. Reductions in pulmonary function have also been reported following occupational exposures in chronic studies. Reduced pulmonary function was noted in monkeys during long-term exposure. Histopathological changes in the lung of diesel-exposed test animals reflect inflammation of the lung tissue. These changes include dose-dependent proliferations of Type II epithelial cells, marked infiltration of macrophages, plasma cells and fibroblasts into the alveolar septa, thickening of the alveolar walls, alveolar proteinosis, and focal fibrosis.
14. Studies have shown that diesel exhaust particles can induce immunological reactions and localized inflammatory responses in humans, as well as acting as an adjuvant for pollen allergy. Intranasal challenge with diesel exhaust particles in human volunteers resulted in increased nasal IgE antibody production and a significant increase in mRNA for pro-inflammatory cytokines. Co-exposure to diesel exhaust particles and ragweed pollen resulted in a nasal IgE response greater than that following pollen or diesel exhaust particles alone. Effects of intratracheal, intranasal, and inhalation exposures of laboratory animals are supportive of the findings in humans. These effects include eosinophilic infiltration into bronchi and bronchioles, elevated IgE response, increased mucus secretion and respiratory resistance, and airway constriction.
15. Based on the animal studies, the U.S. EPA determined a chronic inhalation Reference Concentration value of $5 \mu\text{g}/\text{m}^3$ for noncancer effects of diesel exhaust. This estimate takes into consideration persons who may be more sensitive than others to the effects of diesel exhaust. The report supports the recommendation of $5 \mu\text{g}/\text{m}^3$ as the California Reference Exposure Level (REL) (Table 1). It should be noted that this REL may need to be lowered further as more data emerge on potential adverse noncancer effects from diesel exhaust.
16. Diesel exhaust contains genotoxic compounds in both the vapor phase and the particle phase. Diesel exhaust particles or extracts of diesel exhaust particles are mutagenic in bacteria and in mammalian cell systems, and can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells *in vitro*. Diesel exhaust particles induced unscheduled DNA synthesis *in vitro* in mammalian cells. DNA adducts have been isolated from calf thymus DNA *in vitro* following treatment with diesel exhaust particle extracts. DNA adducts have been shown to increase following inhalation exposure of rodents and monkeys to whole diesel exhaust. Elevated levels of DNA adducts have been associated with occupational exposure to diesel exhaust. Results of inhalation bioassays in the rat, and with lesser certainty in mice, have demonstrated the carcinogenicity of diesel exhaust in test animals, although the mechanisms by which diesel exhaust induces lung tumors in animals

remains uncertain.

17. Over 30 human epidemiological studies have investigated the potential carcinogenicity of diesel exhaust. These studies, on average, found that long-term occupational exposures to diesel exhaust were associated with a 40 percent increase in the relative risk of lung cancer. The lung cancer findings are consistent and the association is unlikely to be due to chance. These epidemiological studies strongly suggest a causal relationship between occupational diesel exhaust exposure and lung cancer.
18. Other agencies or scientific bodies have evaluated the health effects of diesel exhaust. The National Institute of Occupational Safety and Health first recommended in 1988 that whole diesel exhaust be regarded as a potential occupational carcinogen based upon animal and human evidence. The International Agency for Research on Cancer (IARC) concluded that diesel engine exhaust is probably carcinogenic to humans and classified diesel exhaust in Group 2A. Based upon the IARC findings, in 1990, the State of California under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) identified diesel exhaust as a chemical "known to the State to cause cancer." The U.S. EPA has proposed a conclusion similar to IARC in their draft documents. The 1998 draft U.S. EPA document concluded similarly that there was sufficient animal evidence of carcinogenicity and that the human evidence was limited.
19. There are data from human epidemiological studies of occupationally exposed populations which are useful for quantitative risk assessment. The estimated range of lung cancer risk (upper 95% confidence interval) based on human epidemiological data is 1.3×10^{-4} to $2.4 \times 10^{-3} (\mu\text{g}/\text{m}^3)^{-1}$ (Table 2). After considering the results of the meta-analysis of human studies, as well as the detailed analysis of railroad workers, the SRP concludes that $3 \times 10^{-4} (\mu\text{g}/\text{m}^3)^{-1}$ is a reasonable estimate of unit risk expressed in terms of diesel particulate. Thus this unit risk value was derived from two separate approaches which yield similar results. A comparison of estimates of risk can be found in Table 3.
20. Based on available scientific information, a level of diesel exhaust exposure below which no carcinogenic effects are anticipated has not been identified.
21. Based on available scientific evidence, as well as the results of the risk assessment, we conclude that diesel exhaust be identified as a Toxic Air Contaminant.
22. As with other substances evaluated by this Panel and after reviewing the field of published peer reviewed research studies on diesel exhaust, additional research is appropriate to clarify further the health effects of diesel exhaust. This research may have significance for estimating the unit risk value.
23. The Panel, after careful review of the February 1998 draft SRP version of the ARB report, *Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant*, as well as the scientific procedures and methods used to support the data, the data itself, and the conclusions and assessments on which the Report is based, finds this report with the changes specified during our October 16, 1997, meeting and as a result of comments made at the March 11, 1998, meeting, is based upon sound scientific knowledge, methods, and practices and represents a complete and balanced assessment of our current scientific understanding.

For these reasons, we agree with the science presented in Part A by ARB and Part B by OEHHA in the report on diesel exhaust and the ARB staff recommendation to its Board that diesel exhaust be listed by the ARB as a Toxic Air Contaminant.

I certify that the above is a true and correct copy
of the findings adopted by the Scientific Review

Panel on April 22, 1998.

Sincerely,
 /s/
 John R. Froines, Ph.D.
 Acting Chairman
 Scientific Review Panel

TABLE 1
NONCANCER HEALTH VALUES APPROVED BY THE
SCIENTIFIC REVIEW PANEL
1998

Compound	Health Value	End Point
Acetaldehyde	9 $\mu\text{g}/\text{m}^3$	Respiratory System
Diesel Exhaust	5 $\mu\text{g}/\text{m}^3$	Respiratory System
Inorganic Lead	4.6 x 10 ⁻⁴ ($\mu\text{g}/\text{m}^3$) ⁻¹	Cardiovascular Mortality
Perchloroethylene	35 $\mu\text{g}/\text{m}^3$	Alimentary System (Liver)
$\mu\text{g}/\text{m}^3$: Microgram Per Cubic Meter		

TABLE 2
CANCER POTENCIES APPROVED BY THE SCIENTIFIC REVIEW PANEL
FROM 1984 TO 1998
(In Order of Cancer Potency)

Compound	Unit Risk ($\mu\text{g}/\text{m}^3$) ⁻¹	Range ($\mu\text{g}/\text{m}^3$) ⁻¹
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TABLE 3

COMPARISON OF OTHER ORGANIZATIONS' ESTIMATED 95 PERCENT UPPER CONFIDENCE LIMITS
OF LIFETIME RISK PER $\mu\text{g}/\text{m}^3$ DIESEL PARTICULATE MATTER FROM RISK ASSESSMENTS
BASED ON EPIDEMIOLOGIC DATA WITH OEHHA ESTIMATES

Method	Unit Risk / Range	Basis of Assessment	Reference
Epidemiologic Analysis	3×10^{-4}	Based on Smoking-Adjusted Pooled RR	Smith, 1998
Epidemiologic Analysis ^b	3.6×10^{-4} to 2.4×10^{-3}	Case-Control Study of Garshick et al., 1987	OEHHA, Part B, Section 7.3.3
Epidemiologic Analysis	2.8×10^{-4} to 1.8×10^{-3}	Cohort Study of Garshick et al., 1988	OEHHA, Part B, Section 7.3.4
Epidemiologic Analysis	1.3 to 7.2×10^{-4}	Cohort Study, Time Varying Conc., Roof (3,50) Pattern	OEHHA, Part B, Appendix D
Epidemiologic Analysis	3.8×10^{-4} to 1.9×10^{-3}	Cohort Study, Time Varying Conc., Ramp (1,50) Pattern	OEHHA, Part B, Appendix D
Epidemiologic Analysis	1.4×10^{-3}	London Transport Study ^c	Harris, 1983
Epidemiologic Analysis	2×10^{-3}	Epidemiologic Data of Garshick (Top End of U.S. EPA's Range)	U.S. EPA, 1998
Epidemiologic Analysis	1.3×10^{-4} to 1.3×10^{-2}	Using Smoking-Adjusted RR and Exposures of 5 or $500 \mu\text{g}/\text{m}^3$	OEHHA, Part B, Section 7.3; Bracketed Risk Bounds
a) Bolded values are included in OEHHA's range of risk.			
b) Obtained by applying Harris' slope of $5 \times 10^{-4} (\mu\text{g}/\text{m}^3 \times \text{yr})^{-1}$ to California life table.			

Air Toxics Program
Particulate Emissions from Diesel-Fueled Engines as a TAC
Toxic Emissions from Diesel-Fueled Engines

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Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

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Interim Guidance for Sampling Agricultural Fields for School Sites (Second Revision)

California Department of Toxic Substances Control
California Environmental Protection Agency

August 26, 2002

Preface

Effective January 1, 2000, new California Department of Education statutes require the Department of Toxic Substances Control (DTSC) of the California Environmental Protection Agency (CalEPA) to review environmental assessments for proposed new school sites and/or new construction school expansion projects. Some of these sites are situated on agriculture land where residual agricultural chemicals may remain in the soil. In June 2000, DTSC issued "Interim Guidance for Sampling Agricultural Soils" to provide a uniform approach for evaluating former agricultural properties where pesticides have been applied. Since this guidance was issued, over 75 agricultural sites have been evaluated across California with the majority in the Sacramento-San Joaquin Valley, Oxnard Plains, and Imperial Valley. The most commonly detected pesticides have been DDT and its derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. Of these pesticides, toxaphene has been the major pesticide driving unacceptable levels of risk requiring remediation by soil removal. These results and the experience of working with the guidance has allowed for refinement of the original guidance. The revised guidance contained in this document reflects these refinements.

This guidance is intended to supplement the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual (Manual), CalEPA 1994

(Second Printing, June 1999). Data obtained from the investigations should be evaluated for potential health risks according the PEA Manual. This guidance is not intended to diminish the need to take focused, authoritative samples at site locations commonly associated with hazardous substances releases nor replace guidance provided by the PEA Guidance Manual. This guidance in not applicable to areas where pesticides were mixed, stored, disposed, or areas where pesticides may have accumulated, such as ponds and drainage ditches.

The scope of this document is limited to evaluating only agricultural fields during a PEA or other initial sampling investigation related to proposed new and/or expanded school sites. These are properties (or portions of properties) where pesticides were uniformly applied for agricultural purposes consistent with normal application practices, and where other non-agriculturally related activities have been absent. The data obtained from the sampling analyses will be incorporated into the PEA Report, including performing a risk analysis in accordance with the guidance in the PEA Manual.

This guidance does not apply to disturbed land, such as, land that has been graded in preparation for construction, areas where imported soil has been brought in, or any other activity that would redistribute or impact the soil, other than normal disking and plowing.

This guidance is an on-going effort to streamline the characterization of agricultural sites. As additional knowledge and experience is obtained, DTSC may modify this guidance, as appropriate.

1.0 PURPOSE

This guidance was prepared for use in evaluating soil at proposed new school sites and/or new school construction expansion projects that are currently, or were previously used for certain types of agricultural activities where residual agricultural chemicals may pose a threat to human health and the environment. This guidance is intended to supplement the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual (Manual), CalEPA 1994 (Second Printing, June 1999), and provide a uniform and streamlined approach for evaluating agricultural soils. It is intended to assist environmental assessors in designing initial investigations or developing Preliminary Endangerment Assessment (PEA) Work Plans for sites with certain historical agricultural uses. The analytical data obtained are to be incorporated into a risk analysis and PEA Report performed in accordance with the guidance in the PEA Manual.

2.0 IDENTIFYING ELIGIBLE AGRICULTURAL SITES

2.1 Eligible Sites

This guidance is specific to agricultural lands where pesticides and/or fertilizers were presumably applied, more or less uniformly, for agricultural purposes consistent with normal application practices. It is applicable to agricultural land that is currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural land that is no longer in production and has not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field. This is the underlying premise of the guidance, and one that must be verified at the scoping stage of the PEA process.

2.2 Sites To Which The Guidance Does Not Apply

This guidance is not applicable to agricultural land under or adjacent to structures such as residences, barns, or other outbuildings. Pesticide mixing/loading areas, fence lines, ditches, canals, berms, and other areas that may have been treated differently from an agricultural field are not considered in this guidance. Also excluded are animal facilities such as cattle and poultry barns, settling ponds, and manure piles. This guidance does not apply to former agricultural land that has been graded for construction or other purposes, that has received fill, or has had parking lots or structures placed on it following active use as an agricultural field. An urban residential area that was agricultural land in the past does not qualify for this guidance since the construction of the residences would have resulted in the disturbance and redistribution of potential agricultural contaminants in the soil. These excluded areas require biased, discrete sampling as opposed to the sampling for agricultural fields discussed in this document.

3.0 SAMPLING STRATEGIES

3.1 Sampling Frequency

Sampling frequency may vary depending on the size of the site and conditions found. When the site has been uniformly used for a single agricultural crop, the presumption is that agricultural chemicals were applied equally to the site in any given year and that their distribution will be relatively uniform. **When differing agricultural crops were produced on different areas of the site, each area should be**

addressed separately and the sampling rate should be sufficient to characterize each area.

The sampling pattern should be sufficient to characterize the site. Recommended numbers of sampling locations are provided in Table 1. For sites two acres or less, discrete samples should be collected on ¼ acre centers. For sites between two and four acres, a total of eight locations, evenly spaced across the site, should be sampled. For sites greater than four acres and up to 20 acres, discrete samples should be collected on ½ acre centers, and for sites between 21 and 100 acres, on 1-acre centers. For sites greater than 100 acres, DTSC should be consulted for the appropriate number of sampling locations. Compositing of samples is discussed in Section 4.5.

Table 1: Recommended Number of Sampling Locations

Land Size	Suggested Minimum Sampling Locations
One (1) to two (2) acres	Discrete samples taken on ¼ acre centers
Greater than two (2) up to four (4) acres	Discrete samples taken from eight (8) locations evenly spaced across the site
Greater than four (4) up to twenty (20) acres	Eight (8) composite samples from discrete samples taken on half-acre centers.
Twenty-one (21) to sixty (60) acres	Fifteen (15) composite samples from discrete samples taken on one (1) acre centers.
Sixty-one (61) to one hundred (100) acres	Twenty five (25) composite samples from discrete samples taken on one (1) acre centers
Greater than one hundred (100) acres	Consult with DTSC

3.2 Sampling Depth

Each location should be sampled to include one surface sample (0 to 6 inches) and one subsurface sample (2 to 3 foot range). [Note: 0 inches means first encountered soil. Thick mats of vegetable material, roots, and other extraneous material should not be sampled.]

3.3 Sample Collection

Sampling both the furrows and beds of existing rows will detect the greatest variability in the residuals. Some methods of pesticide application will favor residuals in the beds while others favor the furrows. In fields where rows remain, roughly half of the samples should be gathered from the furrows and half from the beds in an alternating pattern. Orchards should have the sampling locations placed at the current drip line for the trees, under the canopy, between the tree rows, and between the trees within a row. For sites with slopes, swales, or other uneven topography, sampling from centers should be modified to include samples from those areas where surface water would be expected to flow and accumulate.

3.4 Offsite Background Samples

A minimum of four offsite locations must be sampled at the surface (0 to 6 inches) to determine background or ambient levels of heavy metals in the area. The samples must be collected near the site, preferably one from each of the four sides. The soil type of the offsite samples should be the same as the site samples, and if possible, the offsite samples should be collected from areas that have not been impacted by agricultural or industrial chemicals. If other properties in the area have gone through the PEA process, it may be possible to use data from these sites for establishing background metal concentrations providing that soil types are compatible. This may only be done in consultation with the DTSC Project Manager.

4.0 ANALYSES

4.1 Identifying Agricultural Chemicals Used on the Site

When the land is under active agricultural production, the grower should be interviewed to determine the types and amounts of pesticides historically used at the site. The County Agricultural Commissioner should also be consulted to verify pesticide usage on the property. The Agricultural Commissioner is required to maintain this information for three years, but often will have extensive knowledge of the farming practices over many years. A local or specialized farm advisor such as the University of California Cooperative Extension Agent is another source of information for farming practices in the area. These consultations should occur during the scoping phase of the investigation. For those sites that have not been actively farmed in the past three years, obtaining accurate information is more difficult. Information from surrounding or neighboring agricultural operations on the types of crops grown in the area during the time of active farming can provide clues on what chemicals may have been applied.

4.2 Chemicals of Potential Concern (COPC): Pesticides

The chemicals of greatest concern are those that persist in the environment. For the majority of newer pesticides persistence is limited to a few days; however, organochlorine pesticides (OCPs) can still persist in soil at levels of health concern for many years following application. Unless it can be documented that OCPs were not used on the property, they must be considered COPC. Paraquat also has a relatively long persistence in the soil. Paraquat should also be considered a COPC if there is a history of its use on the property. Under certain conditions, such as in rice growing fields, near surface conditions exist that establish anaerobic soil over an extended time. For these situations, anaerobically stable pesticides such as ametryn, cryomazine, and thiabendazole should also be considered as COPC. The selection of COPCs should be done in consultation with the DTSC project manager and toxicologist assigned to the project.

4.3 Chemicals of Potential Concern (COPC): Metals (Inorganic Elements)

Heavy metals have been applied to agricultural fields, both as pesticides and fertilizers. To ensure that the concentrations of these metals in site soils do not pose a potential health risk or hazard, the CAM 17 metals must be considered as COPC. Heavy metals are also evaluated to detect natural mineral deposits that may pose an unacceptable risk.

4.4 Discrete Samples

For sites four acres or less, each of the surface discrete samples must be analyzed for OCPs and CAM 17 metals. Analysis for other pesticides may be necessary, depending on the history of agricultural activities at the site. Offsite background samples should be analyzed for CAM 17 metals only. Subsurface samples should be frozen and held for analysis pending the outcome of the surface sampling results. No deterioration is expected during the time period required to complete the PEA.

4.5 Composite Samples

While the analysis of discrete samples is preferred, it is recognized that for large sites this may not be practical. Since this guidance assumes a relatively even distribution of chemicals across the site, compositing of discrete samples may be considered when the area to be sampled is greater than four acres.

4.5.1 Number of Composite Samples

The minimum number of composite samples analyzed is dependent on the size of the site (see Table 1). Compositing is not applicable for sites four acres or less. For sites greater than four acres and up to 20 acres, a minimum of eight composite samples is required. For sites 21 to 60 acres, a minimum of 15 composite samples is required. For sites between 61 and 100 acres, the minimum number of composite samples is 25. For sites over 100 acres, DTSC should be consulted for the appropriate number of composite samples.

4.5.2 Makeup of Composite Samples

Composite surface samples may be made up of a maximum of four discrete surface samples. The discrete samples must be from adjacent sampling locations. In cases where two crops were grown on the site, only discrete samples from within the same crop area may be composited.

4.5.3 Preparation of Composite Samples

The discrete samples should be individually mixed and uniformly split by the laboratory or trained field staff prior to compositing. Mixing and compositing should be performed under uniform, controlled conditions. The unused portion of each discrete sample should be frozen and archived in case additional analysis is warranted from the composite results. The samples may be discarded when the PEA process has been completed and approved by the DTSC.

4.6 Laboratory Analyses

4.6.1 Methods

The analytes of primary concern are OCPs and some of the CAM 17 metals. Depending on the site history, analysis of other types of pesticides may be required. OCPs should be analyzed using U.S. EPA 8081A or equivalent. Metals must be analyzed using the U.S. EPA 6000/7000 series. If the site history indicates other classes of persistent pesticides should be evaluated, DTSC should be consulted for the acceptable method of analysis and appropriate detection limits.

4.6.2 Detection Limits

The actual detection limits obtained will vary depending on the particular analyte. For OCPs, the analytes typically causing detection limit concerns in agricultural fields

are aldrin, dieldrin, and toxaphene. The detection limits should be 0.005 mg/kg for aldrin, dieldrin, and 0.100 mg/kg for toxaphene. Table 3 lists the detection limits for several OCPs and paraquat.

In samples with elevated DDT, the detected concentration may be above the range of calibration. This can result in the analytical laboratory diluting the sample for reanalysis, and then reporting only the final result. In these cases, the reported detection limits for aldrin, dieldrin, and toxaphene may exceed the detection limits needed for determining potential health effects. Ideally the laboratory should be asked to report if those three analytes were detected in the first analysis prior to dilution. Multiple analyses of the same samples may be required to obtain the data necessary for risk assessment purposes.

Table 2. Analytical Methods and Detection Limits for Selected OCPs and Paraquat

Pesticide	Methods	CAS No.¹	DL² mg/kg
ALDRIN	8081A, 8270C	309-00-2	0.005
CHLORDANE	8081A	57-74-9	0.10
CHLORONEB	8081A (R)	2675-77-6	100
DBCP	8081A	96-12-8	0.01
DDD	8081A	72-54-8	0.10
DDE	8081A	72-55-9	0.10
DDT	8081A	50-29-3	0.10
DIELDRIN	8081A	60-57-1	0.005
HEPTACHLOR	8081A, 8270C	76-44-8	0.10
HEXACHLOROBENZENE	8081A, 8121, 8270C, 8275, 8410	118-74-1	0.30
LINDANE	8081A	58-89-9	0.10
METHOXYCHLOR	8081A	72-43-5	0.40
MIREX	8081A(R), 8270C	2385-85-5	0.10
PARAQUAT_DICHLORIDE	Zeneca SOP RAM 272/01; Chevron RM 8- 10; 549.1*	4685-14-7	270
TOXAPHENE	8081A, 8270C	8001-35-2	0.1
TRIFLURALIN	8091, 8081A(R), 8270C	1582-09-8	63
<p>*Water and Wastewater Methods. Soil must be extracted and the method validated by the laboratory for a soil matrix. (R) = must be requested for inclusion in the method CAS No¹ = Chemical Abstract Service registry number DL² = Detection Limit recommended for risk assessment purposes</p>			

4.6.3 Pesticide Analyses

Each of the surface samples, discrete or composite, must be analyzed for OCPs. Analysis for other classes of persistent pesticides may be required as indicated by the agricultural history of the site. When using composites, each discrete sample associated with the composite sample having the highest detected concentration of OCPs must be analyzed.

4.6.4 Metal Analyses (Inorganic Elements)

Each of the background and a minimum of four (4) on-site surface samples must be analyzed for the CAM 17 metals. In addition, each of the on-site discrete surface samples must be analyzed for arsenic. When samples are composited, one (1) discrete sample from each composite must be analyzed for arsenic. The number of discrete samples analyzed for arsenic does not need to be greater than the number of total composite samples used for OCP analysis. The subsurface samples need only be analyzed for CAM 17 metals and arsenic if the concentration of an element detected is above the background concentration for that element. Analysis of additional subsurface samples may be requested by DTSC.

4.6.5 Quality Control

Quality control procedures specified in SW-846 must be followed. A matrix spike/matrix spike duplicate on one soil sample per batch of samples must be performed to demonstrate that the targeted pesticide(s) can be recovered from the soil investigated. Highly organic topsoil may interfere with proper extraction of pesticides. The laboratory data package must include a summary of the quality control sample results: blanks, matrix spike/matrix spike duplicate, surrogate recoveries, laboratory control samples, etc., as specified by the method. The laboratory should provide a signed narrative stating whether the QC was met and listing any discrepancies.

5.0 REPORTING

5.1 Format

The results of the sampling effort are to be reported in a Preliminary Endangerment Assessment (PEA) as described in the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual (Manual), CalEPA 1994 (Second Printing, June 1999).

5.2 Evaluating Metals (Inorganic Elements) Data

Using a robust statistical procedure to determine if on-site metal concentrations are indicative of background conditions or the result of site-related activities can be problematic because of the limited number of background samples collected at any one site. DTSC is in the process of establishing background metals concentrations for specific school districts. If the site is in a school district for which DTSC background levels have been established, those values should be used. If DTSC background levels are not available, then a defensible procedure for comparing on-site with background metals should be used. The Staff Toxicologist assigned to the project should be consulted on the most appropriate method of comparison.

5.3 Data Interpretation

All detected pesticides, and any onsite metals above background must be evaluated in a risk assessment as described in the DTSC PEA Guidance Manual. In the initial screening analysis, the highest concentration of each detected pesticide and metal above background must be used as the exposure point concentration in the risk assessment. If the maximum concentrations detected on site pose an unacceptable risk or hazard, a spatial analysis should be conducted to determine if the elevated levels represent a “hot spot”, or are representative of concentrations across the site. In those cases where the elevated concentrations are determined to be one or more “hot spots”, risk or concentration isopleths should be constructed to differentiate between those areas of the site in need of further action, and those where no further action is required. Any deviations from these analyses must be approved by the Staff Toxicologist assigned to the project. For sites with elevated levels of chlordane, it may be necessary to determine if the concentrations detected would pose an unacceptable risk from indoor air exposures, as evaluated with the Johnson and Ettinger Indoor Air Model. The DTSC Staff Toxicologist assigned to the project should be consulted for further guidance if necessary.

6.0 ADDITIONAL SOURCES OF INFORMATION

6.1 Pesticide Physical Properties and Half-Lives

<http://ace.orst.edu/info/extoxnet/pips/ghindex.html>

<http://www.arsusda.gov/rsml/ppdb1.html>

6.2 Active Pesticide Ingredient by Brand Name

<http://www.cdpr.ca.gov/docs/label/prodnam.htm>

<http://www.cdpr.ca.gov/> - see databases

Farm Chemicals Handbook, current edition, Meister Publishing Company, Willoughby, Ohio.

6.3 Maximum Application Rates

<http://ace.orst.edu/info/extoxnet/>

Agricultural Chemicals – Thomas Publications, Fresno, CA

6.4 Pesticide Usage by Year, County, and Crop

<http://www.ipm.ucdavis.edu/PUSE/puse1.html>

<http://www.cdpr.ca.gov/> - see databases

6.5 Test Methods

<http://www.epa.gov/epaoswer/hazwaste/test/>

SW-846: USEPA, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Third Edition, Current Revision*

6.6 Pesticide Toxicology Information

<http://ace.orst.edu/info/extoxnet/ghindex.html>

<http://www.state.nj.us/health/eoh/rtkweb/rtkhsfs.htm>

Darisa Vargas

From: George Hague <gbhague@gmail.com>
Sent: Monday, March 10, 2014 10:45 PM
To: Jeffrey Bradshaw
Cc: Chris Ormsby; John Terell
Subject: Prologis & Tell Moreno Valley's Skechers to Stop Sweatshop Conditions in America! | CREDO Mobilize

<http://www.credomobilize.com/petitions/tell-skechers-to-stop-sweatshop-conditions-in-america>

Good afternoon/evening Moreno Valley Planning Commissioners,

re: Prologis FEIR & economic benefits to our residents

You will be asked to vote in favor of the Statement of Overriding Considerations where all of Prologis' unmitigated environmental impacts are overridden by mainly its economic benefits to our residents. I hope you have reviewed the sections of the FEIR I pointed out in my email yesterday which includes those unmitigated impacts to Transportation/our roadways, Air Quality, Green House Gas (GHG), and Climate Change or as the Sierra Club likes to say Climate Disruption. Please read the links in this email and ask yourself if warehousing is really an economic benefit to Moreno Valley residents.

Moreno Valley is getting a lot of publicity with the following online petition which over 4,000 people have already signed. You should be able to use the above link to read what is happening with Skechers' approval and to send a message to support this former Moreno Valley Skechers truck driver. There are additional links at the bottom if you wish to know more.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Tell Skechers to Stop Sweatshop Conditions in America!

To: CEO Robert Greenberg, Skechers Shoes



Campaign created by Mateo Mares 

[Campaign Facebook Page](#)
[Campaign Website](#)

[Facebook](#)

[Twitter](#)

Email

End the sweatshop conditions for workers who haul your shoes from the Port of Los Angeles to your distribution center in the Moreno Valley. Hold your trucking contractor, Green Fleet Systems, accountable by demanding that it stop the harassment and intimidation of workers, and immediately rehire all illegally fired workers. It is time to reverse your track record of sweatshop working conditions around the globe.

Why is this important?

My name is Mateo Mares. Until early January of this year, my coworker Amilcar Cardona and I hauled Skechers shoes from the Port of Los Angeles to their national distribution center 80 miles/130 KM away. We were fired for trying to improve our working conditions and for standing up for our rights.

Our job is like a sweatshop-on-wheels. We work long hours, face safety hazards, endure harassment, and have our wages stolen from us. Drivers like us are standing up for our rights by filing legal claims with the government for wage theft, wage violations, retaliation for union and protected concerted activities, and illegal harassment. We were fired by our Skechers' trucking contractor, Green Fleet Systems, after we exercised our rights to engage in union activities at our workplace and after we refused to withdraw our claims for wage theft when we were pressured to do so by our boss.

Now our families are struggling to survive. We worked hard for many years hauling Skechers shoes and other foreign-made products from the docks to warehouses, but now we don't have any work and don't have any money to buy food or pay rent - much less help our kids get through college to make a better life for themselves.

Our struggle is like the men and women who manufacture Skechers shoes in places like China, Vietnam, and Cambodia. Like workers in Skechers' overseas factory, we are mistreated, deal with safety hazards, and don't get paid what we deserve. When we learned that Skechers has a record for bad treatment of its workers overseas*, we realized that Skechers is spreading sweatshop conditions to America.

Our children and wives are frightened about our future. It's time for Skechers to do the right thing, get us back to work, and end the sweatshop-on-wheels conditions for workers like us.

Add your name and tell Skechers to end the spread of sweatshops in America. Skechers has the power to demand that its trucking contractor stop violating workers' rights and U.S. labor laws. By signing, you are making a real difference in the lives of workers like me.

REFERENCES:

*Skechers has consistently received an "F" grade for its global supply chain policies. (The Kingmaker Company's Factory in Zhuhai, China: Stolen Wages, Unfair Labor Practices. China Labor Watch, June 2005;

<http://www.free2work.org/trends/apparel/>

Apparel Industry Trends: From Farm to Factory. Free2Work, 2012.

<http://digitalcommons.ilr.cornell.edu/cgi/viewcon...>

Green Fleet Drivers on strike in protest of unfair labor practices

<http://www.randomlengthsnews.com/green-fleet-truckers-strike-for-union-rights/>

http://inthesetimes.com/working/entry/15903/why_port_truckers_are_striking_12_hour_shifts_noxious_fumes_and_12.90_paych

Category: [labor](#)

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

General Manager
Paul D. Jones II, P.E.

**Re: NOA of DEIR, Prologis Eucalyptus Industrial Park
PA07-0081,82,83,84,142,158,159,160,161,162,&186**

Treasurer
Joseph J. Kuebler, CPA

Attn: Jeff Bradshaw, Associate Planner, City Of Moreno Valley

**Director of The
Metropolitan Water
District of So. Calif.**
Randy A. Record

Thank you for the opportunity to review the Notice of Public Hearing for the above referenced project. The project is generally described as General Plan Amendment and Zone Change from existing Business Park, to Business Park Mixed-Use, R15, R5, and RA-2 land use designations to Light Industrial for 116.99-net acres. The land use changes are required for development of six distribution warehouse facilities totaling 2,244,419 square feet with building sizes that range from 160,106 square feet to 862,035 square feet. The applicant also proposes Tentative Parcel Map No. 35679 to subdivide the project into six parcels corresponding to the six warehouse facilities. A General Plan Amendment is also required for proposed changes to the City's circulation element and the master Plan of Trails. Eastern Municipal Water District (EMWD) offers the following comments:

**Board Secretary and
Assistant to the
General Manager**
Rosemarie V. Howard

The subject project requires water, sewer and recycled water services from EMWD. The details of said service connection points will be further detailed in a separate document, known as EMWD's Plan of Service (POS), which is still not yet developed by the project proponent. To that end, EMWD requires dialog with the project proponent, to develop the EMWD Plan of Service, as clarified herein.

Legal Counsel
Lemieux & O'Neill

EMWD requires beginning dialogue with the project proponent at an early stage in site design and development, via a one-hour complimentary Due Diligence meeting. To set up this meeting, the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. For additional information, please visit our "New Development Process" web page, under the "Businesses" tab, at www.emwd.org. To download forms, please select "New Development Process: Print Page". This meeting will offer the following benefits:

1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

Following the Due Diligence meeting, to proceed with this project, a Plan Of Service (POS) will need to be developed by the developer's engineer, and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The POS process will provide the following:

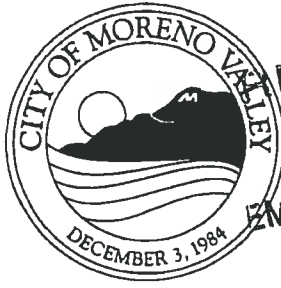
- 1- Technical evaluation of the project's preliminary design
- 2- Defined facility requirements, i.e. approved POS
- 3- Exception: for feasibility evaluation of a purchase acquisition, only a conceptual facilities assessment may be developed.

Again, EMWD appreciates the opportunity to comment on this project. Please forward the Final Environmental Impact Report to the attention of Helen Stratton at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Maroun El-Hage, Ext. 4468.

Sincerely,



Maroun El-Hage, M.S., P.E.
Senior Civil Engineer
Plan of Service Section
New Business Development
Engineering Department
(951) 928-3777 x4468
El-hagem@emwd.org



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EMWD - MAIL ROOM

- TYP LTR "B"
- enr/senr/rcrp

Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

- CASE:** PA07-0081 - Zone Change
 PA07-0082 - General Plan Amendment
 PA07-0083 - Master Plot Plan including Building 2
 PA07-0084 - Tentative Parcel Map 35679
 PA07-0158 - Plot Plan for Building 1
 PA07-0159 - Plot Plan for Building 3
 PA07-0160 - Plot Plan for Building 4
 PA07-0161 - Plot Plan for Building 5
 PA07-0162 - Plot Plan for Building 6
 P07-186 - Environmental Impact Report

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

APPLICANT: Prologis

OWNER: Prologis

REPRESENTATIVE: Prologis

LOCATION: South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

PROPOSAL: General Plan Amendment and Zone Change from existing Business Park, Business Park Mixed-use, R15, R5, and RA-2 land use designations to Light Industrial for 116.99-net acres. The land use changes are required for development of six distribution warehouse facilities totaling 2,244,419 square feet with building sizes that range from 160,106 square feet to 862,035 square feet. The applicant also proposes Tentative Parcel Map No. 35679 to subdivide the project site into six parcels. A General Plan Amendment is also required for proposed changes to the City's circulation element and the Master Plan of Trails. Approval of this project will require certification of an EIR.

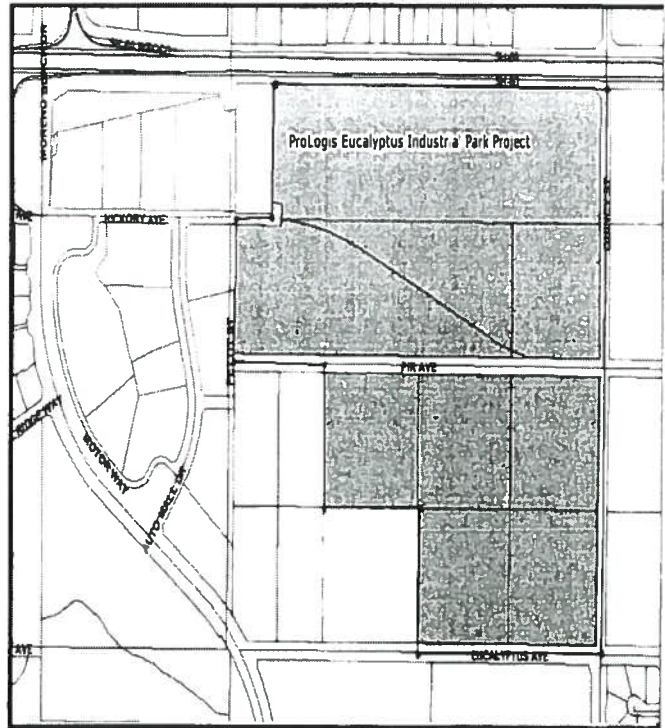
ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 6:00 p.m., Monday through Thursday and 2nd and 4th Fridays from 7:30 a.m. to 1:30 p.m.), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: March 13, 2014 at 7 PM

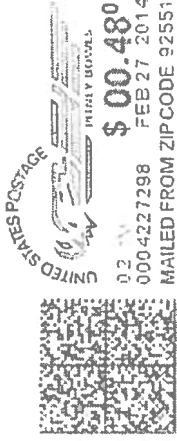
CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224



COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION

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2014 FEB 29 AM 9:29
www.morenovalley.org



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0488-170-03
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March 10, 2014

Planning Commission
City of Moreno Valley
14177 Frederick St.
P.O. Box 88005
Moreno Valley, CA 92553
(951) 413-3224

VIA US MAIL AND EMAIL

RE: *Opposition to Prologis Eucalyptus Industrial Park Project and Comments on Final EIR (SCH No. 2008021002)*

Greetings:

On behalf of the Sierra Club, Moreno Valley Group, and Residents for a Livable Moreno Valley, I hereby submit these comments on the Prologis Eucalyptus Industrial Park Final Environmental Impact Report (EIR). (SCH No. 2008021002)

Independently Prepared EIR

The City failed to independently prepare the EIR. CEQA requires a draft EIR be prepared by a lead agency or prepared independently under contract to the lead agency. Before using an EIR prepared by another person, the lead agency must subject the draft to the agency's own review and analysis. The lead agency is responsible for the adequacy and objectivity of the EIR, and an EIR sent out for public review must reflect the independent judgment of a lead agency. (Guidelines § 15084) Moreover, CEQA provides a lead agency shall prepare the final EIR; CEQA grants no authority for the preparation of the final EIR by the applicant, consultant, or other entity. (Guidelines § 15089)

Responses to Comments

The FEIR fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and instead makes these conclusory statements and often makes statements unrelated to the comments made. The FEIR also groups together several comments and responds to only a portion of the issues raised by commenters. This is contrary to

the policy of CEQA. The following responses to comments were glaringly inadequate or failed to resolve the significant defects in the EIR raised by the commenters:

CDFW Comment Letter A-2

- CDFW commented that impacts to streams and riparian habitat should be compensated by 3:1 replacement of in-kind habitat on- or off-site. (CDFW Comment 7) The response to this comment states that “there are times when small eroded ephemeral drainage courses must be channelized or incorporated into the overall drainage management of a site to provide effective erosion and flood control.” This response insinuates that the Project proposed is not the direct cause of the removal of onsite habitat. The Response also states that 2:1 mitigation is “sufficient mitigation under CEQA” without demonstrating impacts will be reduced below significance (according to CDFW they will not) or that 3:1 mitigation is infeasible.

- CDFW Commented that the EIR failed to consider regional impacts to other highways SR-91, I-10, etc. and failed to consider projects outside a 5-mile radius where these project would cumulatively affect these local and regional traffic conditions. CDFW noted the scale of these projects shows they are designed as regional warehousing centers, so consideration of regional impacts is essential. (CDFW Comment 8)

The Response to this comment is not on point. The Response states that, to the contrary, the 2035 conditions were reliant on General Plan forecasts. It is, however, apparent that the commenter was referring to the list of projects relied on for the cumulative impact analysis. While buildout conditions may also have been considered, the fact remains that cumulative effects of the Project and others in the area were reliant on consideration of those projects within a five mile radius.

The Response to Comment 8 ignores the comment that regional traffic impacts along other highways including SR-91 and I-10 need to be considered where the Project and cumulative projects are being developed with a regional purpose.

- CDFW also commented the traffic study failed to consider impacts from the World Logistics Project, instead only looking at 13 mil. total sf of warehousing. Also failed to include Villages of Lakeview Specific Plan and residential development proposed near Lamb Canyon Rd. and SR-60. CDFW commented the traffic study should be revised and recirculated to include these projects. (CDFW Comment 8.)

The Response to this comment notes that the NOP was prepared in 2008 for this Project, so that the World Logistics Center was not considered. While generally an NOP establishes the baseline and environmental setting for the Project, there is no such hardline limitation for what cumulative projects should be considered; instead CEQA provides that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness. (Guidelines §§ 15125, 15130; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1404) Where the NOP was prepared six (6) years ago and a large number and scope of cumulative projects have been added in the vicinity, the EIR must be updated and

recirculated to account for these projects where they will likely result in cumulative impacts not considered in either this EIR of the Moreno Valley General Plan.

Further, the fact that the Moreno Highlands Specific Plan was considered is a red herring. While the Moreno Highlands Specific Plan may generate more “trips” generally, that does not mean that traffic impacts will be the same or less with the World Logistics Center. The World Logistics Center would generate a significant number of regional truck trips on regional highways to/from the ports and other known locales similar to this Project, instead of more localized trips indicative of the Moreno Highlands Specific Plan. The vehicle mix would also be significantly weighted toward heavy duty trucks, as with this Project, and add cumulative diesel emissions which may cause additional unconsidered health risks. These issues were not considered in the cumulative impact analysis. Similarly, the Villages at Lakeview project was not included in the cumulative impact analysis.

The consideration of General Plan Buildout 2035 traffic based on General Plan predictions (the RivTam Model) is not the same as addressing cumulative effects with respect to existing conditions or opening year conditions. Moreover, where many of the cumulative projects are seeking/ will seek General Plan Amendments to go forward, the General Plan is increasingly becoming an inaccurate predictor of cumulative effects in Moreno Valley.

- CDFW commented increase in traffic on surface streets from congestion on SR-60 not adequately considered, particularly Gilman Hot Springs Rd. and the Ramona Expressway. (CDFW Comment 8.)

The Response to this Comment states that such diversion will not occur based on 2035 conditions and modeling, but fails to show based on substantial evidence that diversion trips will not occur under existing or opening year conditions.

- CDFW commented potential impacts to San Jacinto Wildlife Area not adequately evaluated. Impacts from increased traffic, lighting, noise, windblown trash, emissions, and surface road runoff were not adequately considered. (CDFW Comment 8.) The Response to this comment ignores potential direct and indirect impacts from lighting, noise, trash, air quality emissions, etc., focusing only on vehicle trips.

SCAQMD Comments Letter B-3

Introduction Letter

- Response to comment 1-: the Response to this comment purports to resolve the issue raised by SCAQMD that mitigation is unenforceable. Comment 1- in the “Technical Evaluation” further clarified that mitigation is unenforceable where, for example, tenants are “encouraged to promote” certain actions but not actually required to implement them. Response to Comment 1- Introduction utterly fails to resolve this issue as the Response to this comment absurdly states that the City is eliminating the “encouraged” language with enforceable language; however any additional mitigation is placed under the

“requirement” at page 58 that “lease/purchase documents shall identify *that tenants are encouraged to promote the following*.” [emphasis added].

Technical Evaluation

- Response to comment 1-. First, this response fails to respond to the comment made by SCAQMD relative to the unenforceability of mitigation (see above). Second, the claim that the recommendation of SCAQMD are beyond the scope of the project level EIR is incorrect, particularly where SCAQMD recommended measures relative to vehicles to be used exclusively onsite.

Third, the four measures recommended by SCAQMD have *not* been adopted, contrary to the claims in the Response to comments, or shown to be infeasible based on substantial evidence:

1. Requiring all on-site vehicles (hostlers, forklifts, etc.) to utilize zero or near zero emission technology. The Response to this mitigation claims Mitigation Measure 4.3.6.6A “requires the inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.” This is incorrect- MM 4.3.6.6A only requires that “lease/purchase documents shall identify that tenants are encouraged to promote” “the inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.” Moreover, even if inclusion of electric or CNG trucks was actually required by MM 4.3.6.6A (it is not), there is no term requiring that *all on-site vehicles* use this zero or near zero emission technology; as little as one electric or CNG vehicle would suffice. There is no reasoning or evidence that this mitigation measures is infeasible.
2. Requiring the installation of sufficient alternative fueling infrastructure (e.g., electric charging, CNG/LNG, hydrogen, etc.) for trucks on-site or within close proximity to the site to facilitate the use of these technologies. The Response to this comment states that these technologies do not yet represent a significant share of truck fleets and would be burdensome. If, however, all on-site vehicles also use zero-emission technology (e.g. electric), these modifications may not be burdensome. There is no evidence that this measure is technically or financially infeasible.
3. Providing a phase-in schedule and goals for the introduction of zero or near zero technology trucks (e.g., 10% by 2020, 20% by 2025, etc.) that visit warehouses. The Response to this suggested mitigation states that MM 4.3.6.6 encourages Smartway participation and states that participation in a SmartWay program may not be feasible. The Response, however, does not actually address the comment made regarding phase in of zero or nearzero technology trucks. There is no evidence or reasoning provided showing that this mitigation is infeasible.
4. Prohibiting the placement of loading docks or major truck routes within 500

feet of sensitive receptors. The Response to this comment does not address truck travel from the loading docks nearest sensitive receptors to the truck route.

- Response to Comment 2- The response to this comment is unresponsive to the comment made re: requirement that all trucks entering the property meet or exceed 2010 standards or the phase in of clean trucks.
- Response to Comments 3: The recommended mitigation has not been incorporated. MM 4.3.6.6A only requires that “lease/purchase documents shall identify that tenants are encouraged to promote” a truck log.
- Response to Comments 4: The recommended mitigation has not been incorporated. MM 4.3.6.6A only requires that “lease/purchase documents shall identify that tenants are encouraged to promote” idling limits.
- Response to Comments 5: The recommended mitigation has not been incorporated. MM 4.3.6.6A only requires that “lease/purchase documents shall identify that tenants are encouraged to promote” log monitoring training.
- Response to Comments 7: is unresponsive to the comment made re: limiting to non-refrigerated uses.
- Response to Comment 8: the City does not show that the mitigation recommended by SCAQMD that “at least a portion of the fleet” use alternatively fueled technologies is infeasible. Mitigation could feasibly require that 1% of the fleet be alternatively fueled.
- Response to Comment 9 is unresponsive to the comment made about applying for funding to retrofit trucks. As CEQA requires that all feasible mitigation be adopted for a project which will result in significant environmental effects, and as this Project will result in significant effect to operational air quality, the claim that the additions to 4.3.6.6 “are adequate to reduce project emissions to the extent practical” is legally and effectively incorrect.
- Response to Comment 10 is unresponsive to the comment made that the warehouse should be designed to place a check-in point for trucks inside the facility property. The fact that there’s sufficient distance does not mean the project is designed in this manner.
- Response to Comment 12 fails to consider the installation of solar panels at this Project. The fact that ProLogis has installed solar projects on other buildings does not mean it will install solar on this building or that solar has been incorporated as mitigation.
- Response to Comment 13: The recommended mitigation has not been incorporated. MM 4.3.6.6A.
- Response to Comment 14 states that the recommendation for trucking support services is beyond the scope of the EIR. In fact many of the recommended mitigation measures apply directly to this project to avoid trips within the project neighborhood

- and prevent idling including: (1) establish area(s) within the facility for repair needs; (2) post signs outside of the facility providing a phone number where neighbors can call if there is a specific issue; (3) provide food options, fueling, truck repair or convenience store onsite to minimize the need for trucks to traverse through residential neighborhoods; (4) improve traffic flow by signal synchronization; and (5) design the warehouse/distribution centers to ensure the truck traffic within the facility is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- Response to Comment 15 fails to address the issues raised by SCAQMD that the impacts from on-site equipment is not accounted for in the HRA. Additionally, the response states that the project does not plan to use diesel generators or TRUs during normal operations but does not prohibit the use of this equipment where the end user of the project is unknown.
 - Response to Comment 17 fails to address the comment that the HRA fails to validate the assumption that 2025 is a representative year where diesel emissions will be significantly higher in the years preceding 2025. The HRA should evaluate impacts based on current emissions to provide a conservative assumption.
 - Response to comment 18 fails to provide evidence to support the claim that onsite travel was included in the emissions calculations. The response also claims: “There are no diesel generators planned and TRUs will not burn diesel fuel because any refrigerated trucks will plug in and their TRUs run off that electricity. There are also no plans for onsite diesel-powered hostlers or other diesel-powered equipment.” While such uses may not be *planned* because the project tenant is unknown, at least some of the uses should be *expected* and considered in the modeling. AQMD found an average rate of 3.1 hostlers per million square feet of warehousing in studying high cube warehouses, so at least 6 hostlers are likely with this Project. (High Cube Warehouse Truck Study (October 11, 2013), http://www.aqmd.gov/ceqa/Warehouse/Stakeholder/SWG_10-11-13-print.pdf.)
 - Response to comment 20 acknowledges that the EIR erroneously assumes a 50/50 trip distribution east and west on Eucalyptus where only 33% are expected to travel west. While this may provide conservative estimates at the residences adjacent to the Project site, it may skew evaluation of health risks along the truck route east. The HRA should be updated to evaluate health risks with an accurate east-west truck distribution and to evaluate health risk along Project truck routes.
 - Response to Comment 21 acknowledges that the EIR fails to assume that 100% of trucks accessing the Project site will be diesel as recommended by AQMD. SCAQMD further notes that the kind of trucks that typically serve warehouses are not necessarily the same mix as those on the road- i.e. they are diesel. The EIR understates project health risk impacts by this assumption.

- Comment 22 provides a rate of 9.27E-05 g/s for heavy duty trucks. The HRA should be updated to reflect us of this rate.
- Response to Comment 25 that the number of occurrences of >5 minutes of idling is “so small as to not affect the health risk assessment” is absurd. Even if queuing will not occur entering the site, traffic may existing exiting the site plus any idling time at the loading dock. SCAQMD recommends 15 minutes be presumed for onsite idling based on their expert opinion and considerable experience. The HRA should be updated to presume 15 minutes of onsite idling.
- Response to Comment 26 is unresponsive to the comment made. The air quality analysis appears to severely understate emissions.
- Response to Comment 29 is unresponsive to the comment made. Moreover, if the EIR is not indicative of the grading onsite, then the EIR should be updated.

City of Riverside Letter C-1

- Response to Comment 1 is unresponsive to the excellent comment made that because the TUMF model is based on the existing Moreno Valley General Plan and this Project would change the General Plan designation on 71 acres of the site, payment of TUMF is not shown to sufficiently mitigate Project traffic impacts. While the project may generate fewer trips when compared to residential uses, the vehicle mix will be entirely different and be comprised, in large amount, of heavy trucks. Trucks cause a substantial amount of wear and tear to streets not considered in the TUMF, are noisier, and result in other effects that may impact improvements of streets scheduled in the TUMF (E.g. need for barriers/wall with expansion, weight limits, etc.). Hence even improvements planned in the TUMF may be insufficient to accommodate this increased need.
- Response to Comment 2 fails to resolve the issue raised- that cumulative traffic impacts were not well considered. As discussed above, where the NOP for this project was prepared in 2008 and a significant number and scope of new Projects have since been proposed (e.g. are past, current, or probable future projects), the excuse that cumulative projects were not yet initiated falls flat. While usually a cut-off date may be appropriate, that is simply not the case here, and the City fails to show any reasonable basis or evidence supporting the decision to ignore these cumulatively important projects. Moreover, some projects not included in the cumulative analysis are now “current” projects e.g. RPT Centerpointe West Project.
- Response to Comment 3 focuses only on 2035 buildout projections and not forecasted impacts to roadways under existing or opening year conditions. While “spill-over” traffic may not be explicitly required, disclosure of significant impacts is required by CEQA. The EIR is inadequate for failing to consider these potential impacts, particularly with updated consideration of cumulative projects.

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Sierra Club, San Geronio Chapter

- Response to Comment 1 is unresponsive to the comment made that it is feasible to require as mitigation that the Project be developed to LEED Silver or Gold standards to reduce the Project's GHG and air quality impacts.
- Response to Comment 2 is unresponsive to the comments made. First, the response fails to consider the feasibility of installing solar panels offset GHG impacts. Second, the response fails to address the unenforceability and complete failure to mitigate impacts where words such as "will be considered" are used instead of actually requiring implementation of such mitigation. Third, the response ignores the proposed mitigation that the Project be required to exceed current Title 24 standards by at least 25%.
- Response to Comment 3 is unresponsive to the issue raised that the EIR fails to consider the impacts from losing citrus groves on GHG emissions. While the GHG analysis assumes such groves are not present onsite, it fails to evaluate the impacts from reducing the carbon dioxide removal and storage that these agricultural trees will no longer be providing.

Furthermore, while contributions to the Riverside Land Conservancy or San Jacinto Basin Resource Conservation District are not required as part of a mitigation plan, they would mitigate an otherwise significant impact and are not shown to be infeasible. As such, CEQA requires this feasible mitigation be adopted to reduce project impacts to agriculture.

- Response to Comment 11 See above re: baseline conditions and the need for consideration of cumulative impacts. Also, *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74 fn. 14, *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal. App. 4th 362.
- Response to Comment 22 fails to respond to the comment that climate change may increase air pollution formation due to rising temperature and impact to/from water supply reduction.

Johnson & Sedlack- Letter D-3

- Response to Comment 10 fails to adequately address the mitigation proposed that buildings be more widely dispersed or that setbacks be incorporated. The Project could remain quite large while incorporating this mitigation.
- Response to Comment 12 fails to evaluate the project's inconsistency with other policies at page 4.1-21.
- Response to Comment 14 fails to respond to the comment that the EIR fails to disclose the signs proposed and thereon evaluate impacts. An EIR is foremost an information and disclosure document, and the EIR has failed in this respect.
- Response to Comment 15 fails to provide a good faith response to the comment that although the buildings have a maximum height of 50 feet the aesthetic evaluation considered an average height of 39 ft.

- Response to Comment 19 fails to address whether cumulative impacts to the PAKO were adequately considered, particularly where a large portion of the City is being converted to industrial uses.
- Response to Comment 22 fails to detail why purchase of conservation easements or payment of in-lieu fees in neighboring regions where agriculture may be less costly is infeasible. There is also no explanation of why conservation easements or payment of in-lieu fees are infeasible where they are set up specifically to maintain farming even as the costs push out agricultural uses.
- Response to Comment 24 does not resolve the issue raised that at least two sites near the project have not been abandoned by MVUSD. The potential for these sensitive receptors to be located near the project must be considered in the EIR.
- Response to Comment 27 acknowledges that the modeling of health risks does not include dedicated emissions sources from the loadings docks along the building and driveways onto Eucalyptus Avenue.
- Response to Comment 28 acknowledges that the commenter is correct that onsite project operations will occur 365 days a year, yet the HRA did not account for this increased exposure compared to the standard 350 day/year assumption.
- Response to Comment 30 fails to respond to the comment made that the Project may contribute to a severe existing health risks environment. Moreover, the EIR fails to adequately evaluate and quantify cumulative health risks of this Project and other projects in the area, which will doubtless exceed the 10 in 1 million threshold.
- Response to Comment 32 again fails to resolve the issue raised by the commenters (Johnson & Sedlack and SCAQMD) that the use of projected 2025 emissions understates health risks based on current rates and is unsupported by evidence for use in the EIR. The EIR should provide modeling based on SCAQMD's recommendation.
- Response to Comment 45 does not resolve the issue raised- that construction could occur 14+ hours per day but that equipment usage was only evaluated for 6-8 hours per day.
- Response to Comment 46 fails to make a good faith effort to respond to the comment made.
- Response to Comment 47 is unresponsive to the comment made re: odors. The odor threshold question of CEQA is at issue, not whether the Project will result in a nuisance pursuant to SCAQMD Rule 402. The EIR must consider whether odors from construction may be significant.
- Response to Comment 48 is unresponsive to the comment made. As specifically stated by SCAQMD, "The LST mass rate look-up tables only apply to projects that are less than or equal to five acres...In the event that the project area exceeds five acres, it is recommended that lead agencies perform project-specific air quality modeling for these larger projects." (<http://www.aqmd.gov/ceqa/handbook/lst/lst.html>, see also, http://www.aqmd.gov/ceqa/handbook/lst/Method_final.pdf at p. 3-3 ["Large industrial projects... are beyond the scope of these LST lookup tables."]) The EIR's use of the LST table for a 5-acre project site is improper. Project-specific modeling should be performed.

- Response to Comment 50 fails to resolve the issues raised regarding the vagueness of the terms used.
- Response to Comment 55 fails to resolve the issue raised that the mere requirement that a term be in a construction document does not actually mandate its incorporation into construction of the Project for purposes of enforceability. MM 4.3.6.2J must be amended to read: “Grading plans, construction specifications, and bid documents shall also include the following requirements, and such requirements shall be incorporated into construction of the Project.” The amendment to replace “where feasible” with “where it is practical” makes not difference in improving enforceability. Further, the change to not provide lunch vendor services reduces project mitigation.
- Response to Comment 60 is unresponsive to the comment made that each of the suggested mitigation measures that are permitted in the EIR should be *required* of the Project to reduce its significant and unmitigated air quality impacts. As written such mitigation is uncertain and unenforceable. The response additionally fails to consider many of the mitigation measures proposed by the commenter by lumping them into one giant comment.
- Response to Comment 61 fails to respond to the comment made which references the Air Quality Analysis of Appendix B, not the Air Quality section of the EIR.
- Response to Comment 62 in no way responds to the comment made, but appears to be the response to comment 61. Comment 62 raised the issue that the EIR and HRA failed to evaluate potential cumulative health risks from this Project and other projects in the vicinity; and failed to cite the accurate current risk in the project area according to the MATES Study of SCAQMD. According to SCAQMD’s MATES III study, the existing cancer risk in the project area is up to 497 in one million, well over levels disclosed in the EIR. (<http://www3.aqmd.gov/webappl/matesiii/>) This number does not include proposed or expected future projects that would be considered with an adequate cumulative impact evaluation.
- Response to Comment 66 is unresponsive to the comment made that the payment of in lieu fees shall be for the purpose of acquiring equivalent habitat.
- Response to Comment 67 is unresponsive to the comment made that preparation of a Habitat Mitigation and Monitoring Plan in the future defers mitigation without establishing that there is a practical reason for doing so.
- Response to Comment 69 is unresponsive to the comment made that the EIR fails to consider cumulative biological effects. Contrary to the response’s implications, it is the duty of the lead agency to provide an adequate environmental document including an evaluation of cumulative impacts.
- Response to Comment 73 fails to provide any reasoning or evidence that the preparation of a paleontological resource impact mitigation program does not improperly defer mitigation, particularly when it appears that many of the issues to be covered are already known. This Response also fails to respond to the remainder of the comment re: salvage.
- Response to Comment 79 is unresponsive to the comment made that the EIR itself, not the commenter acknowledges the Project may create an oversupply of warehousing so that overriding considerations and project benefits may not exist.

- Response to Comment 81 fails to account for the fact that noise will result from both the loading areas and internal truck operation. While loading area noise may be greater, accumulation of noise from both activities may be greater still.
- Response to Comment 83 is unresponsive to the comment made which considered noise increases over existing ambient levels and not exceedences of the Municipal Code Maximum levels. Increases over ambient levels should be measured at the property line to accurately predict noise impacts.
- Response to Comment 84 again confuses the City's two noise criteria- whether the Project would exceed noise standards or whether the Project would result in a substantial increase in ambient noise over existing levels. It is clear the Project would significantly increase noise above existing levels. The same is true for response to comments 85 through 87.
- Response to Comment 86 fails to respond to the issue raised regarding exceedences of General Plan noise levels for residences.
- Response to Comments 88 and 89 are unresponsive to the comment made. It is clear Project construction will significantly increase ambient noise levels and exceed the residential noise levels set out in the General Plan and that the EIR relies entirely on compliance with construction hours to reduce these impacts. Mitigation is inadequate, and this impact should be deemed significant.
- Response to Comment 90 fails to resolve the issue raised that Mitigation Measure 4.9.6.1D provides that construction may occur outside construction hours with City approval. Project construction noise impacts are not shown to be mitigated below a level of significance. The mitigation suggested in comment 91 should be implemented as the measures are not found to be infeasible and are plainly needed.
- Response to Comment 100 ignores the majority of the comment regarding inadequacy of DIF or TUMF funding where roadways are not scheduled for improvements and improvements may not timely occur. I concur with the City of Riverside's comment with that compliance in the TUMF may provide inadequate mitigation where the TUMF is based on the General Plan, and the Project requires a General Plan Amendment. Similar issues will likely result with DIF as well.
- Response to Comment 101 also fails to resolve or respond to the issue raised as trip generation is not the only influence on traffic or the need of the roadway system and as there is no evidence the prioritization, programming, and allocation of funding will be sufficient to make needed roadway improvements.
- Response to Comment 107 is unresponsive to the comment made that the listed potentially feasible mitigation for the project's significant air quality impacts must be adopted.
- Response to Comment 109 states that new state energy standards *now in effect* require 20% savings above 2008 Title 24 standards. This "mitigation" in the EIR is thus not mitigation at all but a legal requirement.
- Response to Comment 110 is unresponsive to the comment made. CEQA requires that mitigation be certain, enforceable, and not vague. MM 4.13.6.1.C fails to meet this requirement where it merely requires implementation of some strategy, however ineffectual.
- Cumulative GHG effects are improperly considered in the EIR, as noted at comment 112.

- Trip generation rates used for the Project are understate the Project's trip rate and misstate the vehicle mix. SCAQMD recommends a trip rate of 2.57 trips/1,000 sf and, more importantly, 40% trucks.

Additional Comments:

Not all feasible mitigation has been required as set out in great detail by EIR commenters. Many mitigation measures are incorporated in language only with no requirement that they ever be implemented with Project construction or operation. Numerous commenters noted the inadequacy and ineffectiveness of mitigation for transportation, air quality, greenhouse gases, biological resources, etc. Moreover, no mitigation has been required for impacts to/from aesthetics or agricultural resources.

It is feasible to require the additional mitigation of this Project including, but not limited to, those measures recommended by commenters in the FEIR and the following:

1. The building and site plan designs shall demonstrate that the project's energy efficiencies represent a 25% reduction from current Title 24 energy efficiency standard. The Project shall be built in compliance with the building and site plans.
2. Require by contract provision that Project tenant/purchaser implement compressed workweek schedules.
3. Require that all heavy trucks accessing the Project site are Smartway 1.25 (or 1.0) or greater.
4. Alternatively to the above, require by contract provision that Project tenant/ purchaser achieve at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.
5. Require that all heavy trucks accessing the Project site conform to CARB 2010 air quality standards or better.
6. Install catalytic converters on all gasoline-powered equipment.
7. Include 10% electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.
8. Require by contract provision that Project tenant/ purchaser establish a carpool/vanpool program.
9. Require by contract provision that Project tenant/purchaser charge parking fees for single-occupancy vehicles.
10. Provide preferential parking for EV and CNG vehicles across at minimum of 10% of auto parking spaces in locations nearest to the Project entrances.
11. Install EV charging stations, including at least one Quickcharge unit, on the Project site.
12. Require use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.

13. Diesel or gasoline powered yard trucks, hostlers, yard goats, and forklifts shall be prohibited. Only electric yard trucks, hostlers, yard goats, and forklifts shall be used.
14. Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.
15. Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.
16. Each facility operator shall prohibit all vehicles from idling in excess of three minutes in all onsite areas.
17. Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.
18. Each facility operator which upon occupancy does not already operate 2077 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.

As an important note, merely incorporating any of these feasible mitigation measures within the requirement that "lease/purchase documents shall identify that tenants are encouraged to promote the following" or requiring only a writing or notation without requiring compliance therewith immediately renders them uncertain, unenforceable, and ineffective.

Thank you for your consideration of these additional comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

From: Lynne Ashley [lashley@rsbcihi.org]

Sent: Monday, July 30, 2012 4:55 PM

To: Jeffrey Bradshaw

Subject: no on ProLogis

My comment is I am very much against the ProLogis project; as I am against any where houses on the East side of Moreno Valley. I know it won't make a difference, but it is a stupid idiotic idea.....and is just so sad for the homeowners in that area.

Thank you,

Lynne Ashley

Human Resources

Riverside-San Bernardino County

Indian Health, Inc.

11555 1/2 Potrero Road

Banning, Ca 92220

(951) 849-4761 Ext 1111

(951) 849-5631 Fax



Think before you print.

From: Leola9@aol.com
Sent: Friday, July 27, 2012 9:23 AM
To: Jeffrey Bradshaw
Subject: Warehouses in East Moreno Valley
Dear Sir:

I have lived in Moreno Valley for forty five years. I voted for incorporation under the threat of being annexed by Riverside. I have watched as our new city grew. The city is now blocked from expansion to the north by a natural boundary and residential occupancy. The cities of Riverside and Perris block expansion to the west and south. Now you want to limit future expansion by authorizing a warehouse project covering the entire eastern boundary of the city. This adventure dooms the city as a haven for transients and other undesirable elements of society not to mention the environmental impact. It will not encourage more lucrative development and investment by other ventures. I urge this project be abandoned. Much of our area is already devoted to warehouses which exist on all major streets both north/south and east/west. I do not believe any of the promises touted by council members or its developer who support the project.

Paul Haisty
28499 Forest Oaks Way
Moreno Valley, Ca. 92555
Phone 951 924 6037

From: Jeffrey Bradshaw
Sent: Wednesday, August 08, 2012 10:55 AM
To: 'Lynne Ashley'
Subject: RE: no on ProLogis
Dear Ms. Ashley

I received your email comments, which appear be intended for the Planning Commission and/or City Council who will be responsible for making a decision to approve or deny the project. I will save your comments and make them available to the decision makers when this project is scheduled for a public hearing.

Sincerely,

Jeff Bradshaw
Associate Planner
City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Tel: 951.413.3224
Fax: 951.413.3210
Email: jeffreyb@moval.org
www.moval.org

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Paul Haisty
28499 Forest Oaks Way
Moreno Valley, Ca. 92555
Phone 951 924 6037

Jeffrey Bradshaw

From: Peggy Hadaway <phadaway@roadrunner.com>
Sent: Wednesday, March 05, 2014 2:02 PM
To: Jeffrey Bradshaw
Subject: FW: Prologis Project and other warehouse/logistics projects

From: Peggy Hadaway [<mailto:phadaway@roadrunner.com>]
Sent: Wednesday, March 5, 2014 11:43 AM
To: 'jefferyb@moval.org'
Subject: Prologis Project and other warehouse/logistics projects

Dear Mr. Bradshaw,

I understand the Moreno Valley city planners intend to present their recommendation on the Prologis Project on 13 March 2014. I am unable to attend meetings to voice my position on Prologis. I want to take this opportunity in email form to do just that.

We have a perfectly good general plan that has let everyone know the zoning permitted in all areas of Moreno Valley. Based on the general plan many people have made decisions on when and where to make purchases of various types of parcels of land, etc. Just because the city council allowed Sketchers to be built should in no way mean other warehouses should be allowed to be built on the east side of Moreno Valley and especially if any such project would require any zoning changes from the general plan. I realize the city council can ignore the city planners, as they did with the Sketchers project if I recall that situation correctly.

I am adamantly opposed to building more of the behemoth warehouse/logistics building in Moreno Valley. We already have too many which are negatively impacting the environment. More to the point, the current members of logistics organizations advocate only building warehouses/logistic centers where rail lines can be used (as opposed to using trucks on streets and highways) to transport products to and from these warehouses. The reason is that the "logistics" industry is concerned about the very negative responses to the "older style" warehouse/logistics centers built to use the surface streets and highways from the general public and especially from people who live close to these centers who directly and personally experience the very real downside to these centers. In the case of Sketchers the possible number of new jobs for Moreno Valley people there just did NOT materialize, nor will it with any of the highly mechanized warehouse/logistics centers.

I would expect Prologis to be another highly mechanized center. I urge you to recommend NOT approving the Prologis Project as well as any other such logistics center on the east side of Moreno Valley as clearly there is no rail service there to be used. The current city council has a couple of members who may very well be removed when the voters have a chance to legally register their opinions very soon. One member was placed there in illegal contravention of the Brown Act according to my reading of that law. If nothing else this decision should be delayed until the membership of the city council is decided, because this is a very important decision that will affect this city for many years to come. Moreno Valley already has a very poor reputation as a city. I would hate to see our reputation further tarnished by expediting the Prologis Project under these adverse circumstances.

Sincerely,
Peggy Hadaway and John Neal
12255 Cocopah Court
Moreno Valley, CA 92557

30 July 2012

TO: Jeff Bradshaw : Associate City Planner
FROM: Ruben Penururi
SUBJECT: Prologis Eucalyptus Industrial Park Project

IT APPEARS TO ME THAT THERE MAY BE SOME MIS-INFORMATION BEING STATED REGARDING THE PROLOGIS WAREHOUSE PROJECT.

IN THE PRESS ENTERPRISE (FRIDAY JULY 27, 2012) PAGE A-B "OFFICIALS SEEK COMMENT ON WAREHOUSES"

PROLOGIS OFFICIALS ESTIMATED THAT WHEN THIS PROJECT WAS PROPOSED, IT WOULD COST AS MUCH AS \$150 MILLION TO DEVELOPE, & WOULD CREATE BETWEEN 1,000 TO 1,500 JOBS.

NO ONE FROM THE CORPORATION COULD BE REACHED ON THURSDAY JULY 26, 2012 TO OFFER A COST OR JOBS UPDATE OR COMMENT ON THE PROJECT.

FRONT PAGE OF THE BUSINESS SECTION OF THE PRESS ENTERPRISE (FRIDAY JULY 27, 2012) "NATION"

PROLOGIS PREDICTS SELL OFF IN WAREHOUSE HOLDINGS.

PROLOGIS MAY SELL ABOUT \$800 MILLION OF U.S. PROPERTIES BY THE END OF 2012 AMID GROWING INVESTOR DEMAND FOR INDUSTRIAL BUILDINGS, CO-CHIEF EXECUTIVE OFFICER HAMID MOGHADAM SAID.

"IT'S MORE OF A SELLERS MARKET THAN A BUYER'S MARKET IN THE U.S."

MOGHADAM SAID WEDNESDAY

"WE'RE JUST PUSHING THE TIME TABLE"

RECEIVED

AUG - 1 2012

CITY OF MORENO VALLEY
Planning Division

30 July 2012

IT'S my opinion THAT Prologis Warehouse Corporation is looking to make A FAST BUCK AT THE EXPENSE OF THE CITIZENS OF MORENO VALLEY.

Skechers warehouse project was to produce 1000 new jobs AS stated by Moreno Valley officials. IT only employs roughly 600, & most of these employees came from the five smaller Skechers warehouses in Ontario, consolidating them in Moreno Valley.

THE CURRENT Freeway System IS Very congested, due to the wall to wall homes that developers were allowed to construct now you want to increase the volume of traffic with large trucks.

PLEASE remember that you are ALL PUBLIC SERVICE employees working on behalf of the citizens of Moreno Valley.


Ruben Penunuri

I AM NOT IN FAVOR OF THIS PROJECT

Mr. Jeff Bradshaw
Moreno Valley Planning Division
14177 Frederick St.
Moreno Valley, Ca. 92553

08/05/2012

RECEIVED

AUG - 7 2012

CITY OF MORENO VALLEY
Planning Division

Dear Mr. Bradshaw

I am writing you concerning the various warehouse projects proposed for Moreno Valley. More to the point. I am writing to point out what I feel are errors made by the cities so called experts. I am neither for or against the projects. Build them or don't build. I don't care. What I don't like is to hear so called facts that I don't feel are accurate. I have enclosed a 2010 article about the Fontana logistics warehouses for you to read. It has a union slant to it but the facts on how the logistics warehouses are run is accurate. Only when the city has all the facts, pro & con, can it decide what is best for Moreno Valley.

Some time back my wife & I watched the city counsel meeting on TV. I didn't write down the names & dates but it was one of the meetings on the proposed Highland Fairview World Logistics Center. The first "expert" said the average logistics job pays around \$42,000.00 per year. This maybe true for the few people employed by the logistics company but not the majority of the workers, who in fact are low paid temps. As a rule logistics companies do not provide good blue collar jobs. Their whole reason for being is to drive down costs. Labor costs.

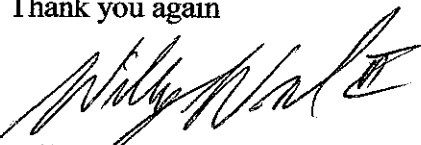
The second expert is the one I really take issue with. He is the professor from the University Of Redlands. Now let me say my step daughter just graduated from the University Of Redlands so I have great respect for the University. I do not feel the "expert" professor knows what he is talking about when he talks about Moreno Valley being the ideal location and how this ideal location will reduce truck traffic in the So. Cal. Area. Ontario and Fontana are ideal locations because of all the freeway access that surround those cities. From a truckers view point Moreno Valley is a bad location. One way in & one way out. The 60/215 freeway. He states in his presentation that trucks will come from the east to Moreno Valley to pickup loads and then return east never having to go into the So. Cal. area. This maybe true in a few cases but not in the majority. The reason is this. Most trucks come here loaded. Those loads will deliver in the So. Cal area. Not many loads deliver in the Banning area. So when these trucks are empty they will have to come up the 60/215 freeway to get to Moreno Valley. Pulling that hill, with all the other trucks, is not fun. Leaving heading east thru the hills in the bad lands is not fun. Traffic will be a mess on the 60/215 freeway for a number of other reasons. One, most trucks coming to any logistics warehouse come from the ports. Two, other trucks from UPS, Fedex, YRC, JB Hunt, Swift, ABF, Conway, Schneider, Knight, England and others that all have yards in the Inland basin will all be coming & leaving via the 60/215 freeway. The more warehouses you build in Moreno Valley the more truck traffic you will have on the 60/215 freeway. Not less as the "experts" would like you to believe. One way in and one way out. When a ship hits the port some large logistics warehouses can get 20, 30 or more containers a day and take back as many empty

containers to the ports. Once in the warehouse the goods must be sorted to fill orders & shipped out. Those trucks coming to pick up those orders will come from the Inland basin area to the west not from the east. And most like UPS & Fedex will return to their yards in the Inland area basin.

After you review all this information if you agree with what I have said and still plan to build all there warehouses I have one suggestion. One most truck drivers will hate me for but one I feel needs to be done. This suggestion will involve contacting CalTrans and dealing with them will be harder then dealing with the people of Moreno Valley. What I suggest is a restricted truck lane coming up (east) the 60/215 freeway. Cal Trans built the truck bypass at the top of the hill. At the 60/215 split. But they did not restrict the trucks to the right lane to force them to use the truck by pass. A "trucks must stay in the right lane. No passing" lane restriction would go a long way to helping traffic in the long run. This restriction should run from the MLK off ramp up to the truck bypass. Right now a truck going 45 mph up the hill can pass a slower truck even if he later moves back over to use the truck bypass. The more trucks you have the more this will cause traffic problems. Heck, right now the old 60 east sign at the top of the hill still has a "trucks ok lane" on it. Which can be confusing. That needs to be removed as well as adding the lane restriction. Any cost for signs, painting, and any lane realignment should be picked and paid for by the different warehouse projects under consideration now and in the future. The same idea of a lane restriction can be used leaving Moreno Valley going down the hill with a speed restriction. But without a truck bypass for trucks merging from the 215 north to the 60 west this probably would not work.

Thank you for your time. I have lived in Moreno Valley for 26 years. I have been driving a truck for a living for 36 years. I have driven long haul & local. I have been a member of the Teamsters Union for 27 years. I work for YRC Freight and have been with them for 20 years. So I would like to think I know a little about the transportation industry. At least from the end where the truck meets the dock.

Thank you again



Willy Wohlford
25554 Ericson Dr.
Moreno Valley, Ca. 92553
(951) 660-2764 cell (951) 924-4772 home

cc: Highland Fairview
cc: Lora Hines, The Press Enterprise

Meetcha Dating with a twist.

Holding WAL-MART ACCOUNTABLE

HAROLD MEYERSON | September 6, 2010

Nobody, it seems, is responsible for the conditions of work in the warehouses of Fontana -- even though warehouse work is mainly what Fontana has to offer. The Los Angeles exurb is part of California's Inland Empire, which boasts the world's largest concentration of warehouses, to which thousands of trucks make a daily 70-mile trek from the ports of Long Beach and Los Angeles, carrying Asian-made goods for market. Thousands more trucks depart daily from Fontana, carrying those goods, re-sorted and repackaged, to Wal-Marts, Targets, Loews, and Home Depots up to a thousand miles away. Close to 90,000 people work in those warehouses. But no one is responsible for the conditions of their work.

Homero Lovato loaded trucks for several years in one of the many warehouses containing goods bound for Wal-Mart's shelves. With one other worker, he loaded three or four truckloads a day, making \$42.50 per truckload. Even before unemployment began to skyrocket, he says, the terms of work were hard and degrading: "If people get sick, they have to stay on the job. If people have to go to the bathroom, they have to wait until the break." It was, he says, a rush job, with workers frequently falling behind the loading schedules and then racing to finish their tasks.

Workers in other Fontana warehouses tell similar stories. Blanca Cortes, who worked in quality control at a warehouse for UPS Mail Innovations, a nonunion subsidiary of United Parcel Service, once fainted on the job when she was six months pregnant. The warehouse wasn't air-conditioned even though temperatures in Fontana frequently exceed 100 degrees. "There were about 10 faintings that year," she recalls. "They wouldn't even buy a fan." Olga Romero, who worked in a warehouse that shipped shoes to Wal-Mart, also remembers the heat -- and the cold. "It would be over 100 in the summer and in the 40s in the winter," she says. "Something's wrong when you have to work with a couple of jackets."

Fontana's warehouse workers never made a decent wage, even when the economy was robust. Cortes made \$9.50 an hour with no benefits, until she was replaced last year by a new hire who was paid \$7 an hour. In their 2008 book, *Getting The Goods: Ports, Labor and the Logistics Revolution*, Edna Bonacich and Jake B. Wilson report that direct hires at Fontana's Target warehouses started at \$12.80 an hour and could work their way up to \$17, while temps started at \$8.50 and maxed out at \$12. (Of course, these figures date from the bubble years. Today, unemployment in the Fontana area is close to 15 percent.) And by one estimate, 53,000 of the 90,000 Fontana warehouse workers -- even though they may hold down the same job year after year -- are temps.

When you drive through Fontana on Interstates 10 or 15, it doesn't seem hard to tell whose warehouse is whose. One warehouse has hundreds of Wal-Mart trucks lined up at its bays; another, hundreds of Home Depot trucks. But, as far as Wal-Mart, Home Depot, and the law are concerned, these are not the companies' warehouses.

The warehouses, in fact, are part of an elaborate system enabling Wal-Mart and its competitors to keep their prices low and their revenues high by depressing wages and labor costs all along their supply chains -- and to protect outfits like Wal-Mart from responsibility for working conditions. The giant retailers that have come to dominate much of the American economy don't own many of the hundreds of warehouses in Fontana or anyplace else.

In Fontana, the warehouses are owned by local commercial realtors and operated by logistics companies. But the logistics companies don't formally employ a majority of the warehouse workers, either. Rather, the workers are employed by some of the region's 270 temp agencies. The way a famously demanding employer like Wal-Mart ensures that the warehouses are running as it sees fit is to contract with a few large logistics companies (Wal-Mart likes Exel, a British firm), which in turn contract with a few large temp agencies (Exel likes Staffmark).

Thus are the goods moved with dispatch, while workers receive low pay, no benefits, can't readily join a union, and can be let go at a moment's notice. There is a situation that the workers themselves -- almost entirely Hispanic, largely immigrant, and between a quarter to 40 percent of them, in the assessment of one union organizer, undocumented -- cannot easily remedy. And there is a

situation for which their real employers -- the Targets, the Sears, and above all the Wal-Marts -- can and do deny all responsibility.

The warehouse workers of Fontana constitute a key link in both the global supply chain and the American political economy. For the American labor movement to experience a rebirth and American workers to enjoy a rising share of the nation's wealth, it's imperative that unions make gains among America's new working class and its dominant and standard-setting employer: Wal-Mart. And the road to a unionized Wal-Mart runs straight through Fontana: Shut down the temp warehouses, and Wal-Mart's shelves will soon be bare.

Last year, the Change to Win labor federation waged an ambitious campaign to organize Fontana's warehouse workers, a campaign it then wound down after local unemployment soared and Congress failed to pass the Employee Free Choice Act. But Change to Win has not given up on Fontana, much less Wal-Mart, and is looking at ways that the government can help the warehouse workers ease their plight.

It's not an easy task. By the standard of common sense, the tens of thousands of full-time warehouse workers who are employed by temp agencies are misclassified. Clarissa Lua, who worked alongside Blanca Cortes at UPS Mail Innovations, went through 10 staffing agencies in the five years she worked there. Or rather, the agencies went through her, since UPS, not she, switched her agencies. At each agency the job was always the same: "Sometimes we didn't even know which agency we worked for," she said.

Like millions of American workers, Lua was a perma-temp, trapped in a work arrangement common not only to bottom-feeders like Wal-Mart but to such presumably high-end employers as Microsoft. So while unionists and other worker advocates are asking President Barack Obama's Department of Labor and Middle Class Task Force to remedy misclassification violations at major employers, it's tricky to apply that remedy to warehouse workers unless they can be shown to be permanent workers misclassified as temps. Neither can the government deny contracts to the middlemen -- the logistics firms or employment agencies -- for these companies don't have government contracts.

Instead, the unions are asking the government for two things: First, to enforce the Fair Labor Standards Act (FLSA) rigorously inside the warehouses, tallying and fining them for violations of minimum-wage and maximum-hours laws. And second, to hold accountable not the temp agencies or the logistics companies or the local real-estate companies but, rather, the big-box retailers -- the companies that structured and benefit from this byzantine system.

"At the very least," one union official says, the Department of Labor can "enforce the FLSA on warehouse workers not being paid for overtime. The temp agencies can fudge on this by not listing hours-worked on their paychecks." In fact, at the direction of Labor Secretary Hilda Solis, the department hired 250 new wage and hour investigators last year, an increase that brings the Wage and Hour Division, after years of neglect, close to its all-time high.

"The department is willing to spend more on enforcement: It's asking for \$25 million more in the president's 2011 budget," another union official says. "The question is where they'll focus their resources. They haven't yet said they're going after the biggest offenders. They need to go after Wal-Mart and FedEx, not some bodega owners."

There's a precedent for targeting the retailers who design and control the supply chains. In 1996, at the direction of Labor Secretary Robert Reich (yes, *our* Robert Reich), the Wage and Hour Division began a "No Sweat" campaign, which held retailers responsible for the sweatshop wages and conditions its inspectors had found in the small garment factories (chiefly in Los Angeles) that turn out their products. When the contractors and subcontractors who employed the seamstresses were unable to come up with money for the back-pay settlements that the division had ordered them to make, the Labor Department held the retailers -- in this case, Macy's -- liable for the payments. To persuade Macy's to settle with the workers, Reich threatened to seize the Macy's-bound garments they had sewn, under the "hot goods" provision of the FLSA that permits the department to take goods produced under conditions prohibited by the act. Macy's settled, and, with Target, then signed an agreement taking responsibility to see that the working conditions all along their supply chains conformed to the FLSA's standards.

"Invoking 'hot goods' is the nuclear option," one union staffer says. "But we want Labor to be open to using it. We want them to go after the top of the food chain."

Going after the top of the chain to improve working conditions should fit comfortably within President Obama's stated economic goals, paramount among which is reversing the long-term decline of jobs and worker compensation in America. An administration trying to bolster green jobs and green manufacturing cannot remain indifferent to jobs in the service and retail sectors, which employ far more people than manufacturing and construction combined.

Raising the Wal-Mart wage -- and the Wal-Mart wage is paid not just to the company's direct employees but to many of its competitors' employees and, in one form or another, to all those who work along its, and its competitors', supply chains -- is a key step in re-creating the broadly shared prosperity America once enjoyed. To that end, the president supported the Employee Free Choice Act. To that end -- all the more because EFCA failed to become a law -- he should support enforcement actions that compel Wal-Mart to become a more responsible employer.

Wal-Mart is not the only company at the top of its respective food chain, of course. Another is FedEx, which as a point of both law and common sense looks to be misclassifying its 30,000 "ground drivers," who pick up and deliver packages that are not shipped by air, as independent contractors, not eligible for benefits, though their routes, hours, pay, and vacations are all determined by FedEx. The Teamsters union, which represents truck drivers at rival UPS, was stymied by the hostility of the George W. Bush administration (FedEx CEO Fred Smith is a Republican mega-donor). So the Teamsters over the past decade succeeded in getting roughly 30 state attorneys general to investigate FedEx's misclassification of drivers.

With a number of those attorneys general closing in, FedEx has shifted its employment model in several states -- not to one in which it finally assumes responsibility for its workers, however, but to a system of "super contractors" who purchase multiple routes and then hire drivers who travel them -- all under FedEx's careful, if unacknowledged, supervision. Organized labor wants the administration to build on the work of the state attorneys general, to determine on its own that FedEx is misclassifying 30,000 employees, and then to declare that violations of labor law -- such as misclassification -- constitute grounds to reduce or terminate its business with companies guilty of such practices. (See "A Long Haul" by David Bensman and Molly Greenberg, Page A9.)

In taking on the Wal-Marts and FedExes, of course, the administration would be challenging some of the most powerful institutions in the land. Then again, in the America that Obama has pledged to rebuild, someone should always be responsible for the conditions of work.

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Harold Meyerson is the editor-at-large at *The American Prospect* and a columnist for *The Washington Post*. [Click here](#) to read more about him.



7/27/12

Officials seek comments on warehouses

Comments are being accepted on a proposal for massive project in Moreno Valley

BY LORA HINES
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Public comments are being accepted on a draft environmental impact report for proposed 2.2 million square-foot warehouse project in Moreno Valley that officials began discussing about five years ago.

City planning officials recently released the report for the proposed ProLogis Eucalyptus Industrial Park Project, which would consist of six warehouses south of Highway 60 and east of the Moreno Valley Auto Mall. Residents, state and local agencies and community and environmental groups have until Sept. 4 to submit comments on the report.

ProLogis, a San Francisco-based international warehouse developer, bought more than 125 acres in the 3000 block of Eucalyptus Avenue more than five years ago. Almost all of it will be used for the project, which will require amendments to the city's general plan and zoning requirements.

WAREHOUSE

CONTINUED FROM A8

agencies, residents and environmental groups about concerns with the proposed project, including increased traffic, pollution and its proximity to schools.

The report states the project could affect areas such as air and water quality, animal habitat, Native American prehistoric sites, drainage and traffic.

Resident Marti Orth was among those who submitted comment about the proposed project in 2008. She said she is as opposed to it now as she was then, but she believes her opinion will have little effect on the City Council, which will decide whether to approve the project later this year.

"I think it's a forgone conclusion," said Orth, a resident of more than 40 years. "First, decisions are made. Then they ask for opinions."

On Wednesday, July 25, city manager Henry Garcia told hundreds of Inland area officials and business owners that warehouse development and health care will be Moreno Valley's job growth focus areas because they have the most potential to employ the city's primarily blue-collar workforce.

Orth said residents have little reason to believe that the proposed project will bring as many jobs as officials claimed because the Skechers warehouse didn't.

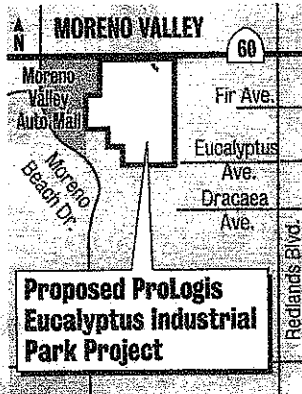
"I don't know why (ProLogis) would be any better," she said.

Skechers had employed about 1,000 people in five smaller warehouses in Ontario before consolidating and moving to Moreno Valley. Moreno Valley officials and project supporters

promised that Skechers warehouse would bring more than 1,000 jobs. It employs about 600 people.

City officials have said they expect the number of employees to increase as the economy improves.

Comments about the ProLogis project are to be sent to associate city planner Je Bradshaw, Moreno Valley Planning Division, 141 Frederick St., Moreno Valley 92553 or send e-mail to je.freyb@moval.org.



STAFF ARTIST

proposed, ProLogis officials estimated the project could cost as much as \$150 million to develop and would create between 1,000 and 1,500 jobs. No one from the corporation could be reached Thursday, July 26, to offer a cost or job update or comment on the project.

According to the draft environmental impact report, the poor economy in 2008 stalled the project. ProLogis recently decided to pursue the process, the report states.

City planning official John Terrell said there is nothing unusual about the project or its potential impacts that have delayed it.

In March 2008, city planning officials received 25 responses from state and local

SEE WAREHOUSE/AT

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4.12 NOISE

This section of the EIR is intended to satisfy the City's requirements for a project-specific noise impact analysis by examining the short-term and long-term noise impacts of the proposed project on sensitive uses adjacent to the proposed project area and by evaluating the effectiveness of mitigation measures. This includes the potential for the proposed project to result in impacts associated with a substantial temporary and/or permanent increase in ambient noise levels in the vicinity of the project area; exposure of people to excessive noise levels, groundborne vibration, or groundborne noise levels.

CEQA requires an analysis of the proposed project's impacts on the existing environment; not an analysis on the existing environment's impacts on the proposed project. The occasional blow downs that occur at the Southern California Gas Company (SCGC) are part of the existing conditions and have been part of the existing conditions for years. Thus, for purposes of clarity, it should be noted that the impact analysis below goes beyond the requirements of CEQA and provided as part of an analysis to ensure worker safety. All mitigation measures imposed in this analysis are the responsibility of future developers and not SCGC.

For the reader's reference, this EIR and each of the technical reports and analyses contained herein have been written to address a series of planning entitlements, which affect several separate, adjacent and related properties. The overall project site covers 3,918 acres in the Rancho Belago area of the City of Moreno Valley. It includes 3,814 acres of land, which is the subject of various entitlements, plus 104 acres of land affected by off-site improvements needed to support the proposed development. The proposed entitlements are summarized below.

A General Plan Amendment is proposed covering 3,814 acres, which redesignates approximately 71 percent of the area (2,710 acres) for logistics warehousing and the remaining 29 percent (1,104 acres) for permanent open space and public facilities. The following elements of the General Plan are included in the proposed Amendment: Community Development (land use); Circulation; Parks, Recreation, and Open Space; Safety; Conservation; and the General Plan Goals and Objectives.

A new Specific Plan will be adopted to govern development of the World Logistics Center for the 2,710 acres. A separate zoning amendment will also be processed and adopted to rezone 1,104 acres for open space and public facilities uses and to incorporate the Specific Plan into the City's Zoning Map.

In addition to the General Plan Amendment, Specific Plan, and Zone Change, the project includes a Tentative Parcel Map covering 1,539 acres (property owned by the project applicant, Highland Fairview) within the project site. This subdivision map is for financing purposes only and will not confer any development rights to the property owner.

The project includes pre-annexation zoning for an 85-acre parcel of land within the project area.

Finally, a Development Agreement between the City and Highland Fairview (the project applicant) is included as one of the project entitlements. The details of all the project entitlements are included in Section 3.4 of the EIR, *Project Characteristics*. The environmental impacts of all of these entitlements on the entire project area are addressed in this EIR and the accompanying technical reports and analyses.

The analysis contained in this section is based on the following technical study prepared for the proposed project:

- *Noise Assessment for the World Logistic Center Specific Plan*, Mestre Greve Associates, January 24, 2013 (Appendix K of this EIR); and

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In addition to these project-specific technical studies, the analysis contained in this section is also based on the following reference documents:

- *California Noise Insulation Standards*, California Code of Regulations, Title 24, Part 2, §3501;
- *Highway Traffic Noise Prediction Model (FHWA-RD-77-108)*, Federal Highway Administration (FHWA);
- *City of Moreno Valley General Plan*, City of Moreno Valley, July 2006;
- *Moreno Valley Municipal Code*, City of Moreno Valley, current through Ordinance 836 and the February 2012 code supplement; and
- *State of California General Plan Guidelines*, Governor's Office of Planning and Research, October 2003, pages 249 and 250.

4.12.1 Existing Setting

4.12.1.1 Background

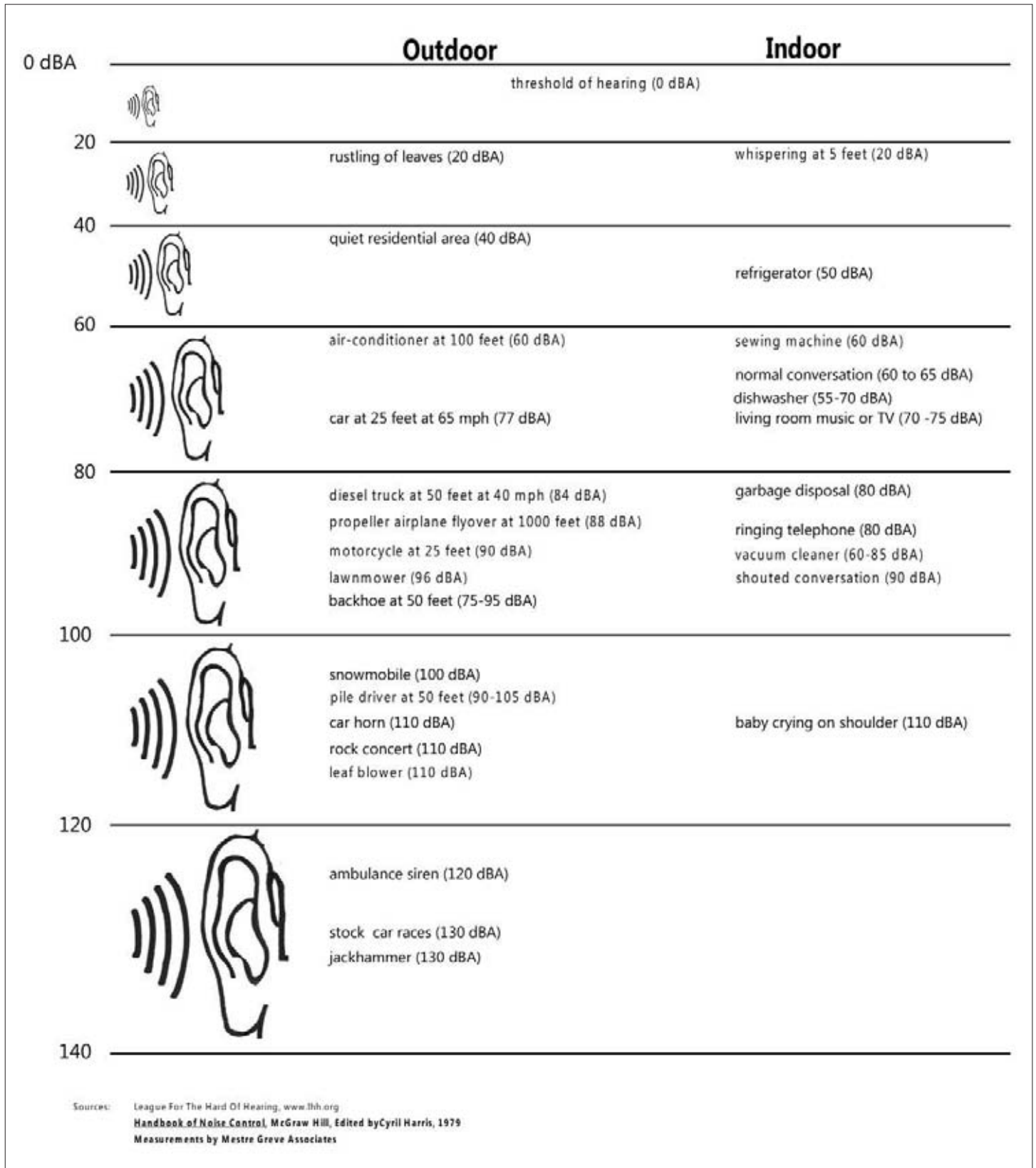
Characteristics of Noise. To the human ear, sound is technically described in terms of its loudness (amplitude) and pitch (frequency). Pitch is generally an annoyance, while loudness can affect our ability to hear. Noise is usually defined as unwanted sound; it consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep.

Measurement of Noise. The standard unit of measurement of the loudness of sound is the decibel (dB). Decibels are based on a logarithmic scale. The logarithmic scale compresses the wide range in sound levels resulting in a more usable range of sound level values, similar to the Richter scale used to measure earthquakes. To humans, a sound 10 dB higher than another is considered to be twice as loud; a sound 20 dB higher than another is considered four times as loud; etc. Typical daily sounds in the environmental range from 30 dB (very quiet) to 100 dB (very loud).

Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel (dBA) scale performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. Community noise levels are measured in terms of the dBA. Figure 4.12.1 shows examples of various noises sources and their typical dBA noise level.

There are two categories of noise that are measured to characterize noise conditions: single event noise and community, or cumulative, noise. Single event measurements describe the noise levels from an individual event such as a passing airplane or a heavy-duty truck. Cumulative measurements average the total noise in a community over a specific time period, which is typically 1 or 24-hours. The noise impact analysis performed for this EIR is based on assessment of both single event noise and community or cumulative, noise.

Several rating scales have been developed for measurement of community noise. These account for: (1) the parameters of noise that have been shown to contribute to the effects of noise on humans; (2) the variety of noises found in the environment; (3) the variations in noise levels that occur as a person moves through the environment; and (4) the variations associated with the time of day. They are designed to account for the known health effects of noise on people described previously. Based on these effects, the observation has been made that the potential for a noise to affect people is



LSA

FIGURE 4.12.1

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Typical A-Weighted Noise Levels

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dependent on the total acoustical energy content of the noise. A number of noise scales have been developed to account for this observation. Two of the predominant noise scales are the Equivalent Noise Level (L_{eq}) and the Community Noise Equivalent Level (CNEL). L_{eq} is the sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period. L_{eq} is the “energy” average noise level during the time period of the sample. L_{eq} can be measured for any time period, but is typically measured for 1 hour. This 1-hour noise level can also be referred to as the Hourly Noise Level (HNL). It is the energy sum of all the events and background noise levels that occur during that time period.

CNEL is the predominant rating scale now in use in California for land use noise compatibility assessment. The CNEL scale represents a time weighted 24-hour average noise level based on the dBA. Time weighted refers to the inclusion of penalties for noise that occurs during certain noise-sensitive time periods. The evening time period (7 p.m. to 10 p.m.) penalizes noises by 5 dBA, while nighttime (10 p.m. to 7 a.m.) noises are penalized by 10 dBA, reflecting people’s increased sensitivity to noise during these time periods. A CNEL noise level may be reported as a CNEL of 60 dBA, 60 dBA CNEL, or simply 60 CNEL.

$L(\%)$ is a statistical method of describing noise which accounts for variance in noise levels throughout a given measurement period. $L(\%)$ is a way of expressing the noise level exceeded for a percentage of time in a given measurement period. For example, since 5 minutes is 25 percent of 20 minutes, $L(25)$ is the noise level that is equal to or exceeded for five minutes in a twenty-minute measurement period. It is $L(\%)$ that is used for most Noise Ordinance standards. For example most daytime County, State and City noise ordinances use a standard of 55 dBA for 30 minutes per hour, or an $L(50)$ level of 55 dBA. In other words, the noise ordinance may state that no noise level should exceed 55 dBA for more than fifty percent of a given period.

The maximum noise level (L_{max}) is the highest exponential time averaged sound level that occurs during a stated time period. The noise levels discussed in this analysis for short-term noise impacts are specified in terms of maximum levels denoted by L_{max} , which reflects peak noise conditions and addresses the annoying aspects of intermittent noise. It is often used together with another noise scale, or noise standards in terms of percentile noise levels, in noise ordinances for enforcement purposes. For example, the L_{10} noise level represents the noise level exceeded 10 percent of the time during a stated period. The L_{50} noise level represents the median noise level. Half the time the noise level exceeds this level, and half the time it is less than this level. The L_{90} noise level represents the noise level exceeded 90 percent of the time and is considered the background noise level during a monitoring period. For a relatively constant noise source, the L_{eq} and L_{50} are approximately the same.

Fundamentals of Groundborne Vibration. Vibration refers to groundborne noise and perceptible motion of the earth. Similar to noise, vibration is transmitted in noise-like waves through the earth and solid objects.

There are several ways to categorize vibration sources. One way is to divide vibration into natural sources (e.g., earthquakes, volcanic eruptions, sea waves, and landslides) and human sources (e.g., explosions, machinery, traffic, trains, and construction equipment). Similar to noise sources, vibration sources can also be described as continuous (e.g., operating factory machinery) or transient (e.g., explosions).

As with noise, ground vibrations can be described by amplitude and frequency. Vibration amplitude is characterized by its displacement, velocity, and acceleration. Displacement is the distance that soil particles travel from their original location as a result of vibration, as measured in inches or millimeters. Velocity is the speed of the soil particles measured in inches per second or millimeters per second. Acceleration is the acceleration of the soil particles measured in inches per second per second or millimeters per second per second. Particle velocity is the most commonly used vibration

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attribute used to describe vibration. Table 4.12.A presents the human reaction to various levels of peak particle velocity. Vibrations also vary in frequency. Traffic vibrations generally range in frequencies from 10 to 30 hertz (Hz), and tend to average around 15 Hz. As a point of reference, city buses often generate frequencies around 3 Hz at high vehicle speeds, due to their suspension systems.

Table 4.12.A: Human Reaction to Typical Vibration Levels

Vibration Level Peak Particle Velocity (inches/second)	Human Reaction
0.0059–0.0188	Threshold of perception, possibility of intrusion.
0.0787	Vibrations readily perceptible.
0.0984	Level at which continuous vibrations begin to annoy people.
0.1968	Vibrations annoying to people in buildings.
0.3937–0.5905	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges.

Source: Caltrans 1992.

Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where the motion may be discernable. However, without the effects associated with the shaking of a building, there is less adverse reaction. Building vibration may be perceived by the occupants as motion of building surfaces, rattling of items on shelves or hanging on walls, or as a low-frequency rumbling noise. Building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during construction or mining. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by up to 10 decibels. This is an order of magnitude below the damage threshold for normal buildings.

Typical sources of groundborne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earthmoving equipment), steel-wheeled trains, and occasional traffic on rough roads. Problems with groundborne vibration and noise from these sources are usually localized to within about 100 feet of the vibration source, although there are examples of groundborne vibration causing interference out to distances greater than 200 feet, as described in the FTA Transit Noise and Vibration Impact Assessment (FTA, May 2006). When roadways are smooth, vibration from traffic, even heavy trucks, is rarely perceptible.

Factors that influence groundborne vibration and noise include the following:

- *Vibration Source:* Vehicle suspension, wheel types and condition, track/roadway surface, track support system, speed, transit structure, and depth of vibration source.
- *Vibration Path:* Soil type, rock layers, soil layering, depth to water table, and frost depth.
- *Vibration Receiver:* Foundation type, building construction, and acoustical absorption.

Among the factors listed above, there are significant differences in the vibration characteristics when the source is underground versus at ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface and can result in groundborne vibration problems at a great distance from the track. Factors such as layering of the soil and depth to water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils.

4.12.1.2 Sensitive Land Uses in the Project Vicinity

Certain land uses are considered more sensitive to noise than others. Examples include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project vicinity and Specific Plan area are characterized by a mix of developed and undeveloped properties. Developed properties in the vicinity include an industrial/warehouse building in Moreno Valley to the northwest (Skechers) and several residential neighborhoods along Redlands Boulevard along the western boundary of the project site. An area of the City known as “Old Moreno” is situated near the southwest portion of the project site, around the intersection of Redlands and Alessandro Boulevards. The homes along Merwin Street, east of Redlands Boulevard, constitute the closest sensitive receptors to the project site (i.e., they are adjacent to the property).

4.12.1.3 Existing Noise Measurements

Existing noise levels in the vicinity of the proposed project are used establish baseline noise levels in key areas. Noise measurements within the project site and in the surrounding area were taken. The noise measurement locations were selected to provide coverage of the project’s potential noise impact area. The noise measurement locations are shown Figure 4.12.2.

Noise measurements were taken at sixteen sites in the project vicinity during the daytime hours (between 7 a.m. and 10 p.m.) and during nighttime hours (between 10 p.m. and 7 a.m.). For each measurement site and time period, noise levels were measured for 15 minutes and calibrated to ensure that the measured sound level readings were accurate. The measurements were used to calculate existing L_{eq} , L_{min} , L_{max} , $L_{1.7}$, $L_{8.3}$, L_{25} and L_{50} values for the measurement locations. Table 4.12.B shows the results for the daytime measurements, and Table 4.12.C shows the nighttime measurements.

Table 4.12.B: Existing Daytime Noise Measurements (dBA)

Site	Date	Start Time	L_{eq}	L_{max}	$L_{1.7}$	$L_{8.3}$	L_{25}	L_{50}	L_{min}
1	1-25-12	9:38 a.m.	55.4	72.0	63.0	56.5	54.0	53.0	48.7
2	1-25-12	10:15 a.m.	53.6	68.8	61.0	57.0	53.5	50.5	44.0
3	1-25-12	10:42 a.m.	66.3	73.7	73.0	71.5	68.0	61.5	43.5
4	1-25-12	11:04 a.m.	40.8	50.3	46.0	43.5	41.0	39.5	35.9
5	1-25-12	11:27 a.m.	40.4	56.9	48.0	44.5	39.5	36.0	31.4
6	1-25-12	11:48 a.m.	46.1	68.3	51.5	41.0	37.5	34.0	30.0
7	1-25-12	12:08 p.m.	57.7	75.3	66.5	63.0	55.5	47.5	34.8
8	1-25-12	12:30 p.m.	65.1	85.5	73.5	70.0	63.0	56.5	39.0
9	1-25-12	12:50 p.m.	42.9	55.8	53.0	46.0	41.5	37.5	33.5
10	1-25-12	1:48 p.m.	49.2	68.0	56.0	48.0	46.5	45.0	40.5
11	1-25-12	2:10 p.m.	60.4	73.0	66.5	64.5	61.0	58.0	47.2
12	1-25-12	2:32 p.m.	51.2	58.4	55.5	53.5	51.5	50.5	44.7
13	1-25-12	2:52 p.m.	45.8	59.8	52.0	48.0	45.5	44.0	39.9
14	1-25-12	3:15 p.m.	65.5	73.3	70.0	68.5	66.5	64.5	54.4
15	1-25-12	3:39 p.m.	52.6	72.1	59.5	55.5	51.5	49.5	42.9
16	1-25-12	4:08 p.m.	58.7	75.2	67.0	59.0	57.0	55.0	50.5

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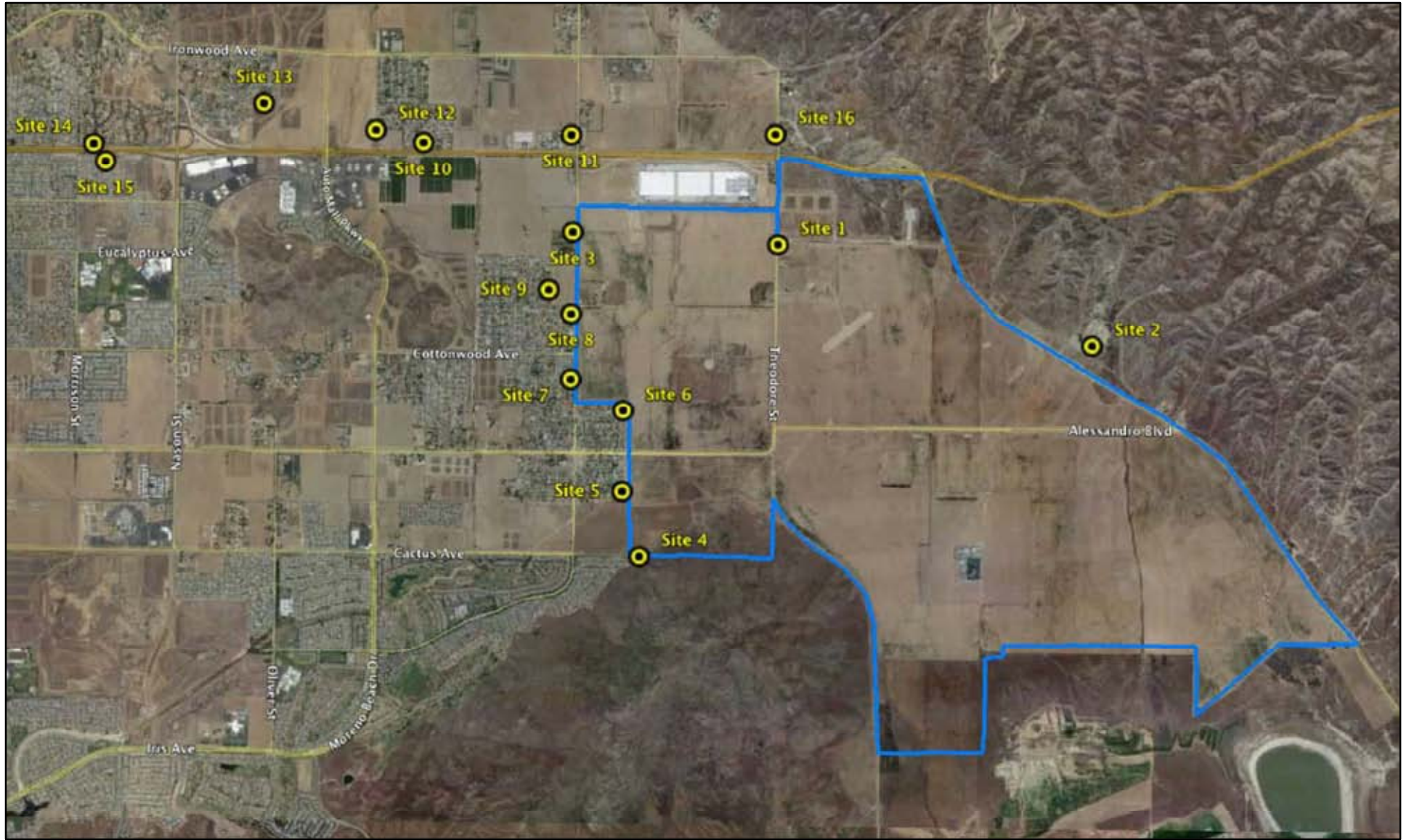
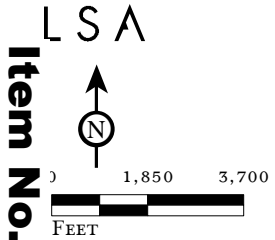


FIGURE 4.12.2



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Table 4.12.C: Existing Nighttime Noise Measurements (dBA)

Site	Date	Start Time	L _{eq}	L _{max}	L _{1.7}	L _{8.3}	L ₂₅	L ₅₀	L _{min}
1	2-8-12	11:51 p.m.	50.6	64.5	59.0	54.5	50.5	45.5	36.0
2	2-6-12	10:30 p.m.	47.4	65.1	52.5	50.0	48.0	45.5	37.5
3	2-6-12	10:55 p.m.	61.8	75.9	71.0	67.5	58.0	54.0	45.9
4	2-6-12	11:33 p.m.	35.8	51.1	44.0	39.0	34.5	32.0	30.0
5	2-9-12	12:15 a.m.	36.4	46.6	42.5	39.5	36.0	35.0	31.5
6	2-7-12	12:15 a.m.	43.2	51.0	49.5	46.5	44.0	41.5	35.3
7	2-7-12	12:35 a.m.	51.5	66.9	64.0	54.0	41.5	37.5	32.6
8	2-7-12	12:55 a.m.	56.0	74.1	68.0	57.0	42.5	38.5	33.6
9	2-9-12	12:35 a.m.	41.5	57.1	50.5	44.5	38.0	36.0	30.4
10	2-9-12	1:01 a.m.	46.7	63.8	50.5	48.5	46.5	45.0	38.1
11	2-9-12	1:25 a.m.	59.6	68.3	67.5	64.5	60.5	54.0	46.3
12	2-9-12	1:48 a.m.	51.8	63.9	58.0	55.0	52.0	50.0	39.2
13	2-9-12	2:09 a.m.	48.0	59.7	55.5	52.0	47.5	45.0	38.6
14	2-9-12	2:33 a.m.	60.8	72.3	68.0	65.5	61.0	57.5	44.9
15	2-9-12	2:56 a.m.	48.2	59.9	54.5	52.5	49.0	45.0	35.4
16	2-9-12	3:20 a.m.	54.3	62.7	60.0	58.5	55.5	52.0	38.8

4.12.1.4 Existing Traffic Noise Environment

The primary existing noise sources in the project area are transportation facilities. Traffic on SR-60, Redlands Boulevard, Theodore Street, Gilman Springs Road, and other local streets is the dominant source contributing to the ambient noise levels in the project vicinity. Noise from motor vehicles is generated by engine vibrations, the interaction between the tires and the road, and the exhaust system. Table 4.12.D identifies the existing (2012) traffic noise levels adjacent to roadway segments in the project vicinity.

Table 4.12.D: Existing Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet
Alessandro Boulevard (Lasselle Street and Morrison Street)	55.5
Alessandro Boulevard (Morrison Street to Nason Street)	56.8
Alessandro Boulevard (Nason Street to Oliver Street)	64.4
Cactus Avenue (Nason Street to Oliver Street)	64.3
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.2
Cactus Avenue (Redlands Boulevard to Street D)	50.2
Cactus Avenue (west of Redlands Boulevard)	57.5
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	41.8
Canyon Crest Drive (Central Avenue to Country Club Drive)	67.0
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	57.5
Crescent Avenue (west of Alessandro Road)	57.1
Day Street (Cottonwood Avenue to Alessandro Boulevard)	57.7
Elsworth Street (Cottonwood Avenue to Alessandro Boulevard)	62.9
Evans Road (Marbella Gate to Ramona Expressway)	56.9
Gilman Springs Road (Bridge Street to Beaumont Avenue)	61.0

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Table 4.12.D: Existing Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	61.0
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.1
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	62.7
Gilman Springs Road (south of Street C)	56.1
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	60.7
Heacock Street (Alessandro Boulevard to Cactus Avenue)	59.7
Heacock Street (Cactus Avenue to John F Kennedy Drive)	62.6
Indian Street (Alessandro Boulevard to Cactus Avenue)	59.9
Indian Street (Cactus Avenue to John F Kennedy Drive)	59.3
Iris Avenue (Kitching Street to Lasselle Street)	60.31
Iris Avenue (Lasselle Street to Nason Street)	57.0
Iris Avenue (Nason Street to Oliver Street)	60.0
Iris Avenue (Perris Boulevard to Kitching Street)	60.8
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	55.6
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	46.3
John F Kennedy Drive (south of Cactus Avenue)	61.5
Kitching Street (Alessandro Boulevard to Cactus Avenue)	58.2
Kitching Street (Cactus Avenue to John F Kennedy Drive)	59.1
Kitching Street (Iris Avenue to Ivory Avenue)	61.1
Kitching Street (Krameria Avenue to Lurin Avenue)	62.4
Krameria Avenue (Perris Boulevard to Lasselle Street)	57.5
Lasselle Street (Cahuilla Drive to Krameria Avenue)	60.5
Lasselle Street (Cottonwood Avenue to Alessandro Boulevard)	64.4
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	56.4
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	56.5
Lochmoor Drive (Central Avenue to Fair Isle Drive)	52.1
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	55.7
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2
Mission Grove Parkway (Alessandro Boulevard to Northrop Drive)	58.1
Mission Grove Parkway (Cannon Road to Alessandro Boulevard)	62.5
Moreno Beach Drive (John F Kennedy Drive to Cactus Avenue)	57.6
Moreno Beach Drive (John F Kennedy Drive to Oliver Street)	55.2
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	55.3
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	61.4
Orange Avenue (Evans Road to Foothill Drive)	55.3
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	61.0
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	61.9
Perris Boulevard (Cactus Avenue to John F Kennedy Drive)	62.0
Perris Boulevard (Iris Avenue to Krameria Avenue)	60.8
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	67.2
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	60.7
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	59.6

Table 4.12.D: Existing Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet
Perris Boulevard (Sunnymead Boulevard to Fir Avenue)	69.0
Ramona Expressway (Evans Road to Rider Street)	59.2
Reche Canyon Road (Keissel Road to Reche Vista Drove)	62.7
Reche Vista Drive (Heacock Street to Reche Canyon Road)	66.7
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	67.8
Redlands Boulevard (Ironwood Avenue to SR-60)	68.3
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	58.8
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	62.0
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	62.7
Street A (Eucalyptus Avenue to Street F)	47.0
Sunset Drive (Alessandro Road to Cameo Drive)	52.5
Sunset Drive (Crown Street to Alessandro Road)	49.0
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	62.8
Theodore Street (SR-60 to Highland Boulevard)	53.6
Freeways	
SR-60 (Heacock Street to Perris Boulevard)	65.2
SR-60 (Moreno Beach Drive to Redlands Boulevard)	62.5
SR-60 (Perris Boulevard to Nason Street)	64.6
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	66.5
SR-60 (Redlands Boulevard to Theodore Street)	60.2

Source: Mestre Greve Associates, November 2012.

4.12.1.5 Existing SDG&E and SCGC Facilities

The proposed World Logistics Center Specific Plan area is currently occupied by one San Diego Gas and Electric Company (SDG&E) compressor station and two Southern California Gas Company (SCGC) facilities. These facilities are located within the boundaries of the Specific Plan as shown in previously referenced Figure 4.12.2. The SDG&E compressor station recompresses natural gas received from interstate gas pipelines and delivers the gas to Southern California via transmission pipelines. The two SCGC facilities contain flow valve and metering equipment facilities. The southern SCGC facility contains a maintenance functions as well. All of these facilities contain gas pipeline blow-down equipment. This equipment includes exhaust stacks that vent the high pressure gas into the atmosphere occur during emergencies, scheduled maintenance, and annual testing of the blow-down systems.

The SDG&E and SCGC facilities produce noise from three different sources that could affect future development within the proposed project: 1) the operation of the compressor station; 2) blow-down events at the compressor station; and 3) blow-down events at the SCGC facilities. The blow-down events generate infrequent high noise levels for relatively short periods. The compressor station generates a relatively constant noise level, although noise levels vary slightly when the compressors are turned on and off when the gas is conveyed to the transmission pipelines.

The SDG&E compressors are the primary source of operational noise generated by the compressor station. The facility contains two sets of three reciprocating natural gas combustion engines and one set of four natural gas-fired turbines, for a total of ten compressors with power ranging from 995 to 3,400 horsepower. The compressors are located within noise attenuation structures and are equipped

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with intake and exhaust silencers. The facility routinely operates at maximum capacity 24 hours per day. It is anticipated that demand on the compressor station will increase in the future to the point where the facility operates 24 hours a day, year round.

The CNEL levels for the SDG&E compressor station presented in Figure 4.12.3 are based on a worst-case assumption that the compressor station is in full operation 24 hours a day. Figure 4.12.4 presents the average (L_{eq}) noise levels generated by the compressor station during full operation. Both the CNEL and L_{eq} metrics are used to assess the noise impacts from the facility.

There are several blow-down points within the SDG&E compressor station. As stated previously, these blow-down points allow for the release of pressurized gas during emergencies, scheduled maintenance, and annual testing. Blow-down events at the compressor station vent gas and last between 30 and 90 seconds. The maximum sound levels (L_{max} dBA) generated by the blow-down events is presented in Figure 4.12.5.

There are blow-down points in the SCGC facilities. Blow-down events at the SCGC facilities vent gas from miles of pipeline and are much longer than those at the compressor station, and can last up to 90 minutes. Approximately four blow-down events occur annually at the SCGC facilities. L_{max} noise levels (dBA) are shown in in Figure 4.12.6. The noise level will be at or near the L_{max} level during the entire blow-down event. It should also be noted that blow-down events generate ground vibrations and natural gas odors in the vicinity in the surrounding area when events occur. Again, it must be noted that these blow-down events are part of the existing conditions of the project site, and any impacts caused by development of new warehousing near these facilities, and any mitigation necessary, are not the responsibility of SCGC or SDG&E.

4.12.2 Existing Policies and Regulations

The applicable noise standards governing the project site are the criteria in the City of Moreno Valley General Plan Safety Element (Environmental Safety, Noise) and Municipal Code (Noise Ordinance). The City's Safety Element of the General Plan does not contain specific noise standards or significance thresholds. However, the General Plan does cite applicable State standards including the California Administrative Code, Section 1092 of Title 25, Chapter 1, Subchapter 1, Article 4 and Section 5014 of Title 21, Subchapter 6, Article 2. In addition, other applicable standards identified in the *California Noise Insulation Standards*¹ and the *State of California Vehicular Code*² are included below. The following sections list the General Plan policies, Municipal Code, and State standards relevant to noise for the proposed project.

4.12.2.1 City of Moreno Valley General Plan Policies

Chapter 9 of the *City of Moreno Valley General Plan*³ defines goals, objectives, policies, and action items related to noise conditions in the City. The specific policies related to noise that are relevant to the proposed project are as follows:

Objective 6.3 Provide noise compatible land use relationships by establishing noise standards utilized for design and siting purposes.

Policy 6.3.5 Enforce the California Administrative Code, Title 24 noise insulation standards for new multi-family housing developments, motels and hotels.

Policy 6.3.6 Building shall be limited in areas of sensitive receptors.

¹ California Code of Regulations, Title 24, Part 2, §3501, *California Noise Insulation Standards*.

² Governor's Office of Planning and Research, *State of California General Plan Guidelines*, October 2003, pages 249 and 250.

³ *City of Moreno Valley General Plan*, City of Moreno Valley, July 2006.

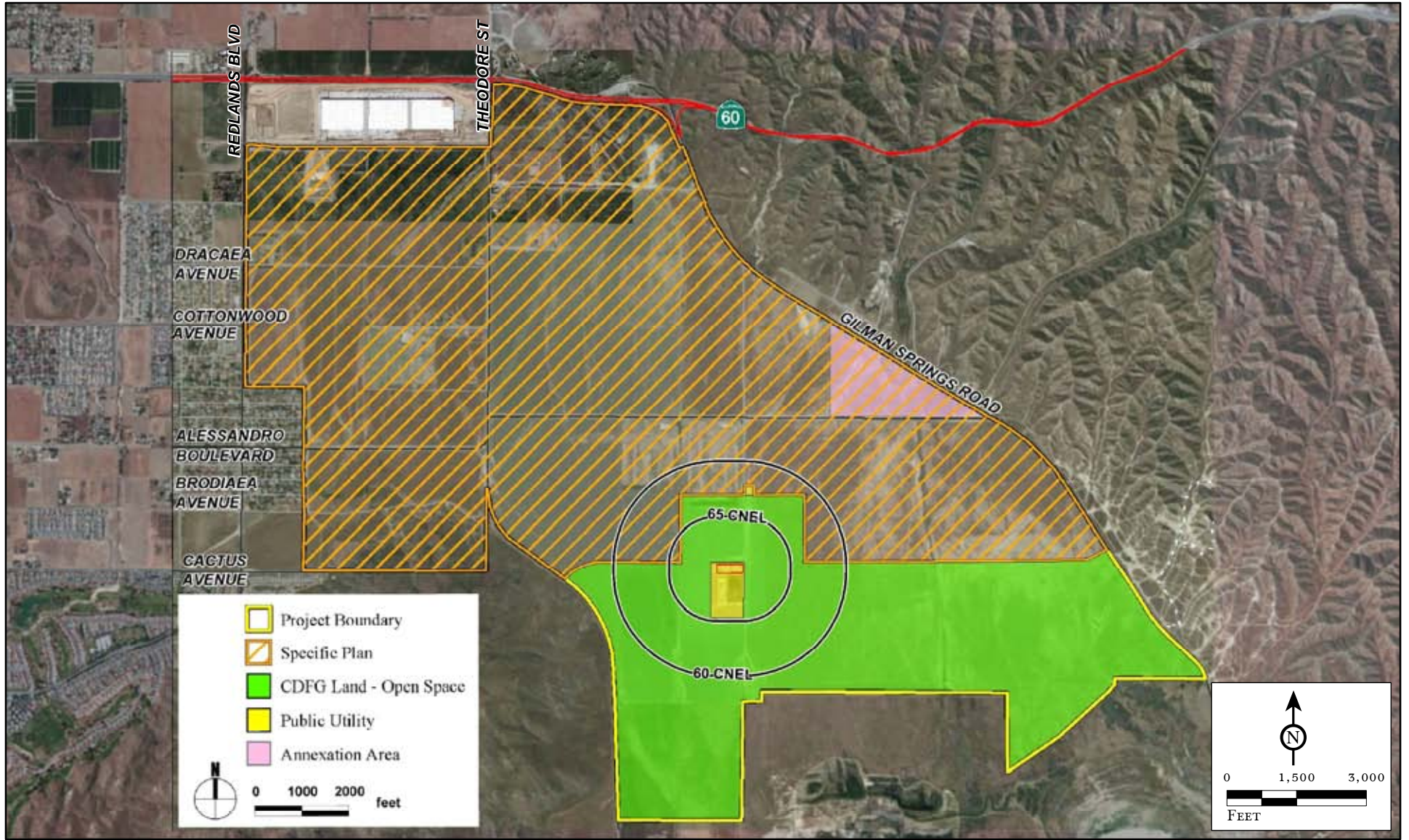


FIGURE 4.12.3

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Existing CNEL Noise Contours for the SDG & E Compressor Station

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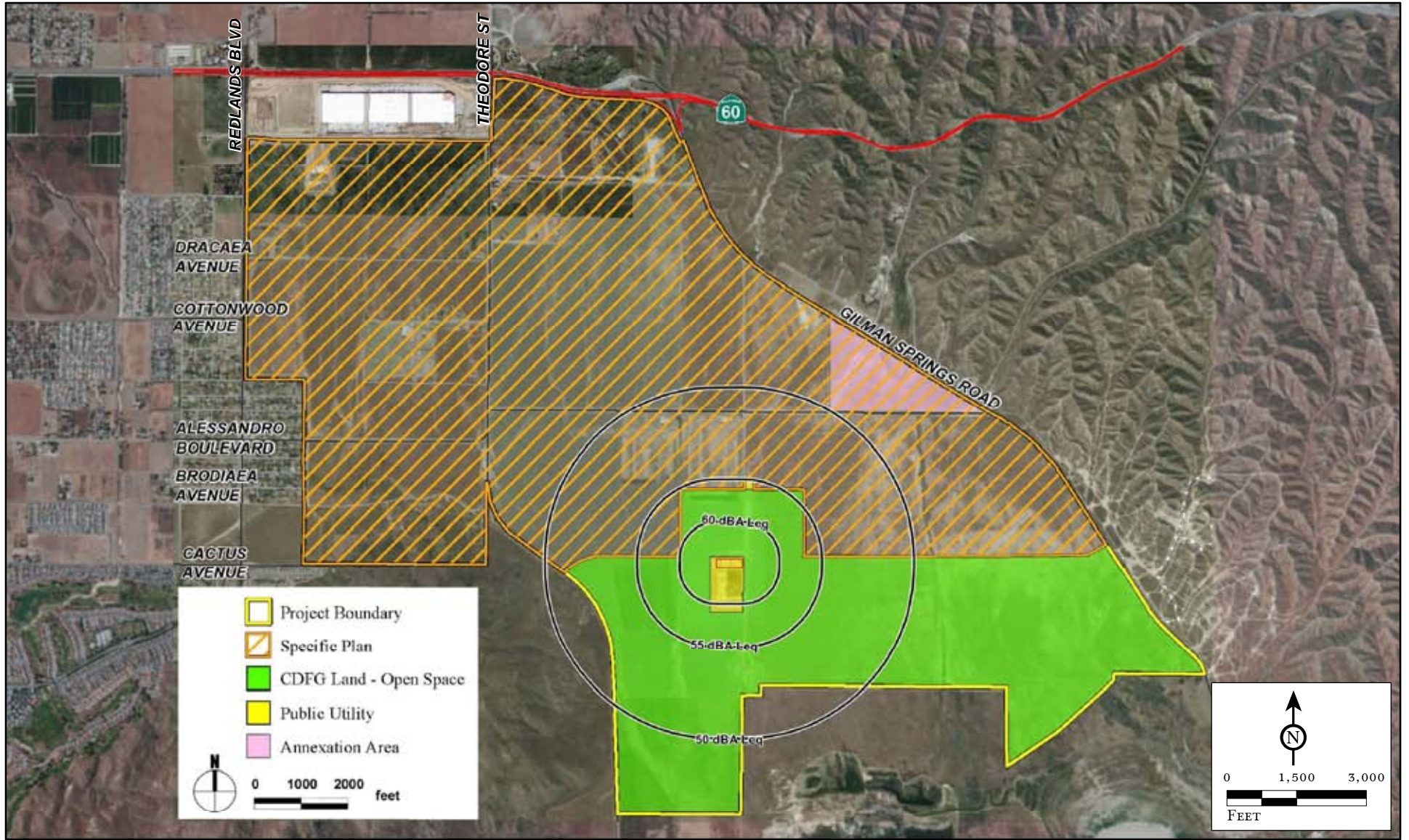


FIGURE 4.12.4

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Existing Leq Noise Levels for the SDG & E Compressor Station

SOURCE: Mestre Greve Associates, 2013.

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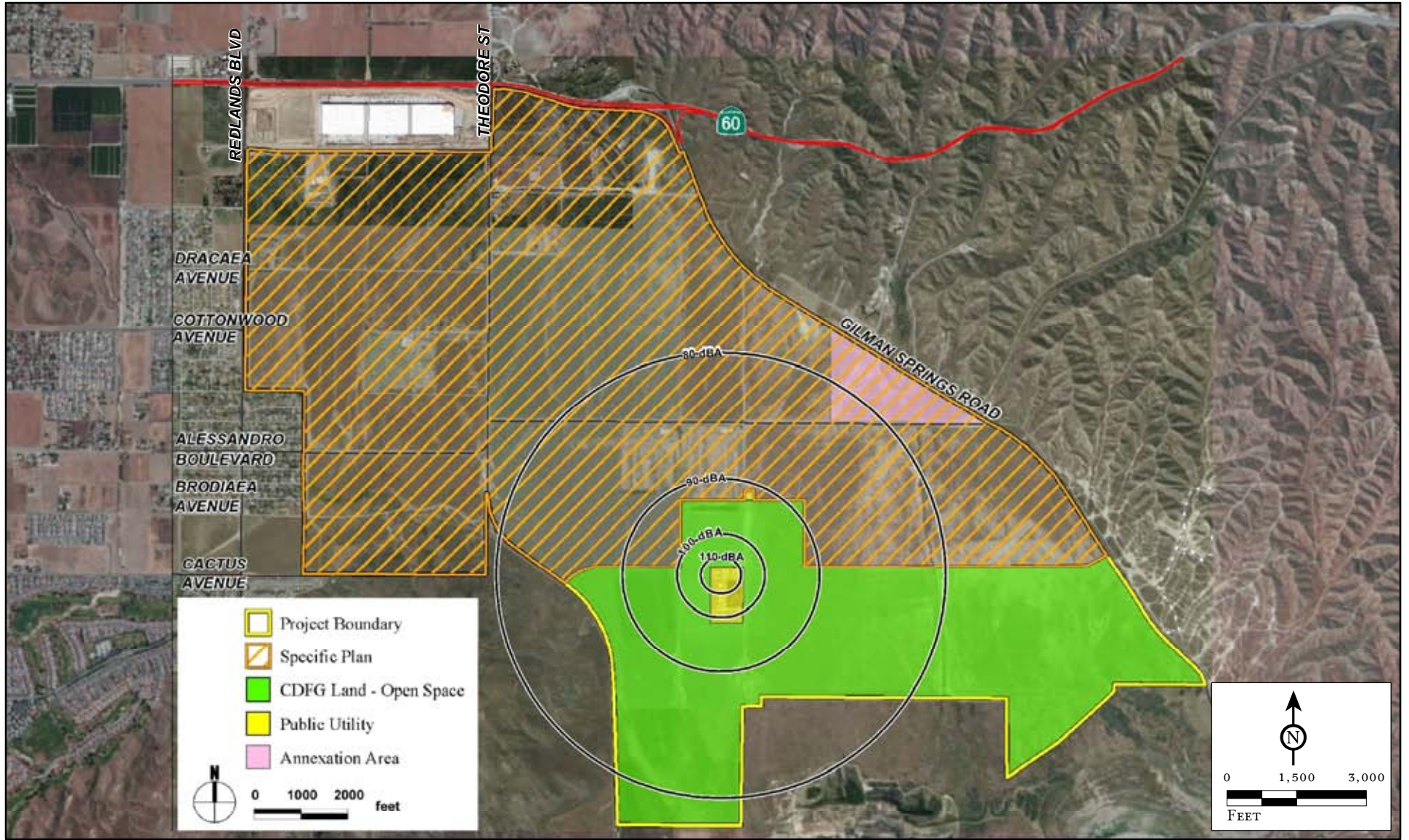


FIGURE 4.12.5

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Existing Lmax Levels for SDG&E Blow-Down

SOURCE: Mestre Greve Associates, 2013.

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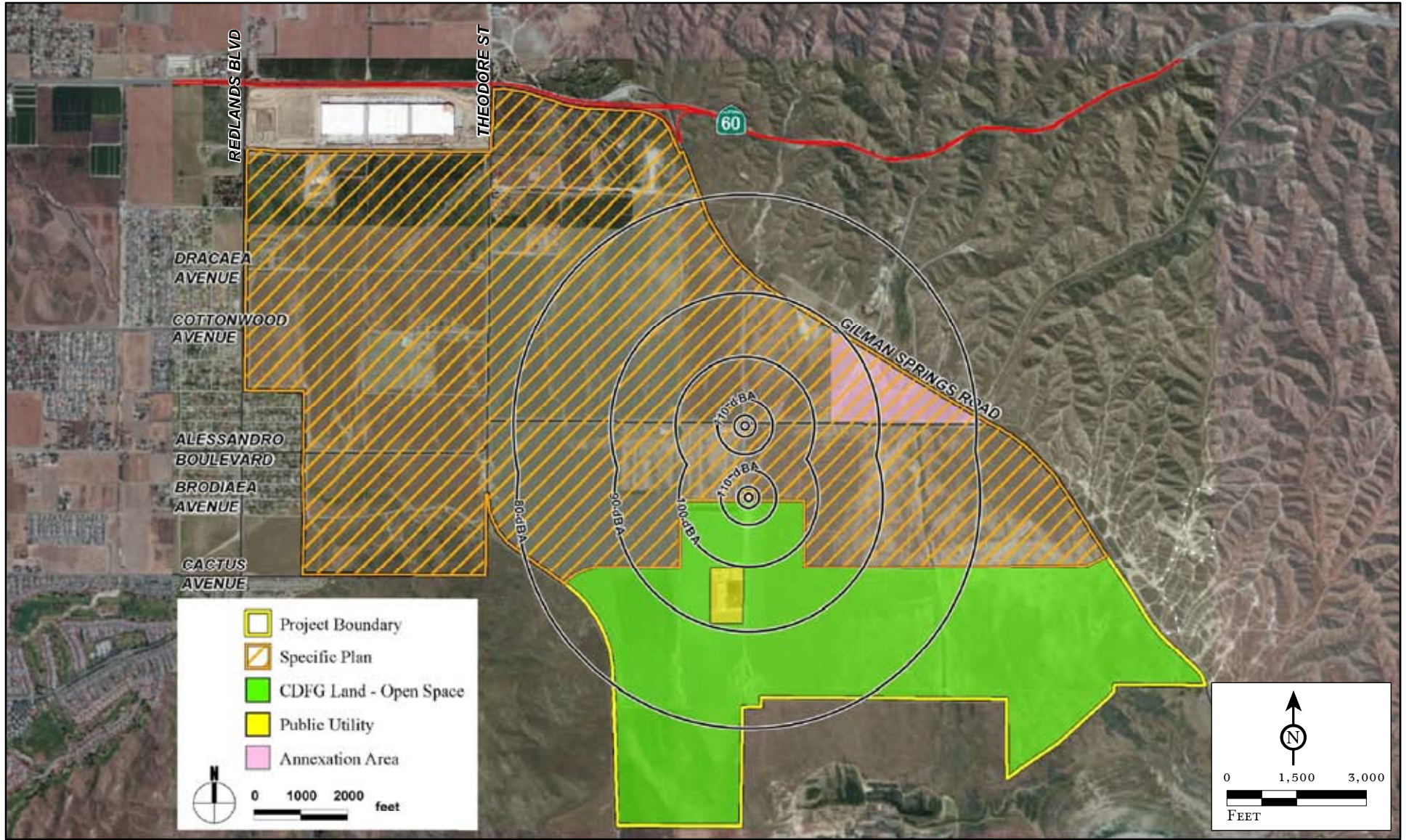


FIGURE 4.12.6

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Existing Lmax Noise Levels for the SCE Blow Down Event

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- Objective 6.4** Review noise issues during the planning process and require noise attenuation measures to minimize acoustic impacts to existing and future surrounding land uses.
- Policy 6.4.1** Site, landscape and architectural design features shall be encouraged to mitigate noise impacts for new developments, with a preference for noise barriers that avoid freeway sound barrier walls.
- Objective 6.5** Minimize noise impacts from significant noise generators such as, but not limited to, motor vehicles, trains, aircraft, commercial, industrial, construction, and other activities.
- Policy 6.5.1** New commercial and industrial activities (including the placement of mechanical equipment) shall be evaluated and designed to mitigate noise impacts on adjacent uses.
- Policy 6.5.2** Construction activities shall be operated in a manner that limits noise impacts on surrounding uses.

4.12.2.2 City of Moreno Valley Municipal Code

The *Moreno Valley Municipal Code*¹ establishes a Noise Ordinance that describes the noise standards within the City. Chapter 11.80.030 (Title 11) lists specific prohibited acts.

The City's residential site development standards, as identified in Chapter 9.03.040 of the City's Planning and Zoning Code, state that in all residential districts, air conditioners, heating, cooling, and ventilating equipment and all other mechanical lighting or electrical devices shall be operated so that noise levels do not exceed 60 dBA (L_{dn}) at the property line.

The City's Municipal Code, Section 6.04.030.J states that "to create, allow or maintain any loud or unusual noise or operate or maintain any device, instrument, vehicle, or machinery in such a manner as to create loud or unusual noise, cause vibrations, or unreasonable light spillage or glare which causes discomfort or annoyance to reasonable persons of normal sensitivity, or which endangers the comfort, repose, health or peace of the public or of any person using or occupying other property in the vicinity" is prohibited.

The City's Municipal Code, Section 9.10.140, specifies that all commercial and industrial uses shall be operated so that noise created by any loudspeaker, bells, gongs, buzzers, or other noise attenuation or attracting devices shall not exceed 55 dBA at any one time beyond the boundaries of the property.

Chapter 11.80.030 of the City's Municipal Code also states:

Based on statistics from the Center for Disease Control and Prevention and the National Institute for Occupational Safety and Health, Table 1 and Table 1-A specify sound level limits which, if exceeded, will have a high probability of producing permanent hearing loss in anyone in the area where the sound levels are being exceeded. No sound shall be permitted within the City which exceeds the parameters set forth in Table 11.80.030-1 [Table 4.12.E] and 11.80.030-1-A [Table 4.12.F] of this chapter.

No person shall maintain, create, operate or cause to be operated on private property any source of sound in such a manner as to create any nonimpulsive sound which exceeds the limits set forth for the source land use category (as defined in Section 11.80.020) in Table 11.80.030-2 [Table 4.12.F] when measured at a distance of two hundred (200) feet or more from the real property line of the source of the sound, if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right-of-way, public space or other publicly owned property. Any source of sound in violation of this subsection shall be deemed prima facie to be a noise disturbance.

¹ *Moreno Valley Municipal Code*, City of Moreno Valley, current through Ordinance 836 and the November 2012 code supplement.

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The following uses and activities shall be exempt from the sound level regulations except the maximum sound levels provided in Tables 11.80.030-1 [Table 4.12.E] and 11.80.030-1A [Table 4.12.F]:

1. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency.
2. Sounds resulting from emergency work as defined in Section 11.80.020.
3. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders or air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
4. All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
5. Sounds from the operation of motor vehicles, to the extent they are regulated by the California Vehicle Code.
6. Any constitutionally protected noncommercial speech or expression conducted within or upon any public right-of-way, public space or other publicly owned property constituting an open or a designated public forum in compliance with any applicable reasonable time, place and manner restriction on such speech or expression or otherwise pursuant to legal authority.
7. Sounds produced at otherwise lawful and permitted city-sponsored events, organized sporting events, school assemblies, school playground activities, by permitted fireworks, and by permitted parades on public right-of-way, public space, or other publicly owned property.
8. An event for which a temporary use permit or special event permit has been issued under other provisions of this code, where the provision of Section 11.80.010 are met, the permit granted expressly grants an exemption from specific standards contained in this chapter, and the permittee and all persons under the permittee's reasonable control actually comply with all conditions of such permit. Violation of any condition of such permit related to sound or sound equipment shall be in violation of this chapter and punishable as such.

Table 4.12.E and Table 4.12.F show the maximum sound levels that are permitted in the City for continuous and impulsive sounds, respectively.

Table 4.12.E: Maximum Continuous Sound Levels*

Duration Per Day Continuous Hours	Sound Level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25	115

* When the daily sound exposure is composed of two or more periods of sound exposure at different levels, the combined effect of all such periods shall constitute a violation of this section if the sum of the percentage of allowed period of sound exposure at each level exceeds 100 percent.

Source: Chapter 11.80.030 Table 11.80.030-1, City of Moreno Valley Municipal Code, City of Moreno Valley.

Table 4.12.F: Maximum Impulsive Sound Levels

Number of Repetitions Per 24-Hour Period	Sound Level (dBA)
1	145
10	135
100	125

Source: Chapter 11.80.030 Table 11.80.030-1A, City of Moreno Valley Municipal Code, City of Moreno Valley.

The City also restricts the sound levels for non-impulsive sound on lands designated for residential and commercial land uses during the daytime and nighttime time periods. These levels are shown in Table 4.12.G. Section 11.80.050 (3) clearly identifies the measurement as an “average” noise level, and therefore, the noise limits shown in Table 4.12.G are interpreted as the L_{eq} noise level.

Table 4.12.G: Maximum Sound Levels (in dBA) for Source Land Uses

Residential		Commercial	
Daytime	Nighttime	Daytime	Nighttime
60	55	65	60

Source: Chapter 11.80.030 Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley.

The City prohibits all construction and demolition activities between the hours of 8:00 p.m. and 7:00 a.m. the day following a noise disturbance. A noise disturbance is defined as any sound which that disturbs a reasonable person of normal sensitivities, exceeds the sound level limits set forth in the Noise Ordinance, or is plainly audible. A noise disturbance is defined as plainly audible measured at a distance of 200 feet from the real property line of the source of the sound if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right-of-way, public space or other publicly owned property.

4.12.2.3 State of California Vehicle Code

Recent studies have shown that the most objectionable feature of traffic noise is the sound produced by vehicles equipped with illegal or faulty exhaust systems. In addition, such vehicles are often operated in a manner that causes tire squeal and excessively loud exhaust noise. A number of California State vehicle noise regulations can be enforced by local authorities as well as the California Highway Patrol. These include § 27150 (mufflers) of the California Vehicle Code (CVC), as well as excessive speed laws, which may be applied to curtail traffic noise. The California Highway Patrol and the Department of Health Services (through local health departments) are available to aid local authorities in code enforcement and training pursuant to proper vehicle sound level measurements.

4.12.2.4 State of California Noise Compatibility Guidelines

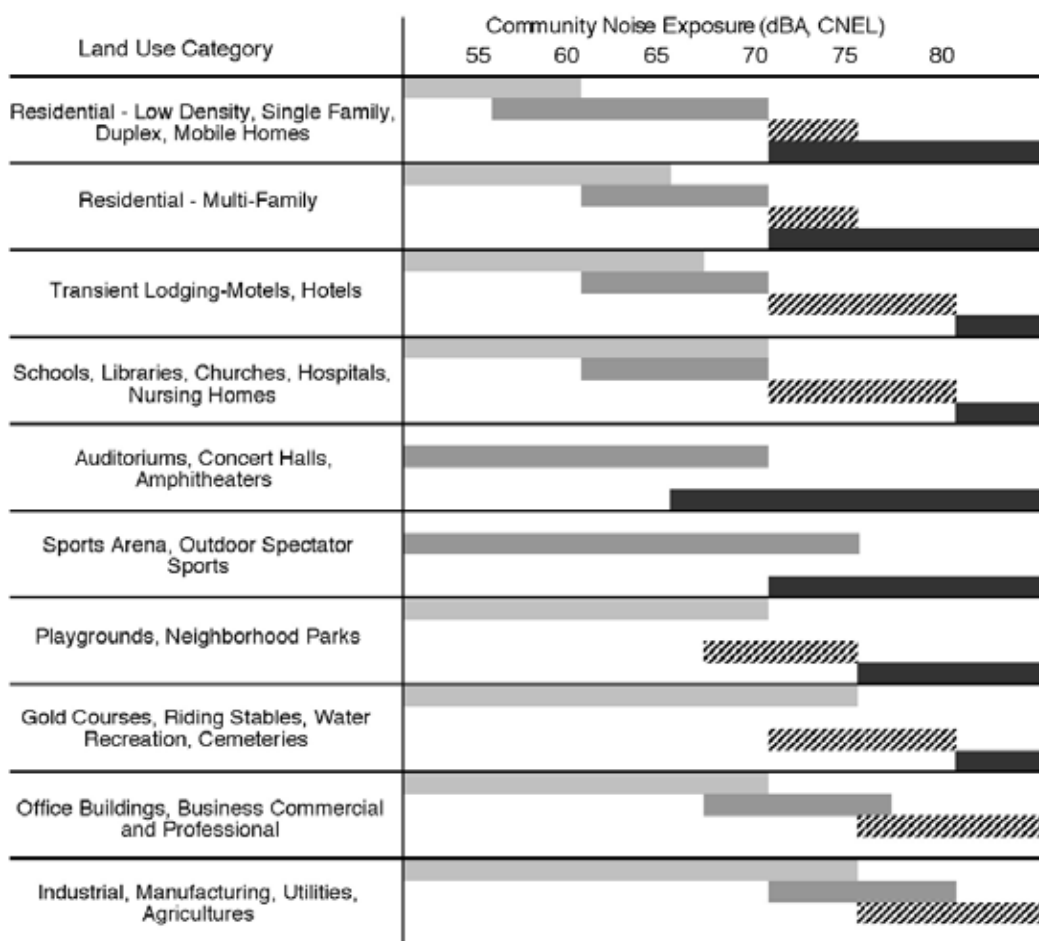
The State of California Noise Compatibility Guidelines, published by the Department of Health, Services provides guidance for use when siting land uses. The compatibility guidelines are shown in Figure 4.12.7. The guidelines will be used to evaluate the compatibility of the proposed land uses with the noise environment. The guidelines show compatibility of various land uses with different noise environments. The guidelines show that industrial uses are normally acceptable in noise environments up to 75 CNEL.





4.12.3 Methodology

Evaluation of noise impacts associated with the proposed project includes the following:

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Land Use/Noise Compatibility Guidelines



-  **Normally Acceptable** Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements
-  **Conditionally Acceptable** - New construction or development shall be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply system of air conditioning, will normally suffice.
-  **Normally Unacceptable** New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design
-  **Clearly Unacceptable** New construction or development should generally not be undertaken

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FIGURE 4.12.7

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California Noise Compatibility Guidelines

SOURCE: Mestre Greve Associates, 2012

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- Determination of the short-term construction noise impacts on off-site noise-sensitive uses;
- Determination of the long-term noise impacts, including vehicular traffic and stationary noise sources, on on-site and off-site noise-sensitive uses; and
- Determination of the required mitigation measures to reduce long-term noise impacts from all sources.

Because of the location of noise-sensitive receptors, the noise analysis evaluates the noise effects of the industrial development on the existing residential development (sensitive receptors) near the southwest portion of the proposed project area.

There are no Federal Highway Administration (FHWA), State, or local standards for vibration. According to the FHWA, highway traffic and construction vibrations pose no threat to buildings and structures; and annoyance to people is not considered any worse than other discomforts experienced from living near highways. However, a substantial amount of research has been completed to compare vibrations from single events such as dynamite blasts with architectural and structural damage. The U.S. Bureau of Mines has set a safe limit of 0.5 inch per second peak particle velocity to avoid structure damage in residential structures (U.S. Bureau of Mines 1980). Below this level, there is virtually no risk of building damage.

4.12.4 Thresholds of Significance

A project would have a significant effect on the environment related to noise if it would substantially increase the ambient noise levels for adjoining areas or if it would conflict with adopted environmental plans and goals of the community in which it is located.

The applicable noise standards and guidelines governing the project are those specified previously in Sections 4.12.2.1 through 4.12.2.4. In summary, these criteria are contained within the Safety Element of the General Plan, the Municipal Code, the California Vehicle Code, and the State Noise Compatibility Guidelines.

For this project, a noise impact is considered significant if the project would result in:

- Exposure of persons to or generation of noise levels in excess of standards established in the *City of Moreno Valley General Plan*, *Moreno Valley Municipal Code*, or applicable standards of other agencies;
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- A substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels; and/or
- For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

The standards within the *City of Moreno Valley General Plan* and *Moreno Valley Municipal Code* determine the acceptable noise environment for proposed project and its vicinity. The standards are as follows:

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- To the extent feasible, ensure through the design review process that exterior noise levels at commercial and industrial areas do not exceed 75 dBA CNEL.
- Consider the following uses noise-sensitive and discourage them in areas where exterior noise levels exceed 65 dBA CNEL unless measures are implemented that reduce the noise exposure below this level: single-family and multiple-family residential uses, group homes, hospitals, schools and other learning institutions, and parks and open space areas where quiet is a basis for use.

Long-term impacts from the project's traffic noise that affect existing sensitive land uses are considered to be substantial and, therefore, constitute a significant noise impact if the project would:

- Increase noise levels by 5 dB or more where the no project noise level is less than 60 CNEL;
- Increase noise level by 3 dB or more where the no project noise level is 60 CNEL to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the no project noise level is greater than 65 CNEL.

The project's incremental contribution to a cumulative noise increase would be considered cumulatively considerable and significant when ambient noise levels affect noise-sensitive land uses and when the project increases noise levels by 1 dB or more over pre-project conditions and the predicted future cumulative with project noise levels cause the following cumulative increases:

- Increase noise levels by 5 dB or more where the existing noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the existing noise level is 60 to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the existing noise level is greater than 65 CNEL.

4.12.5 No Impact/Less than Significant Impacts

The following impacts were identified as having a less than significant impact or no impact on the environment with implementation of the proposed project.

4.12.5.1 Groundborne Vibration Impacts

Threshold	Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
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Roadways in the vicinity of the project area are either paved or would be paved as the area develops, and would not result in project traffic driving over rough or dirt roads. Well maintained roads typically do not result in substantial vibration levels. Even roads with irregularities typically only generate substantial levels of vibration very near, less than 50 feet from the irregularity. Construction activities that would occur within the WLCSP area are not anticipated to require blasting or pile driving. Roadway vibrations are typically not perceptible more than 50 feet from the roadway except in very unusual circumstances. Generally, the interface between the soft tire of a truck or automobile will not generate significant vibration unless the road is in poor shape (e.g., potholes or pavement joints) Therefore, impacts associated with this issue are anticipated to be less than significant, and no mitigation is required.

4.12.5.2 Airport Noise Impacts

Threshold	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, results in exposure of people residing or working in the project area to excessive noise levels. For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.
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The project area is located approximately 5.5 miles northeast of the March Airfield (MAF) and is not located within two miles of a private airstrip. The MAF is a joint-use airport, used for both military and civilian purposes. The March Air Reserve Base (MARB) is the military operator of the MAF and March Inland Port (MIP) is the civilian operator of the airport. This facility is anticipated to play an increasingly important role in the transportation of goods and cargo for the Southern California region. Existing flight patterns affect a large portion of the City of Moreno Valley, along a path that affects the western portion of the City in a northwest/southeast alignment. Aircraft operations from the airport currently contribute intermittent single-event noise.

There is potential for single-event noise exposure levels from MAF activity to affect the proposed project. The exposure levels will vary dependent upon the type of aircraft and flight track flown for each operation at MAF. However, the proposed project is not identified as being within the noise or safety contours delineated for the MARB Airport.¹ In addition, the proposed project is not considered to contain sensitive receivers and, therefore, the impacts from these single-event noise levels are considered to be below the level of significance. The City's exterior noise standard for industrial uses is 70 dBA CNEL. MAF noise levels are less than 60 dB CNEL within the project area. Therefore, the proposed project would not have the potential to expose people to excessive noise levels from airport operations. Therefore, no significant noise impacts would occur regarding these issues from implementation of the proposed project, and no mitigation is required.

4.12.6 Significant Impacts

4.12.6.1 Short-Term Construction Noise Impacts

Threshold	Would the project result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
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Short-term noise would occur during the construction of the WLCSP. First, construction crew commutes and the transport of construction equipment and materials to the site for the proposed WLC project would incrementally increase noise levels on access roads in the WLC planning area. In addition, noise would be generated during excavation, grading, and building construction on various portions of the Specific Plan site. Construction is completed in discrete steps, each of which has its own mix of equipment, and consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment, which includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at

¹ Figure 5.4-1 March Reserve Air Base Noise Impact Area, City of Moreno Valley General Plan EIR, July 2006.

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lower power settings. Implementation of the Specific Plan would result in construction activities that would require the use of scrapers, bulldozers, and water and pickup trucks within the WLCSP area.

Figure 4.12.8 presents construction noise levels measured at 50 feet. The peak noise level for the majority of the equipment that will be used during construction of the proposed project will range from 70 to 95 dBA. Based on the fact that noise levels dissipate with increases in distance from the noise source due to noise divergence, noise levels at greater distances are less than those presented in Figure 4.12.8. Noise measurements made by Mestre Greve Associates demonstrate that the noise levels generated by commonly used grading equipment (e.g., loaders, graders, and trucks) generate noise levels that typically do not exceed the middle of the range shown in Figure 4.12.8.¹ However, the noise levels shown in Figure 4.12.8 have been used as the basis for the noise analysis estimates presented in this EIR.

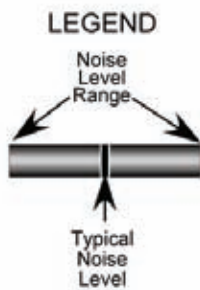
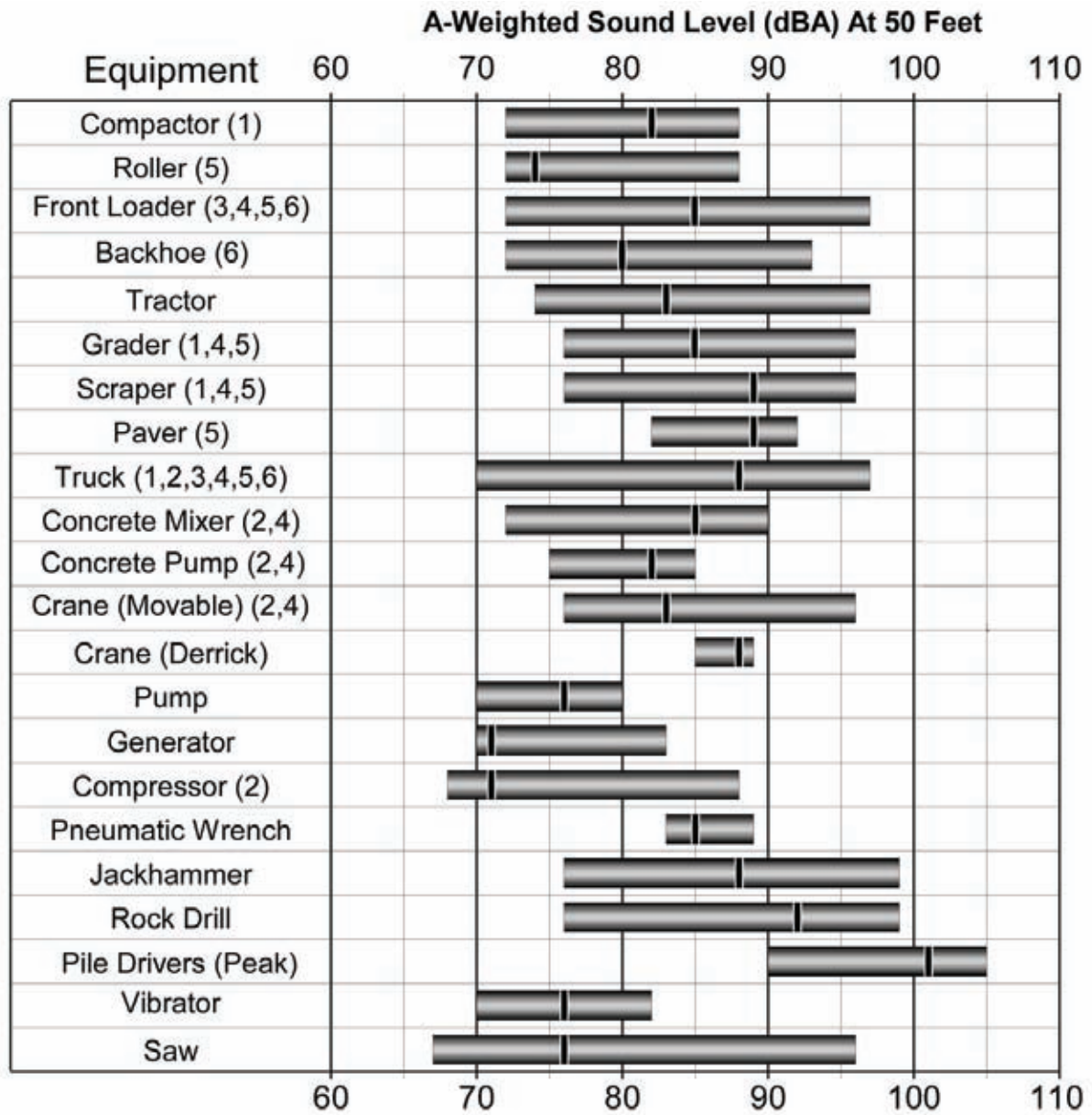
Construction activities that are associated with the proposed WLCSP project would occur in two general areas: on-site and off-site. Some phases of the on-site construction would occur for 24 hours a day for 7 days a week. It is anticipated that on-site construction would occur periodically over a nine-year period with a potential start year of 2013 and ending in 2021. Off-site construction (which would involve minor grading, drainage, interchange, utility, and roadway improvements) is anticipated to only during the daytime weekday hours and would have a shorter construction duration.

On-site Construction. Sensitive receptors that would be potentially affected by on-site construction activities would include residences located within and adjacent to the WLCSP area as well as residences located on the north side of SR-60. For residences on the opposite side of SR-60, existing daytime and nighttime freeway noise is anticipated to be greater than the noise generated by the construction activities that would occur within the WLCSP area. Although certain conditions at night, such as low inversions and very calm conditions, can increase the ability of construction noise to travel to the residences north of the freeway, these same conditions would also amplify the noise generated on the freeway. Since freeway noise would continue to be the dominant noise source in the area for these residences along SR-60, construction noise impacts on the residents north of the freeway will be less than significant and no mitigation is required.

Existing residences within the WLCSP area or adjacent to the Specific Plan area, such as those along Redlands Boulevard, Merwin Street, Bay Avenue, Cactus Avenue, and Gilman Springs Road, may be located within 50 feet or less from areas where intense construction (24 hours a day, 7 days a week) would occur. Although residential properties located within the WLCSP would be rezoned as Light Logistics, the existing residences are considered to be noise-sensitive uses that would be affected by intense construction activities. Similarly, residences located adjacent to the project site (i.e., along Redlands Boulevard, Merwin Street, Bay Avenue, Cactus Avenue, and Gilman Springs Road) would also be affected by intense construction activities. Based on a 50-foot noise attenuation distance, these residences may experience worst-case unmitigated peak construction noise levels (L_{max}) up to 97 dBA. The average noise levels are typically 5 to 15 dB lower than the peak noise levels. Average noise levels (L_{eq}) at 50 feet could easily be in the range of 82 to 92 dBA during most phases of construction.

The City of Moreno Valley Municipal Code does not include any exemptions for construction noise. Therefore, construction would be subject the limitations of 60 dBA during daytime and 55 dBA at nighttime measured at residential areas. According to Section 3.4.14, *Project Description*, WLC project construction may occur 24 hours a day, 7 days a week for certain activities. Significant noise impacts would be expected, especially if work with high noise levels occurs between 8:00 p.m. and 6:00 a.m.

¹ *Noise Assessment for the World Logistic Center Specific Plan*, page 27, Mestre Greve Associates, Division of Landrum & Brown, November 2012.



- Construction Phases**
- 1 - Grading
 - 2 - Building
 - 3 - Utilities
 - 4 - Interchange
 - 5 - Curbing and Paving
 - 6 - Landscaping

LSA

FIGURE 4.12.8

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Typical Construction Equipment Noise Levels

SOURCE: Mestre Greve Associates, 2012

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Based on these projections, anticipated worst-case construction noise levels would regularly be exceeded during daytime and nighttime hours at residences within the Specific Plan area. Based on an L_{eq} noise level of 90 dBA at 50 feet, an observer would need to be 1,580 feet from the construction to experience a noise level of 60 dBA (L_{eq}), or 2,800 feet for a noise level of 55 dBA (L_{eq}). Therefore, a residence within 1,580 feet during active construction during the daytime would be affected. Similarly, a residence within 2,800 feet during the nighttime would be affected by construction noise.

As set forth in Section 3.4.14 and as stated by the project applicant, construction could occur 24 hours per day, 7 days per week for these construction activities. Therefore, noise levels at the nearest residences would exceed the City's exterior noise standard of the 60 dBA¹ CNEL daytime standard and 55 dBA CNEL nighttime standard for residential uses. This is a significant impact requiring mitigation.

Off-site Construction. Construction activities associated with off-site construction include road improvements along Cactus Avenue and Redlands Boulevard, water and utility improvements, construction of a detention basin, debris basins, and interchange improvements. Roadway and interchange improvements are planned along Cactus Avenue, Redlands Boulevard, State Route 60, and Gilman Springs Road. Often the loudest pieces of equipment associated with this type of construction are the graders/scrapper equipment. Peak noise levels at 50 feet can reach 96 dBA, with average noise levels (L_{eq}) in the 85 dBA range. Noise levels of 60 dBA (L_{eq}) could be exceeded for up to 900 feet from the construction area. Existing residences are located within 900 feet of the off-site construction areas and would be exposed to noise levels that would exceed of the Moreno Valley noise criteria for residential uses.

Other off-site construction improvements such as drainage, sewer, water, and utility features would also generate noise in close proximity to existing sensitive uses. However, these activities typically utilize less construction equipment, which results in lower noise levels. These construction activities may commonly employ a backhoe as the loudest piece of equipment. A backhoe may have a peak noise level that exceeds 90 dBA at 50 feet, but has an average noise level around 80 dBA (L_{eq}) at 50 feet. However, at this noise level one would need to be more than 500 feet away to experience a noise level (L_{eq}) of less than 60 dBA. This noise level would exceed the City's daytime criteria at the nearest existing residences and mitigation measures would be required.

Specific Plan Design Features. The WLCSP does not contain any design features that specifically address noise. Other features, such as perimeter setback requirements, will have the effect of reducing noise to certain residential areas.

Mitigation Measures. Construction of the proposed project would result in noise levels at the closest residences exceeding the maximum noise level allowed under the City's Municipal Code. The following measures² would reduce short-term construction-related noise impacts associated with the proposed WLC project:

4.12.6.1A Prior to issuance of any discretionary approvals for development in the WLCSP, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City of Moreno Valley for review and approval. The NRCP shall show the limits of nighttime construction in relation to any then occupied residential dwellings. Conditions shall be added to any discretionary projects requiring that the limits of nighttime grading be shown on the NRCP and all grading plans submitted to the City.

¹ Chapter 11.80.030 Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley.

² Measures 4.12.6.1B-F correspond to the noise study measures N-1 through N-5

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The limits of construction allowed at night shall be clearly staked on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

- 4.12.6.1B** During all project site grading, all construction equipment, fixed or mobile, shall be equipped with operating and maintained mufflers consistent with manufacturers' standards.
- 4.12.6.1C** All discretionary approvals for development in the WLCSP shall prohibit construction vehicles from using Redlands Boulevard south of Fir Avenue during on-site construction for all phases of the Specific Plan.
- 4.12.6.1D** All discretionary approvals for development in the WLCSP shall include conditions of approval stating that no nighttime grading shall occur within 2,800 feet of residences south of SR-60 (between 8 p.m. and 6 a.m. on weekends and 8 p.m. and 7 a.m. on weekends or holidays). These restrictions shall be included as part of the Noise Reduction Compliance Plan. As an alternative to this requirement, a temporary construction sound barrier may be used in lieu of the construction buffer, per Mitigation Measure 4.12.6.1E.
- 4.12.6.1E** As an alternative to Mitigation Measure 4.12.6.1D, a 12-foot tall temporary construction sound barrier may be installed for residences within 1,580 feet of active nighttime construction areas. The temporary sound barrier shall be constructed of plywood with a total thickness of 1 to 1.5 inches, or a sound blanket wall may be used. If sound blankets are used, the curtains must have a Sound Transmission Class (STC) rating of 27. This shall be included as part of the Noise Reduction Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation.
- 4.12.6.1F** As an alternative to Mitigation Measure 4.12.6.1D, actual noise measurements of construction areas may be taken by qualified personnel and recommend specific buffer distances between construction activities and existing residences based on actual noise levels. These measurements will be incorporated into the Noise Reduction Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation.
- 4.12.6.1G** Any discretionary approvals for development that proposes grading within 1,580 feet of occupied residential units shall require that all grading equipment be equipped with residential grade mufflers (or better).
- 4.12.6.1H** All material stockpiles in connection with any grading operations shall be located at least 1,200 feet from existing residences.
- 4.12.6.1I** All project-related off-site construction shall be limited to 6 a.m. and 8 p.m. on weekdays only. Construction during City holidays shall not be permitted.
- 4.12.6.1J** Prior to the issuance of grading permits for off-site construction activities in support of development in the WLCSP, the project developer shall provide evidence to the City that any off-site construction area adjacent to occupied residential units shall have a 12-foot temporary sound barrier installed for construction activities lasting more than one month.

Level of Significance after Mitigation. *On-site Construction.* Elimination of nighttime construction within 2,800 feet of residences would lower the noise levels to 55 dBA (L_{eq}) at the closest residences. The noise levels would just meet the 55 dBA (L_{eq}) nighttime criteria contained in the Moreno Valley Noise Ordinance resulting in a less than significant impact. With the implementation of **Mitigation Measures 4.12.6.1A** through **4.12.6.1J**, the loudest noise level that would be experienced at any

developed residential parcel would be less than the 55 dBA (L_{eq}) nighttime threshold and would be consistent with the limits established in the City's Noise Ordinance resulting in a less than significant impact. In addition, implementation of **Mitigation Measure 4.12.6.1H**, would reduce the noise experienced at existing residences, resulting in a less than significant impact.

As previously stated, construction within 1,580 feet of residential areas south of the freeway has the potential to exceed the daytime Moreno Valley Noise Ordinance criteria of 60 dBA (L_{eq}). With implementation of **Mitigation Measure 4.12.6.1E**, any existing residences within 1,580 feet of a construction area would be shielded from construction noise with a 12-foot temporary sound barrier. A sound barrier will reduce the noise levels by about 10 dB resulting in a reduction of noise below City thresholds at residences 500 feet or further from the construction area. Although the installation of the temporary sound barrier would reduce noise levels experienced at the closest residences, those residences that are located within 500 feet of a construction area would still be exposed to noise levels greater than 60 dBA (L_{eq}). Therefore, impacts associated with this issue would remain significant and unavoidable.

Off-site Construction. With the implementation of **Mitigation Measure 4.12.6.1I**, off-site construction activities would be limited to daytime hours while **Mitigation Measure 4.12.6.1J** would require the installation of a temporary sound barrier. With these mitigation measures in place, residences adjacent to construction activities (depending on the loudness of the construction equipment) could experience noise levels greater than 60 dBA (L_{eq}) for off-site construction projects lasting less than one month. These impacts would only occur during weekday, daytime hours. However, even with implementation of these mitigation measures, noise levels experienced at these residences would be above the City's threshold. Therefore, impacts would remain significant and unavoidable.

4.12.6.2 Long-Term Traffic Noise Impacts

Threshold	Would the project result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
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The noise analysis for the proposed project is based on the traffic volume data contained in the Traffic Impact Analysis (TIA) prepared for the project (contained in its entirety as EIR Appendix L). The TIA addressed the intersections of surface streets in Moreno Valley of a collector or higher classification street with another collector or higher classification street, at which the proposed project will add 50 or more peak hour trips. The study area also included the main travel routes between the project and the neighboring cities of Riverside, Perris, Beaumont, San Jacinto, and Redlands. The study area extended west to the nearest ramps on SR-91 and as far south as the I-215 ramps at Redlands Avenue in Perris. The study area for freeways was selected to cover the freeway routes radiating from the project site to the north, south, east, and west. The traffic analysis covered SR-60 from SR-62 in the east to SR-71 in the west, SR-91 from I-215 in the east to I-15 in the west, and I-215 from SR-210 in the north to the Scott Road interchange in the south.

Three hundred and thirty nine (339) roadway links and eighty (80) freeway segments were analyzed in the noise analysis. The change in noise level was calculated for all 419 roadway and freeway links with and without the project for the existing case (2012), 2017, 2022, and 2035 time horizons. Links with noise increases less than 1.5 dB would not have a substantial noise increase and were not presented in the main body of the noise report (i.e., the tables and figures). Similarly, any links that do not have sensitive receptors (e.g., residential uses) were also not presented in the main body of the noise report. Based on this filtering process, of the 419 links analyzed, 72 links have sensitive receptors and an increase of 1.5 dB for at least one time horizon and were therefore addressed in the analysis.

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The projected future daily traffic volumes (Parsons Brinckerhoff, Inc., December, 2012) for roadway segments in the project vicinity were used in the traffic noise impact analysis. Modeled noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn. As previously identified, the threshold for traffic noise is 65 dBA CNEL for sensitive receptors.

Operation of development that could occur within the proposed project area would generate traffic along roadways in the project vicinity. Table 4.12.H identifies existing with project roadway traffic noise levels with the project.

Table 4.12.H: Existing Year (2012) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	60.5	61.5	1.0
Alessandro Road (Crescent Avenue to Sunset Drive)	63.3	65.1	1.8
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	63.3	65.4	2.1
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.2	59.8	1.6
Cactus Avenue (Redlands Boulevard to Street D)	50.2	65.6	15.4
Cactus Avenue (west of Redlands Boulevard)	57.5	59.2	1.7
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	41.8	41.9	0.1
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	57.5	59.2	1.7
Crescent Avenue (west of Alessandro Boulevard)	57.1	59.7	2.6
Day Street (Cottonwood Avenue to Alessandro Boulevard)	57.7	57.9	0.2
Evans Road (Marbella Date to Ramon Expressway)	56.9	57.9	1.0
Evans Road (north of Harley Knox Boulevard)	0.0	0.0	0.0
Evans Road (Nuevo Road to San Jacinto Avenue)	0.0	0.0	0.0
Fir Avenue (Quincy Drive to Redlands Boulevard)	0.0	0.0	0.0
Gilman Springs Road (Bridge Street to Beaumont Avenue)	61.0	62.1	1.1
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	61.0	62.2	1.2
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.1	53.5	7.4
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	62.7	63.9	1.2
Gilman Springs Road (south of Street C)	56.1	57.4	1.3
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	60.7	60.9	0.2
Iris Avenue (Kitching Street to Lasselle Street)	60.1	61.6	1.5
Iris Avenue (Lasselle Street to Nason Street)	57.0	59.4	2.4
Iris Avenue (Nason Street to Oliver Street)	60.0	63.0	3.0
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	55.6	55.7	0.1
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	46.3	57.1	10.8
John F Kennedy Drive (south of Cactus Avenue)	61.5	67.0	5.5
Kitching Street (Iris Avenue to Ivory Avenue)	61.1	62.1	1.0
Krameria Avenue (Perris Boulevard to Lasselle Street)	57.5	60.6	3.1
Lasselle Street (Cahuilla Drive to Krameria Avenue)	60.5	61.7	1.2
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	56.4	59.0	2.6
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	56.5	58.6	2.1
Lochmoor Drive (Central Avenue to Fair Isle Drive)	52.1	53.7	1.6

Table 4.12.H: Existing Year (2012) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2	46.2	0.0
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	55.7	59.7	4.0
Moreno Beach Drive (John F Kennedy to Oliver Street)	55.2	58.8	3.6
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	55.3	57.8	2.5
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	61.4	61.4	0.0
Oliver Street (Alessandro Boulevard to Cactus Avenue)	54.1	56.5	2.3
Orange Avenue (Evans Road to Foothill Drive)	55.3	55.4	0.1
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	61.0	61.0	0.0
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	61.9	61.9	0.0
Perris Boulevard (Iris Avenue to Krameria Avenue)	60.8	61.5	0.7
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	67.2	67.2	0.0
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	60.7	61.8	1.1
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	59.6	60.6	1.0
Placentia Avenue (Evans Road to El Nido Avenue)	0.0	0.0	0.0
Placentia Avenue (Water Avenue to Evans Road)	0.0	0.0	0.0
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	0.0	0.0	0.0
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	0.0	0.0	0.0
Ramona Expressway (Evans Road to Rider Street)	59.2	59.4	0.1
Reche Canyon Road (Keissel Road to Reche Vista)	62.7	62.9	0.2
Reche Canyon Road (Reche Vista Drive to High Country Drive)	48.9	48.9	0.0
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	49.4	49.4
Redlands Boulevard (Ironwood Avenue to SR-60)	68.3	71.1	2.8
Redlands Boulevard (Ironwood Avenue to San Timoteo)	67.8	70.2	2.3
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	58.8	64.9	6.1
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	62.0	65.2	3.2
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	62.7	65.8	3.2
Street A (Eucalyptus Avenue to Street F)	47.0	73.2	26.3
Street D (Street E to Cactus Avenue)	0.0	69.6	69.6
Street E (north of Alessandro Boulevard)	0.0	70.3	70.3
Street F (east of Street A)	0.0	68.4	68.4
Sunset Drive (Alessandro Road to Cameo Drive)	52.5	55.2	2.7
Sunset Drive (Crown Street to Alessandro Road)	49.0	51.4	2.3
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	62.8	63.2	0.4
Theodore Street (SR-60 to Highland Boulevard)	56.8	64.9	8.1
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	66.5	68.1	1.6
SR-60 (Heacock Street to Perris Boulevard)	65.2	66.9	1.7

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Table 4.12.H: Existing Year (2012) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
SR-60 (Perris Boulevard to Nason Street)	64.6	66.7	2.1
SR-60 (Nason Street to Moreno Beach Drive)	52.0	54.3	2.3
SR-60 (Moreno Beach Drive to Redlands Boulevard)	62.5	65.6	3.1
SR-60 (Redlands Boulevard to Theodore Street)	60.2	63.5	3.4

Source: Mestre Greve Associates, November 2012.

Year 2017 (Phase I) with and without project scenarios projected daily traffic volumes on roadway segments in the project vicinity were used to conduct the traffic noise modeling. The projected daily traffic volumes in the area were taken from the TIA prepared for the proposed project. Table 4.12.I identifies year 2017 without project and with project traffic noise levels.

Table 4.12.I: Phase I (2017) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	61.4	61.3	-0.1
Alessandro Road (Crescent Avenue to Sunset Drive)	63.8	65.3	1.5
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	64.0	65.6	1.6
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.7	60.5	1.8
Cactus Avenue (Redlands Boulevard to Street D)	50.2	64.2	14.0
Cactus Avenue (west of Redlands Boulevard)	57.9	59.4	1.5
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	42.0	42.5	0.5
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	57.5	58.0	0.5
Crescent Avenue (west of Alessandro Boulevard)	57.6	59.3	1.7
Day Street (Cottonwood Avenue to Alessandro Boulevard)	59.7	60.9	1.3
Evans Road (Marbella Date to Ramon Expressway)	57.3	58.6	1.2
Evans Road (north of Harley Knox Boulevard)	0.0	0.0	0.0
Evans Road (Nuevo Road to San Jacinto Avenue)	0.0	0.0	0.0
Fir Avenue (Quincy Drive to Redlands Boulevard)	0.0	0.0	0.0
Gilman Springs Road (Bridge Street to Beaumont Avenue)	62.1	63.3	1.2
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	62.1	63.4	1.3
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.8	47.0	.02
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	63.9	65.4	1.5
Gilman Springs Road (south of Street C)	57.3	58.9	1.6
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	61.0	61.6	0.6
Iris Avenue (Kitching Street to Lasselle Street)	60.6	61.8	1.1
Iris Avenue (Lasselle Street to Nason Street)	60.2	62.3	2.1
Iris Avenue (Nason Street to Oliver Street)	62.8	65.2	2.3
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	56.0	56.8	0.8
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	49.2	57.6	8.4
John F Kennedy Drive (south of Cactus Avenue)	61.5	65.5	4.0

Table 4.12.I: Phase I (2017) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Kitching Street (Iris Avenue to Ivory Avenue)	61.7	62.7	1.0
Krameria Avenue (Perris Boulevard to Lasselle Street)	58.9	60.5	1.6
Lasselle Street (Cahuilla Drive to Krameria Avenue)	61.1	62.4	1.3
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	57.6	59.7	2.2
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	57.3	58.1	0.8
Lochmoor Drive (Central Avenue to Fair Isle Drive)	55.2	56.8	1.6
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2	46.8	0.6
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	59.2	61.9	2.7
Moreno Beach Drive (John F Kennedy to Oliver Street)	55.2	57.7	2.5
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	57.6	59.7	2.1
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	61.6	62.3	0.7
Oliver Street (Alessandro Boulevard to Cactus Avenue)	58.5	59.3	0.8
Orange Avenue (Evans Road to Foothill Drive)	55.3	55.9	0.6
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	62.0	63.0	1.0
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	62.6	63.4	0.9
Perris Boulevard (Iris Avenue to Krameria Avenue)	61.9	62.6	0.8
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	68.8	69.9	1.0
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	62.0	63.2	1.2
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	60.6	61.5	0.9
Placentia Avenue (Evans Road to El Nido Avenue)	0.0	0.0	0.0
Placentia Avenue (Water Avenue to Evans Road)	0.0	0.0	0.0
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	0.0	0.0	0.0
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	0.0	0.0	0.0
Ramona Expressway (Evans Road to Rider Street)	59.5	59.9	0.4
Reche Canyon Road (Keissel Road to Reche Vista)	62.9	63.8	1.0
Reche Canyon Road (Reche Vista Drive to High Country Drive)	48.9	49.3	0.4
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	0.0	0.0
Redlands Boulevard (Ironwood Avenue to SR-60)	68.5	69.4	1.0
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	68.2	69.5	1.3
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	59.2	60.0	0.8
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	62.4	64.2	1.8
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	63.2	64.9	1.7
Street A (Eucalyptus Avenue to Street F)	51.8	71.2	19.4
Street D (Street E to Cactus Avenue)	0.0	68.3	68.3
Street E (north of Alessandro Boulevard)	0.0	65.5	65.5
Street F (east of Street A)	0.0	29.8	29.8
Sunset Drive (Alessandro Road to Cameo Drive)	53.8	55.8	2.0

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Table 4.12.I: Phase I (2017) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Sunset Drive (Crown Street to Alessandro Road)	50.2	51.6	1.4
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	63.3	64.9	4.6
Theodore Street (SR-60 to Highland Boulevard)	56.8	64.1	7.4
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	67.2	67.9	0.7
SR-60 (Heacock Street to Perris Boulevard)	66.0	66.8	0.8
SR-60 (Perris Boulevard to Nason Street)	65.5	66.5	1.0
SR-60 (Nason Street to Moreno Beach Drive)	52.9	54.0	1.1
SR-60 (Moreno Beach Drive to Redlands Boulevard)	63.5	65.1	1.5
SR-60 (Redlands Boulevard to Theodore Street)	61.3	63.1	1.8

Source: Mestre Greve Associates, November 2012.

As identified in Table 4.12.I, implementation of the proposed WLC project would result in relatively minor changes in traffic noise levels in Year 2017 (Phase I). The largest project-related increase in traffic noise would be along Street D (Street E to Cactus Avenue) and Street E (north of Alessandro Boulevard), where increases of greater than 65 dBA are predicted for the 2017 With Project scenario over the Year 2017 without project scenario. The increase associated with these roadway segments is attributable in part to Streets D and E being new roads that will be constructed by the proposed project.

Future Year (2022) with and without project scenarios projected daily traffic volumes on roadway segments in the project vicinity were used to conduct the traffic noise modeling. The projected daily traffic volumes in the area were taken from the TIA prepared for the proposed project. Table 4.12.J identifies the future year (2022) without project and with project traffic noise levels.

Table 4.12.J: Future Year (2022) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	61.5	63.4	1.9
Alessandro Road (Crescent Avenue to Sunset Drive)	64.6	65.9	1.3
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	65.0	66.3	1.3
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.9	60.7	1.8
Cactus Avenue (Redlands Boulevard to Street D)	50.2	65.7	15.5
Cactus Avenue (west of Redlands Boulevard.)	58.3	60.2	1.9
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	45.2	45.9	0.7
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	58.9	59.1	0.2
Crescent Avenue (west of Alessandro Boulevard)	58.5	60.8	2.3
Day Street (Cottonwood Avenue to Alessandro Boulevard)	63.2	64.7	1.5
Evans Road (Marbella Date to Ramon Expressway)	58.1	59.2	1.1
Evans Road (north of Harley Knox Boulevard)	0.0	0.0	0.0
Evans Road (Nuevo Road to San Jacinto Avenue)	0.0	0.0	0.0

Table 4.12.J: Future Year (2022) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Fir Avenue (Quincy Drive to Redlands Boulevard)	0.0	0.0	0.0
Gilman Springs Road (Bridge Street to Beaumont Avenue)	61.2	63.1	2.0
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	61.2	63.2	2.0
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.4	55.0	8.6
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	63.0	65.3	2.4
Gilman Springs Road (south of Street C)	56.5	58.8	2.3
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	62.3	62.6	0.2
Iris Avenue (Kitching Street to Lasselle Street)	61.0	62.4	1.4
Iris Avenue (Lasselle Street to Nason Street)	61.1	63.6	2.5
Iris Avenue (Nason Street to Oliver Street)	63.8	66.7	2.9
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	56.2	56.6	0.4
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	51.9	57.8	5.9
John F Kennedy Drive (south of Cactus Avenue)	62.8	67.2	4.3
Kitching Street (Iris Avenue to Ivory Avenue)	62.5	63.9	1.4
Krameria Avenue (Perris Boulevard to Lasselle Street)	60.5	62.2	1.8
Lasselle Street (Cahuilla Drive to Krameria Avenue)	61.9	63.3	1.4
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	59.2	61.5	2.3
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	58.0	59.0	0.9
Lochmoor Drive (Central Avenue to Fair Isle Drive)	57.0	57.9	0.9
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2	45.7	-0.5
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	60.7	63.3	2.6
Moreno Beach Drive (John F Kennedy to Oliver Street)	56.1	59.1	3.0
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	58.8	60.9	2.1
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	62.8	64.3	1.5
Oliver Street (Alessandro Boulevard to Cactus Avenue)	58.9	59.7	0.8
Orange Avenue (Evans Road to Foothill Drive)	55.3	55.7	0.4
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	62.7	63.4	0.7
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	63.2	63.7	0.5
Perris Boulevard (Iris Avenue to Krameria Avenue)	62.7	63.2	0.5
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	69.7	70.5	0.8
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	62.8	63.7	0.9
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	61.5	62.0	0.5
Placentia Avenue (Evans Road to El Nido Avenue)	0.0	0.0	0.0
Placentia Avenue (Water Avenue to Evans Road)	0.0	0.0	0.0
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	0.0	0.0	0.0
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	0.0	0.0	0.0
Ramona Expressway (Evans Road to Rider Street)	59.4	60.2	0.8
Reche Canyon Road (Keissel Road to Reche Vista)	63.5	64.1	0.6
Reche Canyon Road (Reche Vista Drive to High Country Drive)	49.3	49.0	-0.3
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	50.6	50.6

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Table 4.12.J: Future Year (2022) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Redlands Boulevard (Ironwood Avenue to SR-60)	69.2	71.4	2.2
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	69.1	70.8	1.7
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	60.5	66.1	5.6
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	63.4	65.8	2.4
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	64.2	66.4	2.2
Street A (Eucalyptus Avenue to Street F)	49.4	73.1	23.8
Street D (Street E to Cactus Avenue)	0.0	69.8	69.8
Street E (north of Alessandro Boulevard)	0.0	65.4	65.4
Street F (east of Street A)	0.0	68.4	68.4
Sunset Drive (Alessandro Road to Cameo Drive)	55.3	56.9	1.7
Sunset Drive (Crown Street to Alessandro Road)	49.0	49.0	0.0
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	65.1	65.2	0.1
Theodore Street (SR-60 to Highland Boulevard)	60.3	64.1	3.8
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	67.2	68.4	1.2
SR-60 (Heacock Street to Perris Boulevard)	66.1	67.4	1.3
SR-60 (Perris Boulevard to Nason Street)	65.6	67.2	1.6
SR-60 (Nason Street to Moreno Beach Drive)	53.1	54.9	1.8
SR-60 (Moreno Beach Drive to Redlands Boulevard)	63.8	66.2	2.4
SR-60 (Redlands Boulevard to Theodore Street)	61.7	64.1	2.4

Source: Mestre Greve Associates, November 2012.

As identified in Table 4.12.J, implementation of the proposed WLC project would result in relatively minor changes in traffic noise levels in Future Year 2022. The largest project-related increase in traffic noise would be along Street D (Street E to Cactus Avenue), Street E (north of Alessandro Boulevard), and Street F west (of Street A), where increases of greater than 65 dBA are predicted for the Future Year 2022 With Project scenario over the Future Year 2022 Without Project scenario. The increase associated with these roadway segments is attributable in part to Streets D, E, and F being new roads that will be constructed by the proposed project.

Operation of the proposed project would generate traffic along roadways in the surrounding area during the buildout year (2035) scenario. Buildout Year (2035) with and without project scenarios projected daily traffic volumes on roadway segments in the project vicinity were used to conduct the traffic noise modeling. The projected daily traffic volumes in the area were taken from the TIA prepared for the proposed project. Table 4.12.K identifies the Buildout Year (2035) without project and with project traffic noise levels.

Table 4.12.K: Buildout Year (2035) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	65.6	66.5	0.9
Alessandro Road (Crescent Avenue to Sunset Drive)	64.5	64.9	0.4
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	65.0	65.5	0.5
Cactus Avenue (Oliver Street to Moreno Beach Drive)	60.4	62.3	1.9
Cactus Avenue (Redlands Boulevard to Street D)	50.1	66.3	16.3
Cactus Avenue (west of Redlands Boulevard.)	59.7	64.8	5.1
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	58.1	59.7	1.6
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	62.4	64.9	2.5
Crescent Avenue (west of Alessandro Boulevard)	58.9	60.1	1.2
Day Street (Cottonwood Avenue to Alessandro Boulevard)	67.8	69.4	1.7
Evans Road (Marbella Date to Ramon Expressway)	61.3	62.7	1.5
Evans Road (north of Harley Knox Boulevard)	60.1	62.9	2.8
Evans Road (Nuevo Road to San Jacinto Avenue)	60.5	62.0	1.5
Fir Avenue (Quincy Drive to Redlands Boulevard)	61.6	68.3	6.7
Gilman Springs Road (Bridge Street to Beaumont Avenue)	63.5	65.5	2.0
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	63.7	65.5	1.8
Gilman Springs Road (Eucalyptus Avenue to Street C)	52.0	57.4	5.4
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	65.7	68.0	2.3
Gilman Springs Road (south of Street C)	61.9	63.6	1.7
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	62.6	64.8	2.2
Iris Avenue (Kitching Street to Lasselle Street)	63.2	65.1	1.9
Iris Avenue (Lasselle Street to Nason Street)	63.1	65.4	2.3
Iris Avenue (Nason Street to Oliver Street)	65.6	67.4	2.8
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	57.9	60.6	2.7
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	58.6	63.6	5.0
John F Kennedy Drive (south of Cactus Avenue)	64.3	67.9	3.6
Kitching Street (Iris Avenue to Ivory Avenue)	63.6	64.8	1.2
Krameria Avenue (Perris Boulevard to Lasselle Street)	57.5	59.4	1.9
Lasselle Street (Cahuilla Drive to Krameria Avenue)	62.1	63.3	1.2
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	60.0	61.8	1.8
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	57.5	58.6	1.1
Lochmoor Drive (Central Avenue to Fair Isle Drive)	65.4	68.9	3.5
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	60.8	63.3	2.5
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	60.8	63.3	2.5
Moreno Beach Drive (John F Kennedy to Oliver Street)	56.8	60.4	3.6
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	63.3	66.6	3.3
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	32.2	63.5	1.2
Oliver Street (Alessandro Boulevard to Cactus Avenue)	54.1	54.4	0.3
Orange Avenue (Evans Road to Foothill Drive)	57.3	65.1	7.8
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	63.5	65.0	1.5

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Table 4.12.K: Buildout Year (2035) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	63.5	65.0	1.5
Perris Boulevard (Iris Avenue to Krameria Avenue)	64.4	66.0	1.5
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	70.5	72.2	1.7
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	64.0	65.5	1.5
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	64.0	65.8	1.8
Placentia Avenue (Evans Road to El Nido Avenue)	54.0	68.2	14.3
Placentia Avenue (Water Avenue to Evans Road)	57.4	67.5	10.1
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	31.1	54.5	23.4
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	49.2	66.8	1.8
Ramona Expressway (Evans Road to Rider Street)	59.9	61.6	1.7
Reche Canyon Road (Keissel Road to Reche Vista)	65.1	66.9	1.8
Reche Canyon Road (Reche Vista Drive to High Country Drive)	64.2	67.5	3.3
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	48.5	48.5
Redlands Boulevard (Ironwood Avenue to SR-60)	69.4	71.6	2.2
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	68.7	70.6	1.9
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	61.3	67.3	6.0
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	63.5	66.4	2.8
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	64.1	66.4	2.3
Street A (Eucalyptus Avenue to Street F)	54.0	73.0	19.0
Street D (Street E to Cactus Avenue)	0.0	70.4	70.4
Street E (north of Alessandro Boulevard)	0.0	65.8	65.8
Street F (east of Street A)	0.0	69.2	69.2
Sunset Drive (Alessandro Road to Cameo Drive)	56.9	58.7	1.8
Sunset Drive (Crown Street to Alessandro Road)	50.7	51.7	1.1
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	65.1	66.5	1.3
Theodore Street (SR-60 to Highland Boulevard)	65.0	67.9	2.9
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	67.6	68.6	1.0
SR-60 (Heacock Street to Perris Boulevard)	66.6	67.7	1.1
SR-60 (Perris Boulevard to Nason Street)	66.5	67.8	1.3
SR-60 (Nason Street to Moreno Beach Drive)	54.2	55.6	1.3
SR-60 (Moreno Beach Drive to Redlands Boulevard)	65.5	67.1	1.6
SR-60 (Redlands Boulevard to Theodore Street)	63.7	65.1	1.4

Source: Mestre Greve Associates, November 2012.

Increases in noise levels associated with Buildout Year (2035) traffic conditions on area roadways range from 0.1 to 68.0 dBA. As identified in the Table 4.12.K, the greatest increase in noise levels would be along Street D (Street E to Cactus Avenue), Street E (north of Alessandro Boulevard), and

Street F west (of Street A), where increases of greater than 65 dBA are predicted for the Buildout Year 2035 With Project scenario over the Buildout Year 2035 Without Project scenario. The increase associated with these roadway segments is attributable in part to Streets D, E, and F being new roads that will be constructed by the proposed project.

Tables 4.12.H through 4.12.K identify the noise increases directly caused by the proposed project. These numbers represent the distance from the centerline of the road to the contour value shown. Note that the values given in Tables 4.12.H through 4.12.I do not take into account the effect of any existing noise attenuation in the form of barriers, soundwalls, or topography that may affect ambient noise levels.

For the reader's convenience, the significance threshold for a project-specific roadway noise impact as defined previously is:

- Project induced increase in noise levels by 5 dB or more where the no project noise level is less than 60 CNEL;
- Project induced increase in noise level by 3 dB or more where the no project noise level is 60 CNEL to 65 CNEL; or
- Project induced increase in noise levels by 1.5 dB or more where the no project noise level is greater than 65 CNEL.

For the reader's convenience, the significance threshold for a project's incremental contribution to a cumulative noise increase as defined previously is:

A project increase of the ambient (cumulative without project) noise level by 1 dB or more, and the predicted future cumulative with project noise levels cause the following cumulative increases:

- Increase noise levels by 5 dB or more where the existing noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the existing noise level is 60 to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the existing noise level is greater than 65 CNEL.

It should be noted that the same noise increase occurs at all locations along a roadway link. In other words, the same increase will occur at 50 feet from a roadway as it does at 100 feet. In addition, the noise contours cover a wider area around the local roadways than does the existing condition. State Route 60, however, continues to be the dominant noise source in the area.

In general, the project proposes logistics uses and will not be affected by these noise increases. However, there are a few scattered residences within the project area and adjacent to the WLCSP area that would be affected by the proposed logistics uses.

Within the Specific Plan Area. For locations within the WLCSP area, these include three groups of residences that may remain with the implementation of the proposed project. The Specific Plan would rezone the properties as Light Logistics, but it is anticipated that the residences may remain for some time. The Light Logistics use is not sensitive to noise. However, the existing residences, as long as they remain, must be considered sensitive land uses.

- *Redlands Boulevard (north of Brodiaea Avenue).* The first group of homes is located east of Redlands Boulevard north of the intersection with Brodiaea Avenue. The traffic on Redlands Boulevard will not increase significantly as a result of the project. Future Street E is proposed to be constructed west of these existing residences. However, as stated in the Noise Study

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conducted for the Specific Plan, it is likely that there will be intervening buildings and that the distance from Street E will be so great that these homes will not experience significant noise from public roadways. Therefore, impacts are anticipated to be less than significant and no mitigation is required.

- *Street A/Theodore Street (Street B to Street F)*. The second group of residences within the Specific Plan area is located on the east side of Street A (Theodore Street) midway between the future Street B and Street F. There are currently two residences in this area. These residences are anticipated to experience noise increases up to 18 dB due to the implementation of the Specific Plan. As a result, existing noise levels at these two residences will be changed significantly. The exact alignment of the roadway is yet to be determined, but the homes may be roughly 100 feet from the centerline on the roadway. As identified in Table 4.12.J, at this distance, the noise level by future year (2022) could be as high as 73.1 CNEL. This level of noise would be above the 65 CNEL threshold and would result in a greater than 1.5 dB noise increase when compared to without project conditions. This is a significant impact requiring mitigation.
- *Street F/Dracaea Avenue (east of Theodore Street)*. The third area is a single residence located east of Theodore Street along what is currently Dracaea Avenue (future Street F). Existing conditions identify low levels of traffic noise on Dracaea Avenue. The 65 CNEL contour is projected to lie 84 feet from the centerline of Street F and it is likely that the one residence would lie within this zone. This level of noise would be above the 65 CNEL threshold and result in a greater than 1.5 dB noise increase when compared to without project conditions. Therefore, this is a significant impact requiring mitigation.

Off-Site Areas Adjacent to the Specific Plan Area. For areas adjacent to the Specific Plan area, 22 segments would experience a noise increase that would be greater than significance criteria specified previously. These seven areas are described below.

- *Cactus Avenue (Redlands Boulevard to Street D)*. This area is occupied by a small group of single-family homes along Cactus Avenue between the future Street D and Redlands Boulevard. A significant noise increase is projected for all four time horizons. Currently, there is no soundwall along these homes. Therefore, this is a significant impact requiring mitigation.
- *Cactus Avenue (west of Redlands Boulevard)*. As identified in the noise study, this area shows noise increases ranging from 1.5 dB to 5.1 dB depending on the time horizon. Only the 2035 case results in a significant noise increase.

Existing residences are located along Redlands Boulevard with rear yards facing Cactus Avenue. Existing 6-foot high soundwalls are located along the residences and rear yard areas are approximately 60 feet from the centerline of the roadway. In buildout year (2035), the noise levels for 60 feet from the centerline of the roadway including the effects of the soundwall are projected to be 64.8 CNEL. This is below the City criteria of 65 CNEL and, therefore, a less than significant impact will occur and no mitigation is required.

- *Day Street (between Cottonwood Avenue and Alessandro Boulevard)*. There are scattered single-family homes along this roadway that front onto Day Street. Only the 2035 time horizon results in a significant noise increase for this area. In 2035, the project is projected to increase noise levels by 1.7 dB, bringing the noise level up to 69.4 CNEL. Therefore, this is a significant impact requiring mitigation.
- *Fir Avenue (between Quincy Drive and Redlands Boulevard)*. There is one single-family home along this roadway fronting Fir Avenue. Only the 2035 time horizon results in a significant noise increase for this area. In 2035, the project is projected to increase noise levels by 6.7 dB, bringing the noise level up to 68.3 CNEL. Therefore, this is a significant impact requiring mitigation.

- *Gilman Springs Road (between Eucalyptus Avenue and Street C, and between Jack Rabbit Trail and Bridge Street).* There are three single-family homes scattered along these roadway segments. All of the houses are set back from the roadway, but none has soundwalls. A significant noise increase is projected for at least one of these segments in three of the four case years. Therefore, this is a significant impact requiring mitigation.
- *Ironwood Avenue (between Redlands Boulevard and Highland Boulevard).* There are two single-family homes that front onto Ironwood Avenue. There are also two churches along this roadway. A significant noise increase is projected for all four study years. In 2035, the project is projected to increase noise levels by 5 dB, bringing the noise level to 63.6 CNEL. Therefore, this is a significant impact requiring mitigation.
- *John F. Kennedy Drive (south of Cactus Avenue).* The residences along John F. Kennedy Drive south of Cactus Avenue will experience significant noise increases in all four time horizons. Similar to the area along Cactus Avenue, this noise increase will be due to cars and light vehicles, and not heavy trucks. The residences along the west side of the roadway are generally depressed with respect to the road and have existing 6-foot soundwalls. Due to the presence of the existing soundwalls and slope conditions, noise levels would be reduced by 6 to 10 dB. This would result in noise levels being below the City threshold of 65 CNEL for residential uses. Therefore, residences on the west side of the street will not be affected. Impacts are considered to be less than significant and no mitigation is required.

The residences on the east side of the roadway are elevated with respect to the roadway and do not have soundwalls. Rear yards areas on both sides of the street are approximately 60 to 90 feet from the centerline of the roadway and are bordered by wrought iron fencing. As identified in Tables 4.12.H through 4.12.K, the greatest noise levels that would be experienced at these residences would range up to 67.9 CNEL, which is above the City threshold of 65 CNEL. This is a significant impact requiring mitigation.

- *Locust Avenue (between Moreno Beach Drive and Smiley Boulevard).* There are three single-family homes along this roadway and they front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.5 dB, bringing the noise level to 68.9 CNEL. This is a significant impact requiring mitigation.
- *Moreno Beach Drive (between Locust Avenue and Ironwood Avenue).* There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most back up to the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.3 dB, bringing the noise level to 66.6 CNEL. This is a significant impact requiring mitigation.
- *Perris Boulevard (between John F. Kennedy Drive and Iris Avenue).* This is a mixed area in terms of residential land use. There are approximately 36 single-family homes along this roadway, some with a soundwall and some without. There is also a large multifamily development without a soundwall. Most of the homes either back up to the roadway or side-on to the roadway, making a soundwall feasible. Approximately half of the homes along this roadway do have a soundwall in place. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 1.7 dB, bringing the noise level up to 72.2 CNEL for areas without a soundwall. For the homes with a soundwall, there would not be a significant noise impact since the year 2035 the noise would increase by 1.7 dB and reaching up to 66.2 CNEL. For the homes on this roadway that do not have a soundwall, there would be a significant noise impact and mitigation is required.
- *Placentia Avenue (from El Nido Avenue to Evans Road, and on to Water Avenue).* There are scattered single-family homes along this roadway that front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 10 to 14 dB, bringing the noise level up to 68 CNEL. This is a significant impact requiring mitigation.

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- *Quincy Drive (from Cactus Avenue to Alessandro Boulevard, and on to Cottonwood Avenue)*. The existing single-family homes along Quincy Drive have a soundwall. Quincy Drive currently only exists from Cottonwood to Bay Avenue, which is north of Alessandro Boulevard. The 2035 time horizon results in a significant noise increase. This is a significant impact requiring mitigation.
- *Reche Canyon Road (from Keissel Road to Reche Vista Drive, and on to High Country Drive)*. There are roughly 22 single-family homes scattered along these two roadway segments. These homes are scattered along the roadway and front onto Reche Canyon Road. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 1.8 to 3.3 dB with resulting noise levels in the 67 to 68 CNEL range. This is a significant impact requiring mitigation.
- *Redlands Boulevard (from Dracaea Avenue to State Route 60)*. There are scattered homes in this area that either face Redlands Boulevard (or Shubert Street) or are on Redlands Boulevard. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. This is a significant impact requiring mitigation.
- *Redlands Boulevard (from State Route 60 to San Timoteo Canyon Road)*. There are approximately 28 homes along this roadway that would be affected. The single-family homes are scattered and generally front the roadway. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. The increases in noise are around 2 dB with a resultant noise level in the 71 to 72 CNEL range. This is a significant impact requiring mitigation.
- *San Timoteo Canyon Road (from Alessandro Road to Live Oak Canyon Road to Redlands Boulevard)*. There are about four scattered residences along this roadway that would be affected. The existing baseline plus project time horizon results in a significant noise increase for this area. The noise increases by up to 3.3 dB with resultant noise levels in the 65 to 66 CNEL range. This is a significant impact requiring mitigation.
- *Theodore Street (State Route 60 to Highland Boulevard)*. There are four existing homes on Theodore Street that front onto the roadway. Implementation of the Specific Plan would result in a 10.7 dB increase over baseline conditions (2012), a 7.4 dB increase in Opening Year (2017), and a 3.8 dB increase in future year (2022). By Buildout Year (2035), the noise increase associated with the proposed project is anticipated to be 2.9 dB, which would not be significant. In future year (2022), the 65 CNEL contour for this roadway link would lie approximately 138 feet from the centerline of the roadway. The four existing residences on Theodore Street are within 138 feet of the roadway. As a result, these existing residences could experience noise levels above the 65 CNEL threshold during all time horizons. This is a significant impact requiring mitigation.
- *Street D (from Street E to Cactus Avenue)*. Street D, as shown in the Specific Plan, will come down the western side of the project parallel to Merwin Street. It then merges with Cactus Avenue traveling to the west until Redlands Boulevard. A specific alignment has not been determined for this roadway. There are approximately 14 homes that side-on to Merwin Street that could be affected by traffic on Street D. There are no soundwalls along these homes. There would be limited or no heavy trucks using this roadway. The 65 CNEL contour will lie 114 feet from the centerline of Street D. If the centerline of Street D is located closer than 114 feet to the residences, then a significant impact would occur. Outdoor living spaces for homes along Merwin Street would experience noise levels greater than 65 CNEL, and this would not be consistent with City criteria. This is a significant impact requiring mitigation.
- *State Route 60 (from Pigeon Pass Road to Perris Boulevard)*. All residential areas along this stretch of freeway have soundwalls in place. The 2012 time horizon results in a significant noise increase for this area. The noise levels are projected to increase by 1.5 to 1.7 dB in this area with resultant noise levels in the 66.9 to 68.1 CNEL range. This is a significant impact requiring mitigation.
- *State Route 60 (from Perris Boulevard to Nason Street)*. All residential areas along this stretch of freeway have soundwalls in place. The 2022 time horizon results in a significant noise increase

for this area. The noise level will go up by 1.6 dB with the project up to a level of 67.2 CNEL. This is a significant impact requiring mitigation.

- *State Route 60 (from Moreno Beach Drive to Redlands Boulevard)*. There are soundwalls in place for all residences in this area. The existing 2012 and 2035 time horizons result in a significant noise increase for this area, reaching 67.1 CNEL by 2035. This is a significant impact requiring mitigation.
- *State Route 60 (from Redlands Boulevard to Theodore Street)*. No soundwalls are present in this area. The residential area is set back from the freeway and is clustered along Redlands Boulevard north of the freeway. The existing 2012 time horizon results in a significant noise increase for this area. The resultant noise level will be 63.5 CNEL with an increase due to the project of 3.4 dB. This is a significant impact requiring mitigation.

Specific Plan Design Features. The WLCSP indicates there will be a 250-foot setback from existing housing along Redlands Boulevard. No additional design features to attenuate noise impacts are planned as part of the WLCSP.

Mitigation Measures. Construction of the proposed WLC project would result in noise levels at the closest residences within and adjacent to the WLCSP area exceeding the maximum noise level allowed under the City's Municipal Code. The following measures would reduce long-term traffic related noise impacts associated with the proposed project:

4.12.6.2A Within the WLCSP, Street D shall be designed such that exterior noise levels at existing residential areas shall not exceed 65 CNEL, which may require installation of a soundwall or other noise attenuation improvements. The design and calculations of such improvements shall be incorporated into a report that shall be submitted to the City for review and approval prior to the issuance of construction permits for Street D.

4.12.6.2B Prior to issuance of any discretionary approvals for development in the WLCSP, a WLC Noise Development Impact Fee study shall be submitted to the City for review and approval. The City shall require future development within the WLCSP to participate in a WLC Noise Development Impact Fee program to include soundwall attenuation to mitigate impacts from the proposed project based on the collection of fair-share fee payments from each increment of development and the implementation of each soundwall in accordance with Mitigation Measure 4.12.6.2C. The update to the DIF shall be based on a nexus study in conformance with State law (i.e., AB 1600). The Nexus study shall examine the soundwalls specified below, shall include detailed cost estimates for each soundwall, and shall establish a pro-rated fee to be paid per square foot by all development proposals within the WLCSP. The soundwalls to be included in this study include:

Cactus Avenue Soundwall from Redlands Boulevard to Street D. Construct an approximately 1,000-foot long, 6-foot high soundwall at the top of slope. The existing wrought-iron fencing will be removed and replaced with the soundwall (e.g., masonry wall, berming, glass barrier, or combinations of these barriers). The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

John F. Kennedy Drive, east side, Soundwall from Cactus Avenue to Bay Hill Drive. Construct an approximately 5,000-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The existing wrought-iron fencing will be removed and replaced with the soundwall (e.g., masonry wall, berming, glass barrier, or combinations of these barriers). The

soundwall would need to measure 6 feet as measured from the rear yard of the residences.

Moreno Beach Drive Soundwall between Locust Avenue and Ironwood Avenue. Construct an approximately 2,000-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

Perris Boulevard Soundwall between John F. Kennedy Drive and Iris Avenue. Construct an approximately 1,500-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

State Route 60 Soundwall from Redlands Boulevard to Theodore Street. Construct an approximately 580-foot long, 6-foot high soundwall for the existing residences. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

Iris Avenue Soundwall from Nason Street to Oliver Street. Construct an approximately 3,000-foot long, 6-foot high soundwall along the property line for the existing residences.

Sycamore Canyon Boulevard Soundwall from College Boulevard and Central Avenue. Construct an approximately 1,000-foot long, 6-foot high soundwall at the top of slope for the existing residences. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

4.12.6.2C Prior to issuance of any building permits for development in the WLCSP, the City shall collect the Development Impact Fee (DIF) as modified in accordance with Mitigation Measure 4.12.6.2B. The City shall establish a schedule for installing the specific soundwalls listed in Mitigation Measure 4.12.6.2B consistent with the WLC Noise DIF program..

Level of Significance after Mitigation. *Within the WLC Specific Plan Area.* For areas within the WLCSP area, these include three groups of residences that may remain with the implementation of the proposed project. The level of significance after mitigation is provided for each of the two areas for which a significant impact has been identified.

- *Theodore Street/Street A (Street B to Street F).* There are two residences in this area. These residences are anticipated to experience noise increases up to 18 dB due to the implementation of the Specific Plan. As a result, existing noise levels at these two residences will be changed significantly. The exact alignment of the roadway is to be determined, but the homes may be roughly 100 feet from the centerline on the roadway. One residence fronts onto Street A (Theodore Street), and the driveway access would make a soundwall ineffective. The other residence is on to Street A. It is difficult to determine where an outdoor living area is for this residence. However, since it is a single residence, a soundwall would have a limited effectiveness. Since mitigation is not feasible, impacts remain significant and unavoidable.
- *Dracaea Avenue/Street F (east of Theodore Street).* There is one residence in this area fronting onto the future alignment of Street F (currently Dracaea Avenue). Existing conditions identify low levels of traffic noise on Dracaea Avenue. The 65 CNEL contour is projected to lie 84 feet from the centerline of Street F and it is likely that the one residence would lie within this zone. Installation of a soundwall would not be effective in reducing noise levels due to the opening for the driveway. Since mitigation is not feasible, impacts remain significant and unavoidable.

Off-Site Areas Adjacent to the Specific Plan Area. For areas adjacent to the WLCSP area, eight areas would experience noise increases that would be mitigated to a less than significant level with implementation of **Mitigation Measures 4.12.6.2A** through **4.12.6.2C**. These areas are as follows:

- Cactus Avenue from Redlands Boulevard to Street D;
- John F. Kennedy Drive, west side, from Cactus Avenue to Bay Hill Drive;
- Moreno Beach Drive between Locust Avenue and Ironwood Avenue (15 of 18 homes);
- Perris Boulevard between John F. Kennedy Drive and Iris Avenue;
- State Route 60 from Redlands Boulevard to Theodore Street;
- Iris Avenue from Nason Street to Oliver Street;
- Sycamore Canyon Boulevard from College Boulevard and Central Avenue; and
- Street D from Street E to Cactus Avenue (8).

For the remaining noise impact locations adjacent to the WLCSP area for which significant noise impacts have been identified, mitigation measures are not feasible or will not fully reduce the impact to less than significant levels. Each location that will remain significant and unavoidable with implementation of the proposed project is discussed below.

- *Cactus Avenue (west of Redlands Boulevard).* Existing soundwalls will reduce noise levels by an estimated 6 dB, lowering the ultimate noise levels to 64.8 CNEL in the rear yard areas along Cactus Avenue. This is below the City criteria of 65 CNEL. It is not feasible to modify the existing residential block wall to reduce the project increase in noise levels because the block walls are designed for the height that they are built. In addition, the projected noise levels in year 2035 are within the City's exterior noise level for residences. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Day Street (between Cottonwood Avenue and Alessandro Boulevard).* The scattered single-family homes along this roadway front onto Day Street. In 2035, the project is projected to increase noise levels by 1.7 dB, bringing the noise level up to 69.4 CNEL. Homes that are widely separated from other homes cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Fir Avenue (between Quincy Drive and Redlands Boulevard).* There is one single-family home along this roadway fronting Fir Avenue. Only the 2035 time horizon results in a significant noise increase for this area. In 2035, the project is projected to increase noise levels by 6.7 dB, bringing the noise level up to 68.3 CNEL. A single home that fronts on a roadway cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Gilman Springs Road (between Eucalyptus Avenue and Street C, and between Jack Rabbit Trail and Bridge Street).* There are three single-family homes scattered along these roadway segments. All of the houses are set back from the roadway, but none has soundwalls. A significant noise increase is projected for at least one of these segments in three of the four case years. Homes that are widely separated from other homes cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Ironwood Avenue (between Redlands Boulevard and Highland Boulevard).* There are two single-family homes that front onto Ironwood Avenue. There are also two churches along this roadway. A significant noise increase is projected for all four study years. In 2035, the project is projected to increase noise levels by 5 dB, bringing the noise level to 63.6 CNEL. Land uses that are widely

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separated from one another cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

- *Locust Avenue (between Moreno Beach Drive and Smiley Boulevard)*. There are three single-family homes along this roadway and they front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.5 dB, bringing the noise level to 68.9 CNEL. As discussed above, homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Moreno Beach Drive (between Locust Avenue and Ironwood Avenue)*. There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most back up to the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.3 dB, bringing the noise level to 66.6 CNEL. This is a significant impact requiring mitigation. Even with the soundwall that would be implemented as part of **Mitigation Measures 4.12.6.2A** through **4.12.6.2C**, sound levels at 3 of the 18 homes would exceed 65 CNEL. These homes front onto Moreno Beach Drive and cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Placentia Avenue (from El Nido Avenue to Evans Road, and on to Water Avenue)*. There are scattered single-family homes that front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 10 to 14 dB, bringing the noise level up to 68 CNEL. As discussed above, homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Quincy Drive (from Cactus Avenue to Alessandro Boulevard, and on to Cottonwood Avenue)*. The existing single-family homes along Quincy Drive have a soundwall. Quincy Drive currently only exists from Cottonwood to Bay Avenue, which is north of Alessandro Boulevard. The 2035 time horizon results in a significant noise increase. It is not feasible to modify the existing residential block walls to reduce the project increase in noise levels because the block walls are designed for the height that they are built. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Reche Canyon Road (from Keissel Road to Reche Vista Drive, and on to High Country Drive)*. There are approximately 22 single-family homes scattered along these two roadway segments. These homes front onto Reche Canyon Road. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 1.8 to 3.3 dB with resulting noise levels in the 67 to 68 CNEL range. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Redlands Boulevard (Dracaea Avenue to State Route 60)*. There are scattered homes in this area that either face Redlands Boulevard (or Shubert Street) or are on Redlands Boulevard. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Redlands Boulevard (State Route 60 to San Timoteo Canyon Road)*. There are approximately 28 homes along this roadway that would be affected. The single-family homes are scattered and generally front the roadway. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. The increases in noise are around 2 dB with a resultant noise level in the 71 to 72 CNEL range. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

- *San Timoteo Canyon Road (from Alessandro Road to Live Oak Canyon Road to Redlands Boulevard)*. There are approximately four scattered residences along this roadway that would be affected. The existing baseline plus project time horizon results in a significant noise increase for this area. The noise increases by up to 3.3 dB with resultant noise levels in the 65 to 66 CNEL range. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Theodore Street (State Route 60 to Highland Boulevard)*. There are four existing homes on Theodore Street that front onto the roadway. Implementation of the Specific Plan would result in a 10.7 dB increase over baseline conditions (2012), a 7.4 dB increase in Opening Year (2017), and a 3.8 dB increase in future year (2022). By Buildout Year (2035), the noise increase associated with the proposed project is anticipated to be 2.9 dB, which would not be significant. In future year (2022), the 65 CNEL contour for this roadway link would lie approximately 138 feet from the centerline of the roadway. The four existing residences on Theodore Street are within 138 feet of the roadway. As a result, these existing residences could experience noise levels above the 65 CNEL threshold for all time horizons. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

4.12.6.3 Long-Term Operational Noise Impacts

Threshold	Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the <i>City of Moreno Valley General Plan</i> , <i>Moreno Valley Municipal Code</i> , or applicable standards of other agencies?
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Potential long-term stationary noise impacts would primarily be associated with operations at logistics facilities within the WLCSP area. Logistics facility uses would generate noise from truck delivery, loading/unloading activities at the loading areas, heating, ventilation, and air-conditioning (HVAC) equipment and other noise-producing activities within the parking lot (e.g., doors slamming, vehicle engine start-ups, and conversing in the parking lot). These activities are potential point sources of noise that could affect noise-sensitive receptors adjacent to the loading areas and parking lots. As noise spreads from a source, it loses energy; therefore, the farther away the noise receiver is from the noise source, the lower the perceived noise level would be.

Noise levels were measured at similar facilities to determine representative noise levels that might be generated by this type of activity. Noise measurements were made at two facilities; specifically, Lowes Distribution Center (3984 Indian Avenue, Perris, CA) and Ross Distribution Center (3404 Indian Avenue, Perris, CA). Based on these representative noise measurements, Table 4.12.L provides the noise levels for various distances from the warehouse property line with no noise barrier in place and with an assumed 12-foot noise barrier.

Table 4.12.L: Representative Noise Levels for Warehousing Activities

Distance from Facility (feet)	Noise Level (dBA L _{eq})	
	No Barrier	With 12-foot barrier
50	56.9	48.6
100	54.9	47.8
250	50.8	44.7
500	46.6	40.9

Source: Mestre Greve Associates, November 2012.

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The City of Moreno Valley Noise Ordinance requires that noise levels remain below 55 dBA (L_{eq}) during nighttime hours. To achieve this noise level, the warehouse property line would only need to be 100 feet from the nearest residential property and no soundwall would need to be present.

Another consideration is whether the proposed activity levels will be substantially higher than current ambient conditions. No matter what is developed in the Specific Plan area, ambient conditions would be higher in future years due to higher levels of traffic and activity. Ambient noise levels were measured at seven sites that could border the World Logistics Center (i.e., Measurement Sites 3 through 9). The nighttime ambient noise levels (L_{eq}) ranged from 35.8 to 61.8 dBA with an average for the sites of 46.6 dBA. To keep the noise levels at nearby residential areas less than typical ambient conditions, the logistics property line should be located a minimum distance of 250 feet and a 12-foot soundwall should be located along the perimeter of the property that faces any residential areas. This would keep the logistic use noise to less than 45 dBA (L_{eq}) at the residences. The implementation of this buffer between logistics uses and noise sensitive uses has been included as **Mitigation Measure 4.12.6.3A**.

Specific Plan Design Features. The WLCSP indicates there will be a 250-foot building setback from residentially zoned property along Redlands Boulevard, Bay Avenue, and Merwin Street.

Mitigation Measures. Operation of the proposed WLC project would result in noise levels at the closest residences within and adjacent to the WLC Specific Plan area exceeding the maximum noise level allowed under the City's Municipal Code. The following measure would reduce long-term operational noise impacts associated with the proposed WLC project:

4.12.6.3A All discretionary approvals for development in the area of Redlands Boulevard, Bay Avenue, Merwin Street, and Cactus Avenue shall provide a minimum 250-foot setback between residentially zoned property and logistics buildings within the WLCSP. In addition, all such discretionary approvals shall provide sound attenuation improvements that will reduce expected noise levels from development to within City standards.

Level of Significance after Mitigation. Implementation of **Mitigation Measure 4.12.6.3A** would eliminate any noise impacts on residential areas due to the operation of logistic activities. Through the provision of a 250-foot buffer, berms, and/or soundwalls, noise levels at the nearest residences would be reduced to below the City's thresholds. Therefore, with adherence to the identified mitigation measure, impacts associated with this issue would be less than significant.

4.12.6.4 Long-Term Utility Noise Impacts

Threshold	Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the <i>City of Moreno Valley General Plan</i> , <i>Moreno Valley Municipal Code</i> , or applicable standards of other agencies?
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As illustrated in previously referenced Figure 4.12.3 and Figure 4.12.6, there is one existing SDG&E compressor station and two existing SCGC facilities located within the WLC Specific Plan area.

Based on preliminary calculations as illustrated in Figure 4.12.3, the worst-case compressor station operational characteristics will result in a maximum noise level just above 65 CNEL within the project area proposed for development (i.e., not open space). Typical commercial construction results in buildings that achieve at least a 20 dB reduction of outdoor noise levels. Therefore, an office use

exposed to the highest noise level from the compressor station will be just above 45 CNEL and below the 50 CNEL limit prescribed by the City's General Plan, resulting in a less than significant impact and no mitigation is required.

As illustrated in previously referenced Figure 4.12.4, the L_{eq} noise level generated by the compressor station does not exceed 60 dBA L_{eq} beyond the property lines of the facility. Therefore, the compressor station is not considered a noise disturbance based on City criteria. Operation of the compressor station would not result in any interior noise levels exceeding the limits established by the City in the General Plan. Therefore, noise impacts associated with the operation of the compressor station would be less than significant and no mitigation is required.

As identified in previously referenced Figure 4.12.5, the maximum noise level from a blow-down at the SDG&E compressor station within the WLCSP area proposed for development (i.e., the Logistics Development land use) is 100 dBA. A person would need to be exposed to this level for more than two hours in a day before permanent hearing loss would be expected. As discussed above, blow-down events at the SDG&E compressor station typically do not last longer than 90 seconds. Therefore, the SDG&E blow-down events will not result in a significant impact to the uses proposed within the WLCSP area, and no mitigation is required.

For SCGC blow-down events, noise generated could reach as high as 130 dBA just outside the fence line of the southern facility and in excess of 135 dB just outside the fence line of the northern facility. People within approximately 250 feet of the blow-down points would be exposed to noise levels greater than 115 dBA, which would likely cause permanent hearing damage regardless of the exposure time. The SCGC blow-downs could last as long as 90 minutes. It is anticipated that people exposed to noise levels greater than 102 dBA, within approximately 1,300 feet from the blow-down point could experience permanent hearing loss based on this event duration. Noise generated by SCGC blow-down events has the potential to cause permanent hearing loss in persons in the developed area of the project. This is a significant impact and mitigation is required.

SCGC blow-down events also have the potential to produce groundborne vibration. However, the effect of the blow-down groundbourne vibration would be limited to within 100 feet of the equipment and would not be perceived beyond the facility fenceline, resulting in a less than significant impact and no mitigation is required.

Specific Plan Design Features. The WLCSP provides a setback of open space and a street between the SCGC facility and planned warehouse buildings in the WLCSP. However, the separation may not be sufficient to prevent significant noise impacts during blow-down events.

Mitigation Measures. Operation of the proposed WLC project could result in exposure of people to noise levels as high as 130 dBA or greater during SCGC blow-down events. The following measure would reduce long-term utility related noise impacts associated with the proposed WLC project:

4.12.6.4A Prior to the issuance of building permits for projects within 500 feet of the SCGC and SDG&E facilities, documentation shall be submitted to the City confirming that sound attenuation devices or improvements for the blow-down facilities providing at least a 40 dB reduction in noise levels during blow-down events area available and will be installed for all planned blow-down events. This measure shall be implemented to the satisfaction of the City Planning Official.

Level of Significance after Mitigation. The SCGC blow-down equipment does not currently include a permanent silencer system. A review of the literature of a leading manufacturer of specialty silencer

systems (Industrial Acoustics Company) determined that a specialty silencer system added to the blow-down equipment could reduce noise levels by about 40 dB. With a silencer system providing 40 dB of noise reduction, blow-down noise levels would be less than 102 dBA approximately 30 feet from the blow-down point, which is within the property line of these facilities. 102 dBA is the noise level that could be experienced for up to 90 minutes without causing permanent hearing loss. Therefore, while occupants within the WLCSP in close proximity to the SCGC facilities would be subject to high noise levels during these infrequent noise events, they would not be subject to any permanent hearing damage. With implementation of **Mitigation Measure 4.12.6.4A**, SCGC blow-down events would not result in noise levels that could cause permanent hearing loss and the project would not be significantly affected by noise from the SCGC facilities, resulting in a less than significant impact.

4.12.7 Cumulative Impacts

The cumulative area for noise impacts is the City of Moreno Valley. Implementation of the Specific Plan would result in the introduction of new noise sources and levels from on-site activities and from increased traffic volumes on vicinity roadway and freeways.

Construction crew commutes and the transport of construction equipment, and materials to the WLCSP area would incrementally increase noise levels on access roads leading to the site. Secondary sources of noise would include noise generated during excavation, grading, and building erection on the project site. The net increase in project site noise levels generated by these activities and other sources has been quantitatively estimated and compared to the applicable noise standards and thresholds of significance. Although it is not possible to predict if contiguous properties may be constructed at the same time and create cumulative noise impacts that would be greater than if developed at separate times, it is unlikely that adjacent properties will be developed at the same time as the Specific Plan area. However, in the unlikely event that adjacent properties are developed at the same time as the proposed WLC project, adherence to the City's Municipal Code provisions that regulate construction activities and other development standards would render the cumulative impacts of the proposed project to less than significant levels.

The noise analysis contained in this section also provides an assessment of on-site operational noise level impacts on adjacent sensitive uses, both existing and future. Additionally, on-site operational noises are individual noise occurrences and are not typically additive in nature. It is extremely unlikely that adjacent properties will generate noises that would be additive in nature because of two important reasons. First, the noise sources would have to be adjacent or in close proximity to one another in order for the noises to intermingle. Second, the sensitive receptor or receptors would also have to be adjacent to or in close proximity to the noise generators. Although it is not possible to predict if contiguous or proximate properties may generate noise at the same time that would be additive in nature and thus create a significant cumulative noise impact at sensitive receptors, adherence to the City's Municipal Code provisions that regulate nuisance noise from land uses and other development standards would render the cumulative impacts of the proposed project to less than significant levels.

Cumulative traffic volumes contained in the TIA were developed for the Future Year 2022 and Buildout 2035 analysis time horizons. Traffic volumes for each time horizon were developed utilizing a combination of various future traffic growth methods as follows. For Future Year 2022, traffic volumes were developed by interpolating year 2035 traffic volume projections from the Riverside County Transportation and Analysis Model (RivTAM) to year 2022 plus traffic from a list of past, present, and reasonably foreseeable projects. For Buildout Year 2035, traffic volumes were developed by utilizing the year 2035 traffic volume projections from the RivTAM plus traffic from a list of past, present, and reasonably foreseeable projects.

Cumulative noise impacts associated with roadway noise have been addressed based on the cumulative traffic volumes. Previously referenced Tables 4.12.J and 4.12.K provide a comparison of Future Year (2022) and Buildout Year (2035) without and with project noise levels, and if a significant impact (project-specific or cumulatively significant) occurs.

The project calls for improvements to several of the roadways around the project area in order to accommodate the projected increase in project traffic volumes. There are no new noise-sensitive land uses proposed to be constructed within the area of analysis. However the presence of residential uses occurs within the WLCSP project and nearby area. These roadway segments are analyzed against the thresholds for determining significant impacts defined previously in Section 4.12.6.2. As described previously in Section 4.12.4, the project's incremental contribution to a cumulative noise increase would be considered cumulatively considerable and significant when ambient noise levels affect noise-sensitive land uses and when the proposed project increases noise levels by 1 dB or more over pre-project conditions and the predicted future cumulative with project noise levels cause the following cumulative increases:

- Increase noise levels by 5 dB or more where the existing noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the existing noise level is 60 to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the existing noise level is greater than 65 CNEL.

Cumulative noise impacts associated with roadway noise have been addressed based on the 2022 and 2035 time horizons analyses contained in Section 4.12.6.2. As identified in the preceding analysis, Tables 4.12.J and 4.12.K show the Future Year 2022 and Buildout Year 2035 CNEL values without and with the proposed project and if a significant impact would be produced based on the project-specific significance criteria identified in Section 4.12.4 and the cumulatively significant significance criteria identified in Section 4.12.4 and repeated above. Traffic noise level increases from the existing baseline condition and the future (2022 and 2035) time horizons are attributable to the intermingled effects of both the cumulative (i.e., past, present, and reasonably foreseeable projects) development projects in the project vicinity and region as well as the proposed project. As indicated in Section 4.12.6.2, roadway noise impacts have been identified and **Mitigation Measures 4.12.6.2A** through **4.12.6.2C** have been presented to reduce roadway noise impacts to the greatest extent feasible. As disclosed in Section 4.12.6.2, there are numerous instances in which there is no feasible means to reduce roadway noise impacts because of the existing developed nature of the affected roadway segment and/or the scattered nature of the sensitive receptors (i.e., residences), which prohibits the effectiveness of a soundwall. Therefore, no significant cumulative noise impacts would occur after implementation of the proposed mitigation measures. For those segments at which there is a cumulatively considerable impact and there is no feasible means to provide mitigation, the significant cumulative impact will remain significant and unavoidable.

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Locust Avenue between Moreno Beach Drive and Smiley Boulevard (54). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 3.5 dB increase raising the noise level up to 68.9 CNEL. There are three single-family homes along this roadway and they front onto the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

Moreno Beach Drive between Locust Avenue and Ironwood Avenue (56). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 3.3 dB increase raising the noise level up to 66.6 CNEL. There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most backup to the roadway. Currently there are no soundwalls along these homes. The walls would need to be 6 feet tall with respect to the rear yard. **Roughly 2,000 feet of six foot tall barrier** would need to be provided for mitigation for 15 of the 18 impacted homes (Exhibit 18). With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 62 CNEL in rear yard areas. Approximately 3 homes would remain unmitigated, because these homes front onto Moreno Beach.

Ironwood Avenue between Redlands Boulevard and Highland Boulevard (36). A significant noise increase is projected for all four study years on this roadway link. In 2035, the noise level will increase 5 dB to 63.6 CNEL. There are two single-family homes that front onto Ironwood Avenue. There are also two churches along this roadway, however, the churches are setback from the roadway far enough that no significant impacts will occur. Although the noise levels remain below the City's 65 CNEL standard, the noise levels will increase substantially above those without the project. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***This potentially significant impact feasibly cannot be mitigated.***

Redlands Boulevard from State Route 60 to San Timoteo Canyon Road (35, 42). The noise analysis shows significant noise increases along this roadway segment for the 2012, 2022, and 2035 cases. The increases in noise are around 2 dB with a resultant noise level in the 71 to 72 CNEL range. There are 28 homes along this roadway that would be affected. The single-family homes are scattered and generally front the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

San Timoteo Canyon Road from Alessandro Road to Live Oak Canyon Road to Redlands Boulevard (177, 179). The noise analysis shows a significant impact in the existing (2012) to existing plus project comparison. The noise increases by a little over 3 dB with resultant noise levels in the 65 to 66 CNEL range. There are four scattered residences along the roadway that would be impacted. As discussed above, homes that are scattered cannot be effectively mitigated with a soundwall. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

Theodore Street from State Route 60 to Highland Blvd (38). The noise analysis indicates that the project will cause a 2.9 dB increase in the year 2035 with a resulting noise level of 67.9 CNEL. There are 4 homes on Theodore Street that front onto the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***This potentially significant impact feasibly cannot be mitigated.***

State Route 60 from Moreno Beach Drive to Redlands Boulevard (33). A significant increase is shown for the existing case and for 2035. It is not feasible to modify the existing residential block wall to lower the increase in project generated noise because block walls are designed for the height that they are built. It is also infeasible for the Lead Agency to demolish the existing walls on private property and build new ones of increased height so that the noise level increases are lowered. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

WILL THE WORLD LOGISTIC CENTER TRUCK TRAFFIC IMPACT YOUR HOME OR NEIGHBORHOOD? SOUND WALLS MAY HELP LOWER SOUND LEVELS, BUT THEY DON'T STOP TOXIC DIESEL POLLUTION FROM ENTER YOUR YARDS AND NEIGHBORHOODS. SOME EXISTING WALLS WILL BE TORN DOWN AND REPLACED. PLEASE READ

Cactus Avenue from Redlands Boulevard to Street D (Towards eastern end of Cactus Avenue)(50). A significant noise increase is project for all four case years. Currently there is no soundwall along these homes. The homes along Cactus Avenue are elevated above the roadway. A soundwall will need to be located at the top of the slope along the residents rear yards. At the top of slope the residents currently have wrought iron fencing. The wrought iron fencing would need to be replaced with a masonry wall or retrofitted with a glass barrier. The walls would need to be 6 feet tall with respect to the rear yard. Roughly 1,000 feet of barrier would need to be provided depending on where Street D intersects Cactus Avenue. With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 63 CNEL in rear yard areas. A new 6 foot high wall at the top of slope for the existing residences that are on the south side of Cactus Avenue between Street D and Redlands Boulevard is needed for mitigation. The 6 foot wall will need to extend roughly 1,000 feet. Prior to the opening of Street D, the soundwall should be in place.

Cactus Avenue West of Redlands Boulevard (32). This area shows noise increases ranging from 1.5 dB to 5.1 dB depending on the study year. Only the 2035 case results in a significant noise increase. Single-family residences back up to this street with rear yards facing Cactus Avenue. Soundwalls are located along the residences that are approximately 6 foot high. Rear yard areas are approximately 60 feet from the centerline of the roadway. In 2035, the noise levels projected for the yard area, including the effects of the soundwall, will be 64.8 CNEL which will be below the City standard of 65 CNEL. The significant impact is not creating noise levels above the noise standard, but rather creating a significant increase in noise levels above the ambient noise level that would not occur without the project. It will be necessary to modify the existing residential block wall, or to remove and replace the wall to lower the increase in project generated noise.

John F. Kennedy Drive South of Cactus Avenue (9). The homes along John F. Kennedy Drive south of Cactus Avenue will experience significant noise increases for all four study years. Similar to the area along Cactus Avenue, this noise increase will be due to cars and light trucks, and not heavy trucks. The homes along the west side of the roadway are generally lower than the adjacent roadway have a roughly 6 foot soundwall. The homes on the east side of the roadway do not have any soundwalls and are elevated with respect to the roadway. Rear yards areas on both sides of the street generally are in the range of 60 to 90 feet from the centerline of the roadway. Without any sound barrier exterior noise levels at the residences along John F. Kennedy Drive will be 67.9 CNEL. The homes on the west side of the roadway have soundwalls and slope conditions that will reduce noise levels 6 to 10 dB, putting these homes well under the City criteria. Homes on the west side of the street will not be impacted. Homes on the east side of the street do not have soundwalls, and there will be a significant impact unless adequately mitigated.

The homes on the east side of John F. Kennedy Drive are elevated with respect to the road. Their rear yard area sits above the roadway, so there is a slope going up to their yards. At the top of slope the residents have wrought iron fencing. The wrought iron fencing would need to be replaced with a masonry wall or retrofitted with a glass barrier. The walls would need to 6 feet tall with respect to the rear yard. Roughly 5,000 feet of barrier would need to be provided. With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 62.6 CNEL in rear yard areas. A new 6 foot high wall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive between Cactus Avenue and Bay Hill Drive will be needed for mitigation. The 6 foot wall will need to extend roughly 5,000 feet.

Perris Boulevard between John F. Kennedy Drive and Iris Avenue (303). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 1.7 dB increase raising the noise level to 72.2 CNEL for areas without a soundwall. This is a mixed area in terms of residential land use. There are 36 single-family homes along this roadway, some with a soundwall and some without. There is also a large multi-family development without a soundwall. Most of the homes either back up to the roadway or side-on to the roadway, making a soundwall feasible. Approximately half of the homes along this roadway do have a soundwall in place. For these homes, there would not be a significant noise impact since for the year 2035 the noise would increase by 1.7 dB going up to 66.2 CNEL.

The walls would need to be 6 feet tall with respect to the rear yard. Roughly 1,500 feet of barrier would need to be provided (Exhibit 19). With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 61 CNEL in rear yard areas. A new 6 foot high wall along the property line for the existing residences that are on Perris Boulevard between John F. Kennedy Drive and Iris Avenue is needed for mitigation (Exhibit 19). The 6 foot wall will need to extend roughly 2,000 feet. The impact is not anticipated to occur until sometime after 2022 and before 2035.

Redlands Boulevard from Dracaea Avenue to State Route 60 (12, 13). The noise analysis shows significant noise increases along this roadway segment for the 2012, 2022, and 2035 cases. There are scattered homes in this area that either face Redlands Boulevard (actually on Shubert Street) or are on Redlands Boulevard. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. *Therefore, this potentially significant impact feasibly cannot be mitigated.* **SPREAD THE V-1461- BOUT THESE AND OTHER N** **Item No. E.3**

4.12 NOISE

This section of the EIR is intended to satisfy the City's requirements for a project-specific noise impact analysis by examining the short-term and long-term noise impacts of the proposed project on sensitive uses adjacent to the proposed project area and by evaluating the effectiveness of mitigation measures. This includes the potential for the proposed project to result in impacts associated with a substantial temporary and/or permanent increase in ambient noise levels in the vicinity of the project area; exposure of people to excessive noise levels, groundborne vibration, or groundborne noise levels.

CEQA requires an analysis of the proposed project's impacts on the existing environment; not an analysis on the existing environment's impacts on the proposed project. The occasional blow downs that occur at the Southern California Gas Company (SCGC) are part of the existing conditions and have been part of the existing conditions for years. Thus, for purposes of clarity, it should be noted that the impact analysis below goes beyond the requirements of CEQA and provided as part of an analysis to ensure worker safety. All mitigation measures imposed in this analysis are the responsibility of future developers and not SCGC.

For the reader's reference, this EIR and each of the technical reports and analyses contained herein have been written to address a series of planning entitlements, which affect several separate, adjacent and related properties. The overall project site covers 3,918 acres in the Rancho Belago area of the City of Moreno Valley. It includes 3,814 acres of land, which is the subject of various entitlements, plus 104 acres of land affected by off-site improvements needed to support the proposed development. The proposed entitlements are summarized below.

A General Plan Amendment is proposed covering 3,814 acres, which redesignates approximately 71 percent of the area (2,710 acres) for logistics warehousing and the remaining 29 percent (1,104 acres) for permanent open space and public facilities. The following elements of the General Plan are included in the proposed Amendment: Community Development (land use); Circulation; Parks, Recreation, and Open Space; Safety; Conservation; and the General Plan Goals and Objectives.

A new Specific Plan will be adopted to govern development of the World Logistics Center for the 2,710 acres. A separate zoning amendment will also be processed and adopted to rezone 1,104 acres for open space and public facilities uses and to incorporate the Specific Plan into the City's Zoning Map.

In addition to the General Plan Amendment, Specific Plan, and Zone Change, the project includes a Tentative Parcel Map covering 1,539 acres (property owned by the project applicant, Highland Fairview) within the project site. This subdivision map is for financing purposes only and will not confer any development rights to the property owner.

The project includes pre-annexation zoning for an 85-acre parcel of land within the project area.

Finally, a Development Agreement between the City and Highland Fairview (the project applicant) is included as one of the project entitlements. The details of all the project entitlements are included in Section 3.4 of the EIR, *Project Characteristics*. The environmental impacts of all of these entitlements on the entire project area are addressed in this EIR and the accompanying technical reports and analyses.

The analysis contained in this section is based on the following technical study prepared for the proposed project:

- *Noise Assessment for the World Logistic Center Specific Plan*, Mestre Greve Associates, January 24, 2013 (Appendix K of this EIR); and

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In addition to these project-specific technical studies, the analysis contained in this section is also based on the following reference documents:

- *California Noise Insulation Standards*, California Code of Regulations, Title 24, Part 2, §3501;
- *Highway Traffic Noise Prediction Model (FHWA-RD-77-108)*, Federal Highway Administration (FHWA);
- *City of Moreno Valley General Plan*, City of Moreno Valley, July 2006;
- *Moreno Valley Municipal Code*, City of Moreno Valley, current through Ordinance 836 and the February 2012 code supplement; and
- *State of California General Plan Guidelines*, Governor's Office of Planning and Research, October 2003, pages 249 and 250.

4.12.1 Existing Setting

4.12.1.1 Background

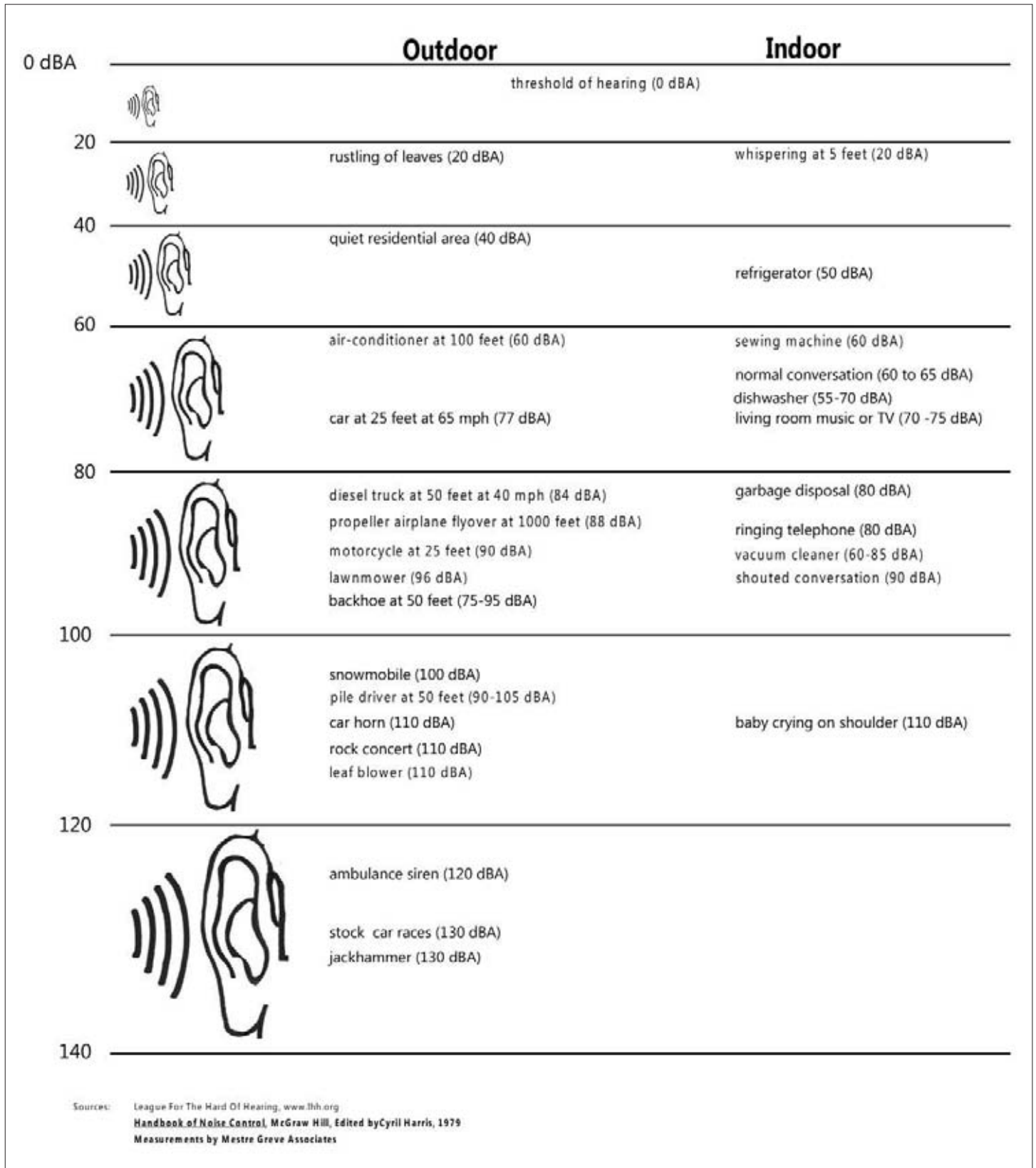
Characteristics of Noise. To the human ear, sound is technically described in terms of its loudness (amplitude) and pitch (frequency). Pitch is generally an annoyance, while loudness can affect our ability to hear. Noise is usually defined as unwanted sound; it consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep.

Measurement of Noise. The standard unit of measurement of the loudness of sound is the decibel (dB). Decibels are based on a logarithmic scale. The logarithmic scale compresses the wide range in sound levels resulting in a more usable range of sound level values, similar to the Richter scale used to measure earthquakes. To humans, a sound 10 dB higher than another is considered to be twice as loud; a sound 20 dB higher than another is considered four times as loud; etc. Typical daily sounds in the environmental range from 30 dB (very quiet) to 100 dB (very loud).

Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel (dBA) scale performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. Community noise levels are measured in terms of the dBA. Figure 4.12.1 shows examples of various noises sources and their typical dBA noise level.

There are two categories of noise that are measured to characterize noise conditions: single event noise and community, or cumulative, noise. Single event measurements describe the noise levels from an individual event such as a passing airplane or a heavy-duty truck. Cumulative measurements average the total noise in a community over a specific time period, which is typically 1 or 24-hours. The noise impact analysis performed for this EIR is based on assessment of both single event noise and community or cumulative, noise.

Several rating scales have been developed for measurement of community noise. These account for: (1) the parameters of noise that have been shown to contribute to the effects of noise on humans; (2) the variety of noises found in the environment; (3) the variations in noise levels that occur as a person moves through the environment; and (4) the variations associated with the time of day. They are designed to account for the known health effects of noise on people described previously. Based on these effects, the observation has been made that the potential for a noise to affect people is



LSA

FIGURE 4.12.1

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Typical A-Weighted Noise Levels

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dependent on the total acoustical energy content of the noise. A number of noise scales have been developed to account for this observation. Two of the predominant noise scales are the Equivalent Noise Level (L_{eq}) and the Community Noise Equivalent Level (CNEL). L_{eq} is the sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period. L_{eq} is the “energy” average noise level during the time period of the sample. L_{eq} can be measured for any time period, but is typically measured for 1 hour. This 1-hour noise level can also be referred to as the Hourly Noise Level (HNL). It is the energy sum of all the events and background noise levels that occur during that time period.

CNEL is the predominant rating scale now in use in California for land use noise compatibility assessment. The CNEL scale represents a time weighted 24-hour average noise level based on the dBA. Time weighted refers to the inclusion of penalties for noise that occurs during certain noise-sensitive time periods. The evening time period (7 p.m. to 10 p.m.) penalizes noises by 5 dBA, while nighttime (10 p.m. to 7 a.m.) noises are penalized by 10 dBA, reflecting people’s increased sensitivity to noise during these time periods. A CNEL noise level may be reported as a CNEL of 60 dBA, 60 dBA CNEL, or simply 60 CNEL.

L(%) is a statistical method of describing noise which accounts for variance in noise levels throughout a given measurement period. L(%) is a way of expressing the noise level exceeded for a percentage of time in a given measurement period. For example, since 5 minutes is 25 percent of 20 minutes, L(25) is the noise level that is equal to or exceeded for five minutes in a twenty-minute measurement period. It is L(%) that is used for most Noise Ordinance standards. For example most daytime County, State and City noise ordinances use a standard of 55 dBA for 30 minutes per hour, or an L(50) level of 55 dBA. In other words, the noise ordinance may state that no noise level should exceed 55 dBA for more than fifty percent of a given period.

The maximum noise level (L_{max}) is the highest exponential time averaged sound level that occurs during a stated time period. The noise levels discussed in this analysis for short-term noise impacts are specified in terms of maximum levels denoted by L_{max} , which reflects peak noise conditions and addresses the annoying aspects of intermittent noise. It is often used together with another noise scale, or noise standards in terms of percentile noise levels, in noise ordinances for enforcement purposes. For example, the L_{10} noise level represents the noise level exceeded 10 percent of the time during a stated period. The L_{50} noise level represents the median noise level. Half the time the noise level exceeds this level, and half the time it is less than this level. The L_{90} noise level represents the noise level exceeded 90 percent of the time and is considered the background noise level during a monitoring period. For a relatively constant noise source, the L_{eq} and L_{50} are approximately the same.

Fundamentals of Groundborne Vibration. Vibration refers to groundborne noise and perceptible motion of the earth. Similar to noise, vibration is transmitted in noise-like waves through the earth and solid objects.

There are several ways to categorize vibration sources. One way is to divide vibration into natural sources (e.g., earthquakes, volcanic eruptions, sea waves, and landslides) and human sources (e.g., explosions, machinery, traffic, trains, and construction equipment). Similar to noise sources, vibration sources can also be described as continuous (e.g., operating factory machinery) or transient (e.g., explosions).

As with noise, ground vibrations can be described by amplitude and frequency. Vibration amplitude is characterized by its displacement, velocity, and acceleration. Displacement is the distance that soil particles travel from their original location as a result of vibration, as measured in inches or millimeters. Velocity is the speed of the soil particles measured in inches per second or millimeters per second. Acceleration is the acceleration of the soil particles measured in inches per second per second or millimeters per second per second. Particle velocity is the most commonly used vibration

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attribute used to describe vibration. Table 4.12.A presents the human reaction to various levels of peak particle velocity. Vibrations also vary in frequency. Traffic vibrations generally range in frequencies from 10 to 30 hertz (Hz), and tend to average around 15 Hz. As a point of reference, city buses often generate frequencies around 3 Hz at high vehicle speeds, due to their suspension systems.

Table 4.12.A: Human Reaction to Typical Vibration Levels

Vibration Level Peak Particle Velocity (inches/second)	Human Reaction
0.0059–0.0188	Threshold of perception, possibility of intrusion.
0.0787	Vibrations readily perceptible.
0.0984	Level at which continuous vibrations begin to annoy people.
0.1968	Vibrations annoying to people in buildings.
0.3937–0.5905	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges.

Source: Caltrans 1992.

Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where the motion may be discernable. However, without the effects associated with the shaking of a building, there is less adverse reaction. Building vibration may be perceived by the occupants as motion of building surfaces, rattling of items on shelves or hanging on walls, or as a low-frequency rumbling noise. Building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during construction or mining. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by up to 10 decibels. This is an order of magnitude below the damage threshold for normal buildings.

Typical sources of groundborne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earthmoving equipment), steel-wheeled trains, and occasional traffic on rough roads. Problems with groundborne vibration and noise from these sources are usually localized to within about 100 feet of the vibration source, although there are examples of groundborne vibration causing interference out to distances greater than 200 feet, as described in the FTA Transit Noise and Vibration Impact Assessment (FTA, May 2006). When roadways are smooth, vibration from traffic, even heavy trucks, is rarely perceptible.

Factors that influence groundborne vibration and noise include the following:

- *Vibration Source:* Vehicle suspension, wheel types and condition, track/roadway surface, track support system, speed, transit structure, and depth of vibration source.
- *Vibration Path:* Soil type, rock layers, soil layering, depth to water table, and frost depth.
- *Vibration Receiver:* Foundation type, building construction, and acoustical absorption.

Among the factors listed above, there are significant differences in the vibration characteristics when the source is underground versus at ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface and can result in groundborne vibration problems at a great distance from the track. Factors such as layering of the soil and depth to water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils.

4.12.1.2 Sensitive Land Uses in the Project Vicinity

Certain land uses are considered more sensitive to noise than others. Examples include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project vicinity and Specific Plan area are characterized by a mix of developed and undeveloped properties. Developed properties in the vicinity include an industrial/warehouse building in Moreno Valley to the northwest (Skechers) and several residential neighborhoods along Redlands Boulevard along the western boundary of the project site. An area of the City known as “Old Moreno” is situated near the southwest portion of the project site, around the intersection of Redlands and Alessandro Boulevards. The homes along Merwin Street, east of Redlands Boulevard, constitute the closest sensitive receptors to the project site (i.e., they are adjacent to the property).

4.12.1.3 Existing Noise Measurements

Existing noise levels in the vicinity of the proposed project are used establish baseline noise levels in key areas. Noise measurements within the project site and in the surrounding area were taken. The noise measurement locations were selected to provide coverage of the project’s potential noise impact area. The noise measurement locations are shown Figure 4.12.2.

Noise measurements were taken at sixteen sites in the project vicinity during the daytime hours (between 7 a.m. and 10 p.m.) and during nighttime hours (between 10 p.m. and 7 a.m.). For each measurement site and time period, noise levels were measured for 15 minutes and calibrated to ensure that the measured sound level readings were accurate. The measurements were used to calculate existing L_{eq} , L_{min} , L_{max} , $L_{1.7}$, $L_{8.3}$, L_{25} and L_{50} values for the measurement locations. Table 4.12.B shows the results for the daytime measurements, and Table 4.12.C shows the nighttime measurements.

Table 4.12.B: Existing Daytime Noise Measurements (dBA)

Site	Date	Start Time	L_{eq}	L_{max}	$L_{1.7}$	$L_{8.3}$	L_{25}	L_{50}	L_{min}
1	1-25-12	9:38 a.m.	55.4	72.0	63.0	56.5	54.0	53.0	48.7
2	1-25-12	10:15 a.m.	53.6	68.8	61.0	57.0	53.5	50.5	44.0
3	1-25-12	10:42 a.m.	66.3	73.7	73.0	71.5	68.0	61.5	43.5
4	1-25-12	11:04 a.m.	40.8	50.3	46.0	43.5	41.0	39.5	35.9
5	1-25-12	11:27 a.m.	40.4	56.9	48.0	44.5	39.5	36.0	31.4
6	1-25-12	11:48 a.m.	46.1	68.3	51.5	41.0	37.5	34.0	30.0
7	1-25-12	12:08 p.m.	57.7	75.3	66.5	63.0	55.5	47.5	34.8
8	1-25-12	12:30 p.m.	65.1	85.5	73.5	70.0	63.0	56.5	39.0
9	1-25-12	12:50 p.m.	42.9	55.8	53.0	46.0	41.5	37.5	33.5
10	1-25-12	1:48 p.m.	49.2	68.0	56.0	48.0	46.5	45.0	40.5
11	1-25-12	2:10 p.m.	60.4	73.0	66.5	64.5	61.0	58.0	47.2
12	1-25-12	2:32 p.m.	51.2	58.4	55.5	53.5	51.5	50.5	44.7
13	1-25-12	2:52 p.m.	45.8	59.8	52.0	48.0	45.5	44.0	39.9
14	1-25-12	3:15 p.m.	65.5	73.3	70.0	68.5	66.5	64.5	54.4
15	1-25-12	3:39 p.m.	52.6	72.1	59.5	55.5	51.5	49.5	42.9
16	1-25-12	4:08 p.m.	58.7	75.2	67.0	59.0	57.0	55.0	50.5

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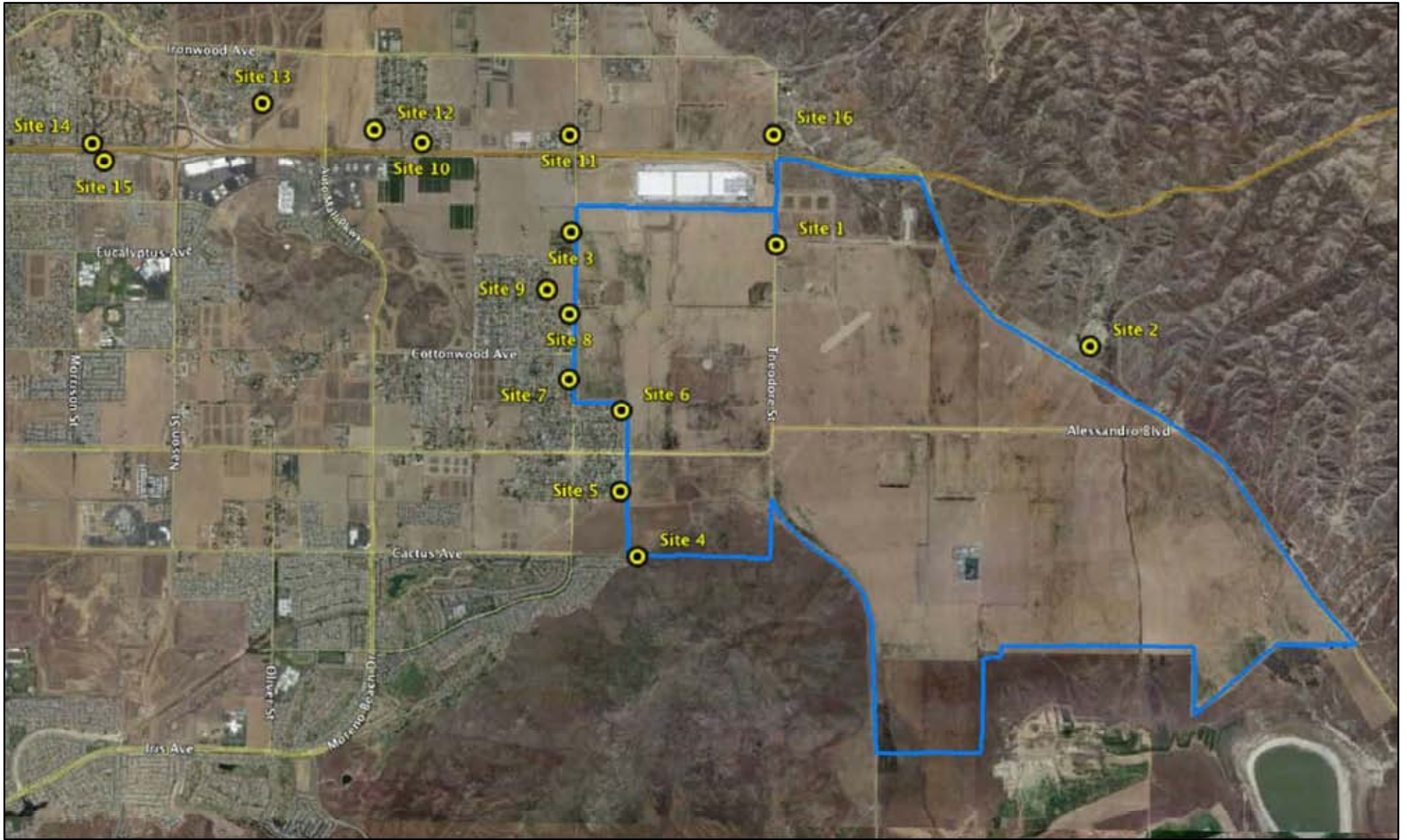
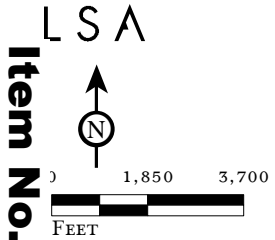


FIGURE 4.12.2



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SOURCE: Mestre Greve Associates, 2013
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Noise Measurement Locations

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Table 4.12.C: Existing Nighttime Noise Measurements (dBA)

Site	Date	Start Time	L _{eq}	L _{max}	L _{1.7}	L _{8.3}	L ₂₅	L ₅₀	L _{min}
1	2-8-12	11:51 p.m.	50.6	64.5	59.0	54.5	50.5	45.5	36.0
2	2-6-12	10:30 p.m.	47.4	65.1	52.5	50.0	48.0	45.5	37.5
3	2-6-12	10:55 p.m.	61.8	75.9	71.0	67.5	58.0	54.0	45.9
4	2-6-12	11:33 p.m.	35.8	51.1	44.0	39.0	34.5	32.0	30.0
5	2-9-12	12:15 a.m.	36.4	46.6	42.5	39.5	36.0	35.0	31.5
6	2-7-12	12:15 a.m.	43.2	51.0	49.5	46.5	44.0	41.5	35.3
7	2-7-12	12:35 a.m.	51.5	66.9	64.0	54.0	41.5	37.5	32.6
8	2-7-12	12:55 a.m.	56.0	74.1	68.0	57.0	42.5	38.5	33.6
9	2-9-12	12:35 a.m.	41.5	57.1	50.5	44.5	38.0	36.0	30.4
10	2-9-12	1:01 a.m.	46.7	63.8	50.5	48.5	46.5	45.0	38.1
11	2-9-12	1:25 a.m.	59.6	68.3	67.5	64.5	60.5	54.0	46.3
12	2-9-12	1:48 a.m.	51.8	63.9	58.0	55.0	52.0	50.0	39.2
13	2-9-12	2:09 a.m.	48.0	59.7	55.5	52.0	47.5	45.0	38.6
14	2-9-12	2:33 a.m.	60.8	72.3	68.0	65.5	61.0	57.5	44.9
15	2-9-12	2:56 a.m.	48.2	59.9	54.5	52.5	49.0	45.0	35.4
16	2-9-12	3:20 a.m.	54.3	62.7	60.0	58.5	55.5	52.0	38.8

4.12.1.4 Existing Traffic Noise Environment

The primary existing noise sources in the project area are transportation facilities. Traffic on SR-60, Redlands Boulevard, Theodore Street, Gilman Springs Road, and other local streets is the dominant source contributing to the ambient noise levels in the project vicinity. Noise from motor vehicles is generated by engine vibrations, the interaction between the tires and the road, and the exhaust system. Table 4.12.D identifies the existing (2012) traffic noise levels adjacent to roadway segments in the project vicinity.

Table 4.12.D: Existing Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet
Alessandro Boulevard (Lasselle Street and Morrison Street)	55.5
Alessandro Boulevard (Morrison Street to Nason Street)	56.8
Alessandro Boulevard (Nason Street to Oliver Street)	64.4
Cactus Avenue (Nason Street to Oliver Street)	64.3
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.2
Cactus Avenue (Redlands Boulevard to Street D)	50.2
Cactus Avenue (west of Redlands Boulevard)	57.5
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	41.8
Canyon Crest Drive (Central Avenue to Country Club Drive)	67.0
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	57.5
Crescent Avenue (west of Alessandro Road)	57.1
Day Street (Cottonwood Avenue to Alessandro Boulevard)	57.7
Elsworth Street (Cottonwood Avenue to Alessandro Boulevard)	62.9
Evans Road (Marbella Gate to Ramona Expressway)	56.9
Gilman Springs Road (Bridge Street to Beaumont Avenue)	61.0

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Table 4.12.D: Existing Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	61.0
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.1
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	62.7
Gilman Springs Road (south of Street C)	56.1
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	60.7
Heacock Street (Alessandro Boulevard to Cactus Avenue)	59.7
Heacock Street (Cactus Avenue to John F Kennedy Drive)	62.6
Indian Street (Alessandro Boulevard to Cactus Avenue)	59.9
Indian Street (Cactus Avenue to John F Kennedy Drive)	59.3
Iris Avenue (Kitching Street to Lasselle Street)	60.31
Iris Avenue (Lasselle Street to Nason Street)	57.0
Iris Avenue (Nason Street to Oliver Street)	60.0
Iris Avenue (Perris Boulevard to Kitching Street)	60.8
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	55.6
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	46.3
John F Kennedy Drive (south of Cactus Avenue)	61.5
Kitching Street (Alessandro Boulevard to Cactus Avenue)	58.2
Kitching Street (Cactus Avenue to John F Kennedy Drive)	59.1
Kitching Street (Iris Avenue to Ivory Avenue)	61.1
Kitching Street (Krameria Avenue to Lurin Avenue)	62.4
Krameria Avenue (Perris Boulevard to Lasselle Street)	57.5
Lasselle Street (Cahuilla Drive to Krameria Avenue)	60.5
Lasselle Street (Cottonwood Avenue to Alessandro Boulevard)	64.4
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	56.4
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	56.5
Lochmoor Drive (Central Avenue to Fair Isle Drive)	52.1
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	55.7
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2
Mission Grove Parkway (Alessandro Boulevard to Northrop Drive)	58.1
Mission Grove Parkway (Cannon Road to Alessandro Boulevard)	62.5
Moreno Beach Drive (John F Kennedy Drive to Cactus Avenue)	57.6
Moreno Beach Drive (John F Kennedy Drive to Oliver Street)	55.2
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	55.3
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	61.4
Orange Avenue (Evans Road to Foothill Drive)	55.3
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	61.0
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	61.9
Perris Boulevard (Cactus Avenue to John F Kennedy Drive)	62.0
Perris Boulevard (Iris Avenue to Krameria Avenue)	60.8
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	67.2
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	60.7
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	59.6

Table 4.12.D: Existing Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet
Perris Boulevard (Sunnymead Boulevard to Fir Avenue)	69.0
Ramona Expressway (Evans Road to Rider Street)	59.2
Reche Canyon Road (Keissel Road to Reche Vista Drove)	62.7
Reche Vista Drive (Heacock Street to Reche Canyon Road)	66.7
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	67.8
Redlands Boulevard (Ironwood Avenue to SR-60)	68.3
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	58.8
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	62.0
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	62.7
Street A (Eucalyptus Avenue to Street F)	47.0
Sunset Drive (Alessandro Road to Cameo Drive)	52.5
Sunset Drive (Crown Street to Alessandro Road)	49.0
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	62.8
Theodore Street (SR-60 to Highland Boulevard)	53.6
Freeways	
SR-60 (Heacock Street to Perris Boulevard)	65.2
SR-60 (Moreno Beach Drive to Redlands Boulevard)	62.5
SR-60 (Perris Boulevard to Nason Street)	64.6
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	66.5
SR-60 (Redlands Boulevard to Theodore Street)	60.2

Source: Mestre Greve Associates, November 2012.

4.12.1.5 Existing SDG&E and SCGC Facilities

The proposed World Logistics Center Specific Plan area is currently occupied by one San Diego Gas and Electric Company (SDG&E) compressor station and two Southern California Gas Company (SCGC) facilities. These facilities are located within the boundaries of the Specific Plan as shown in previously referenced Figure 4.12.2. The SDG&E compressor station recompresses natural gas received from interstate gas pipelines and delivers the gas to Southern California via transmission pipelines. The two SCGC facilities contain flow valve and metering equipment facilities. The southern SCGC facility contains a maintenance functions as well. All of these facilities contain gas pipeline blow-down equipment. This equipment includes exhaust stacks that vent the high pressure gas into the atmosphere occur during emergencies, scheduled maintenance, and annual testing of the blow-down systems.

The SDG&E and SCGC facilities produce noise from three different sources that could affect future development within the proposed project: 1) the operation of the compressor station; 2) blow-down events at the compressor station; and 3) blow-down events at the SCGC facilities. The blow-down events generate infrequent high noise levels for relatively short periods. The compressor station generates a relatively constant noise level, although noise levels vary slightly when the compressors are turned on and off when the gas is conveyed to the transmission pipelines.

The SDG&E compressors are the primary source of operational noise generated by the compressor station. The facility contains two sets of three reciprocating natural gas combustion engines and one set of four natural gas-fired turbines, for a total of ten compressors with power ranging from 995 to 3,400 horsepower. The compressors are located within noise attenuation structures and are equipped

with intake and exhaust silencers. The facility routinely operates at maximum capacity 24 hours per day. It is anticipated that demand on the compressor station will increase in the future to the point where the facility operates 24 hours a day, year round.

The CNEL levels for the SDG&E compressor station presented in Figure 4.12.3 are based on a worst-case assumption that the compressor station is in full operation 24 hours a day. Figure 4.12.4 presents the average (L_{eq}) noise levels generated by the compressor station during full operation. Both the CNEL and L_{eq} metrics are used to assess the noise impacts from the facility.

There are several blow-down points within the SDG&E compressor station. As stated previously, these blow-down points allow for the release of pressurized gas during emergencies, scheduled maintenance, and annual testing. Blow-down events at the compressor station vent gas and last between 30 and 90 seconds. The maximum sound levels (L_{max} dBA) generated by the blow-down events is presented in Figure 4.12.5.

There are blow-down points in the SCGC facilities. Blow-down events at the SCGC facilities vent gas from miles of pipeline and are much longer than those at the compressor station, and can last up to 90 minutes. Approximately four blow-down events occur annually at the SCGC facilities. L_{max} noise levels (dBA) are shown in in Figure 4.12.6. The noise level will be at or near the L_{max} level during the entire blow-down event. It should also be noted that blow-down events generate ground vibrations and natural gas odors in the vicinity in the surrounding area when events occur. Again, it must be noted that these blow-down events are part of the existing conditions of the project site, and any impacts caused by development of new warehousing near these facilities, and any mitigation necessary, are not the responsibility of SCGC or SDG&E.

4.12.2 Existing Policies and Regulations

The applicable noise standards governing the project site are the criteria in the City of Moreno Valley General Plan Safety Element (Environmental Safety, Noise) and Municipal Code (Noise Ordinance). The City's Safety Element of the General Plan does not contain specific noise standards or significance thresholds. However, the General Plan does cite applicable State standards including the California Administrative Code, Section 1092 of Title 25, Chapter 1, Subchapter 1, Article 4 and Section 5014 of Title 21, Subchapter 6, Article 2. In addition, other applicable standards identified in the *California Noise Insulation Standards*¹ and the *State of California Vehicular Code*² are included below. The following sections list the General Plan policies, Municipal Code, and State standards relevant to noise for the proposed project.

4.12.2.1 City of Moreno Valley General Plan Policies

Chapter 9 of the *City of Moreno Valley General Plan*³ defines goals, objectives, policies, and action items related to noise conditions in the City. The specific policies related to noise that are relevant to the proposed project are as follows:

Objective 6.3 Provide noise compatible land use relationships by establishing noise standards utilized for design and siting purposes.

Policy 6.3.5 Enforce the California Administrative Code, Title 24 noise insulation standards for new multi-family housing developments, motels and hotels.

Policy 6.3.6 Building shall be limited in areas of sensitive receptors.

¹ California Code of Regulations, Title 24, Part 2, §3501, *California Noise Insulation Standards*.

² Governor's Office of Planning and Research, *State of California General Plan Guidelines*, October 2003, pages 249 and 250.

³ *City of Moreno Valley General Plan*, City of Moreno Valley, July 2006.

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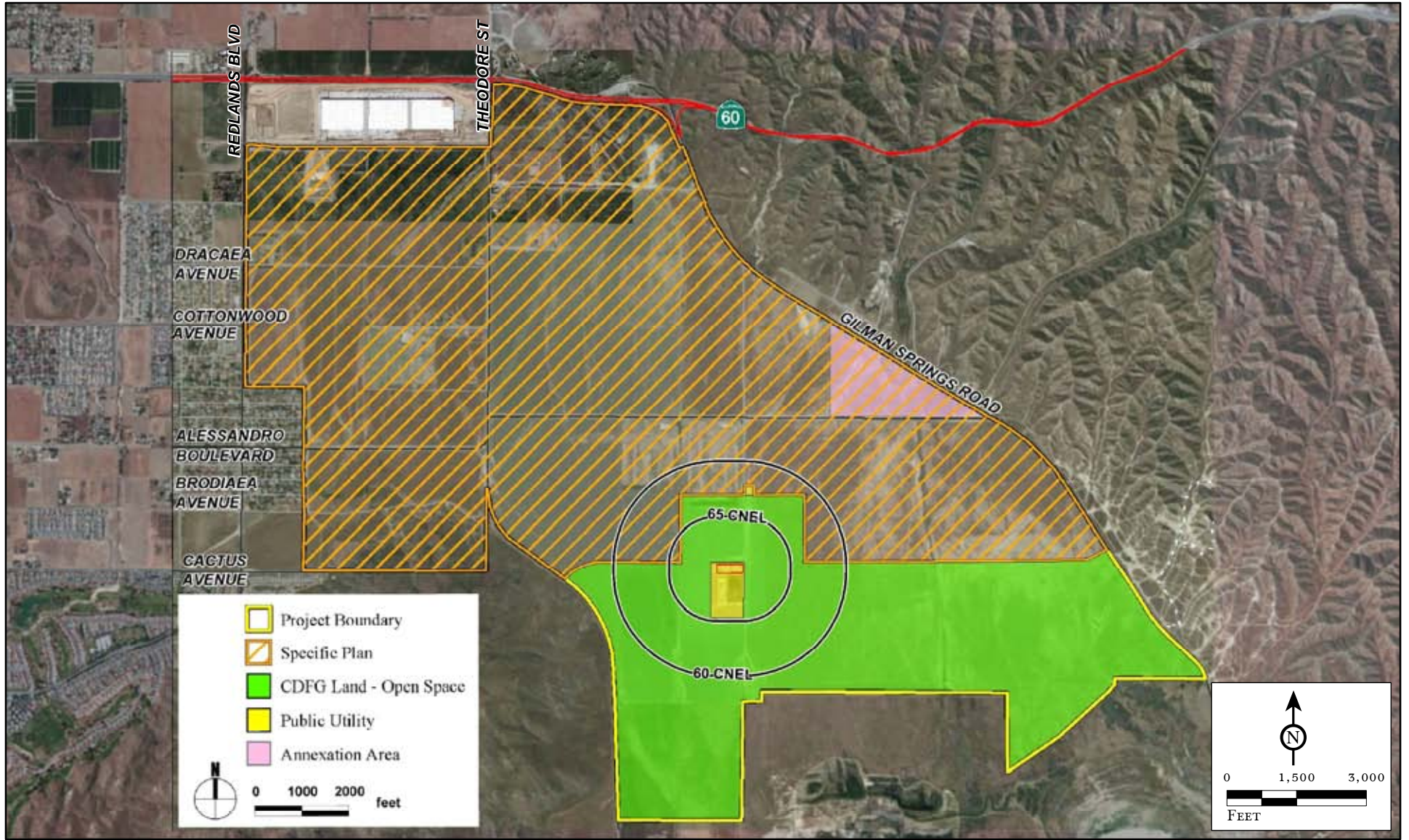


FIGURE 4.12.3

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Existing CNEL Noise Contours for the SDG & E Compressor Station

SOURCE: Mestre Greve Associates, 2013.

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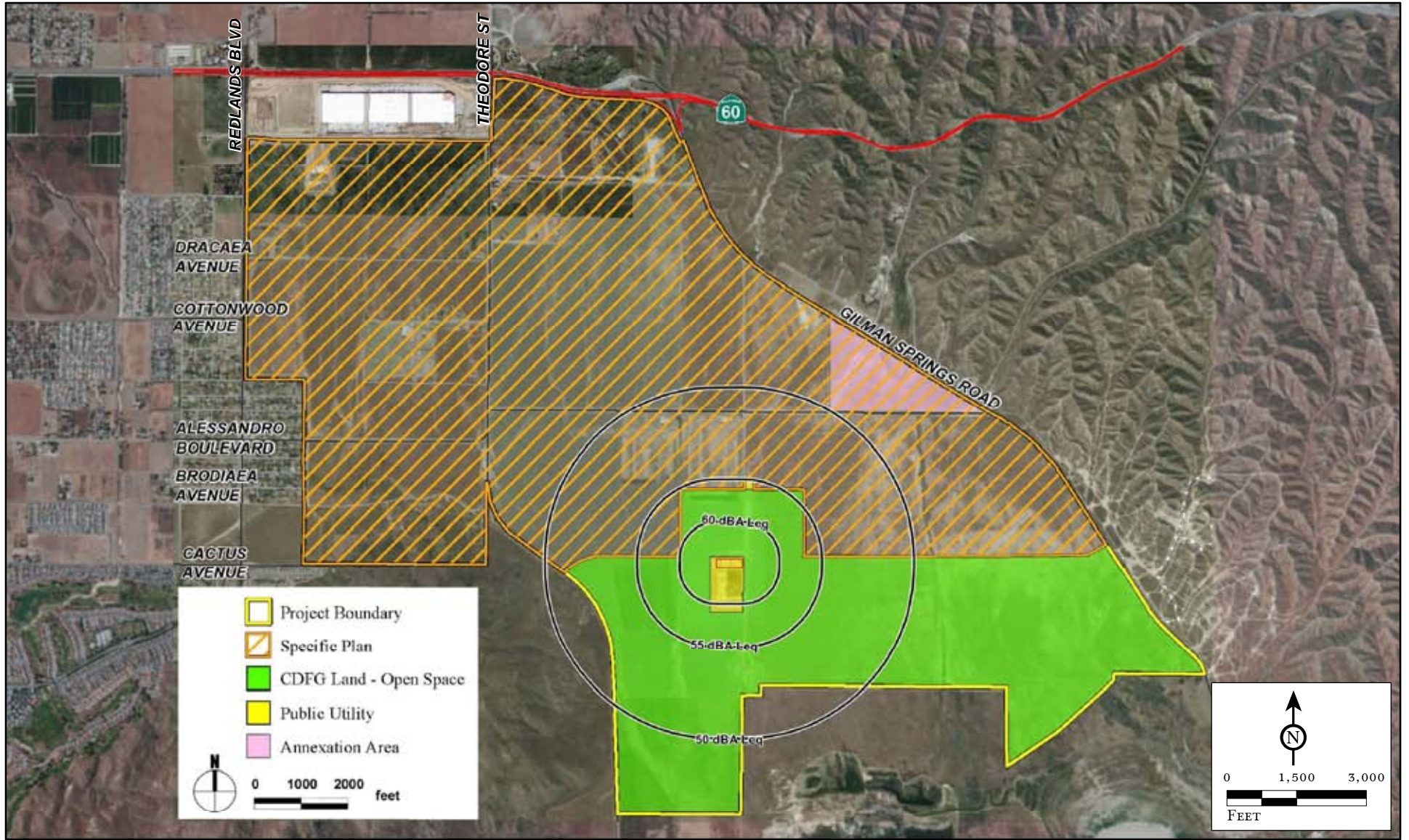


FIGURE 4.12.4

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Existing Leq Noise Levels for the SDG & E Compressor Station

SOURCE: Mestre Greve Associates, 2013.

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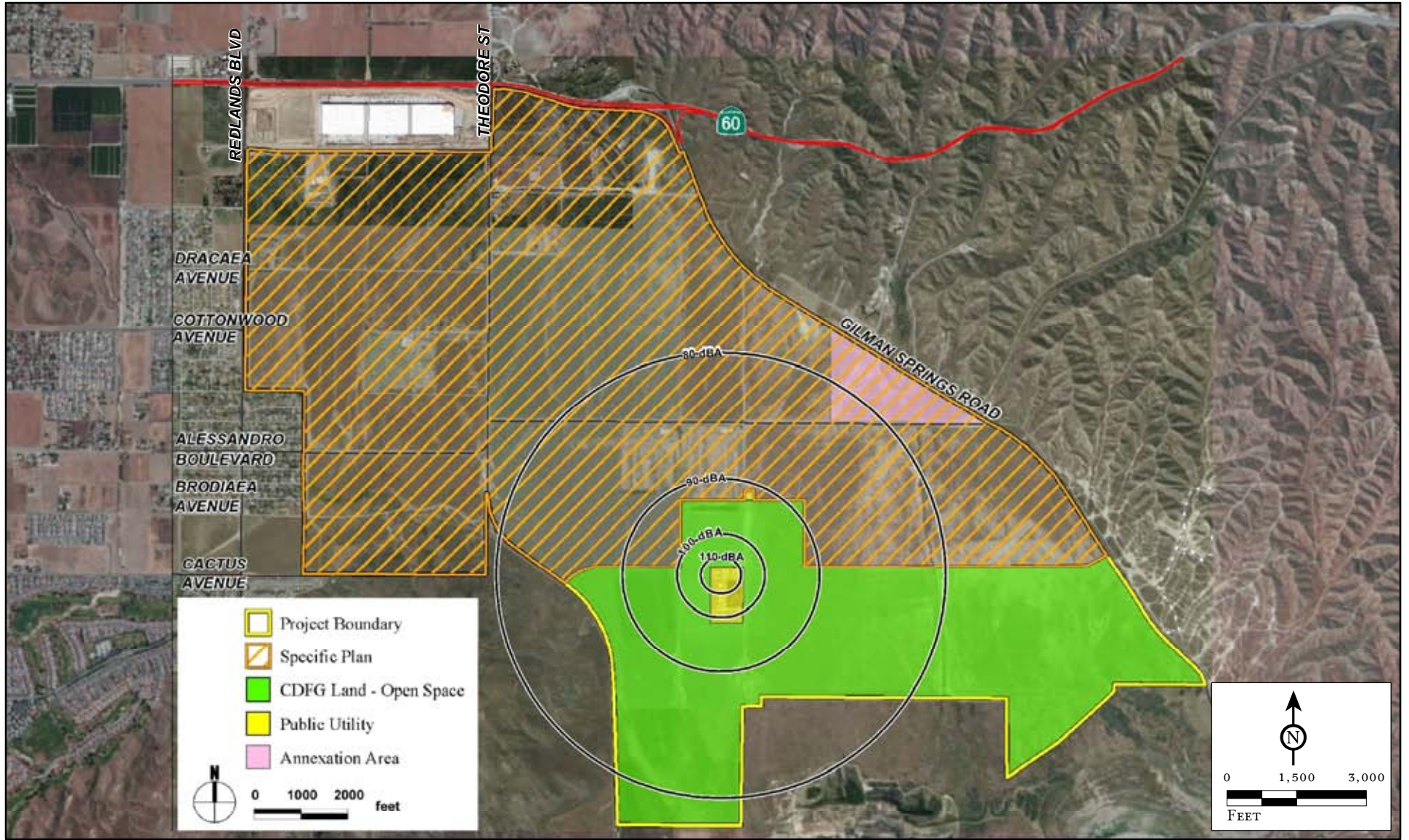


FIGURE 4.12.5

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Existing Lmax Levels for SDG&E Blow-Down

SOURCE: Mestre Greve Associates, 2013.

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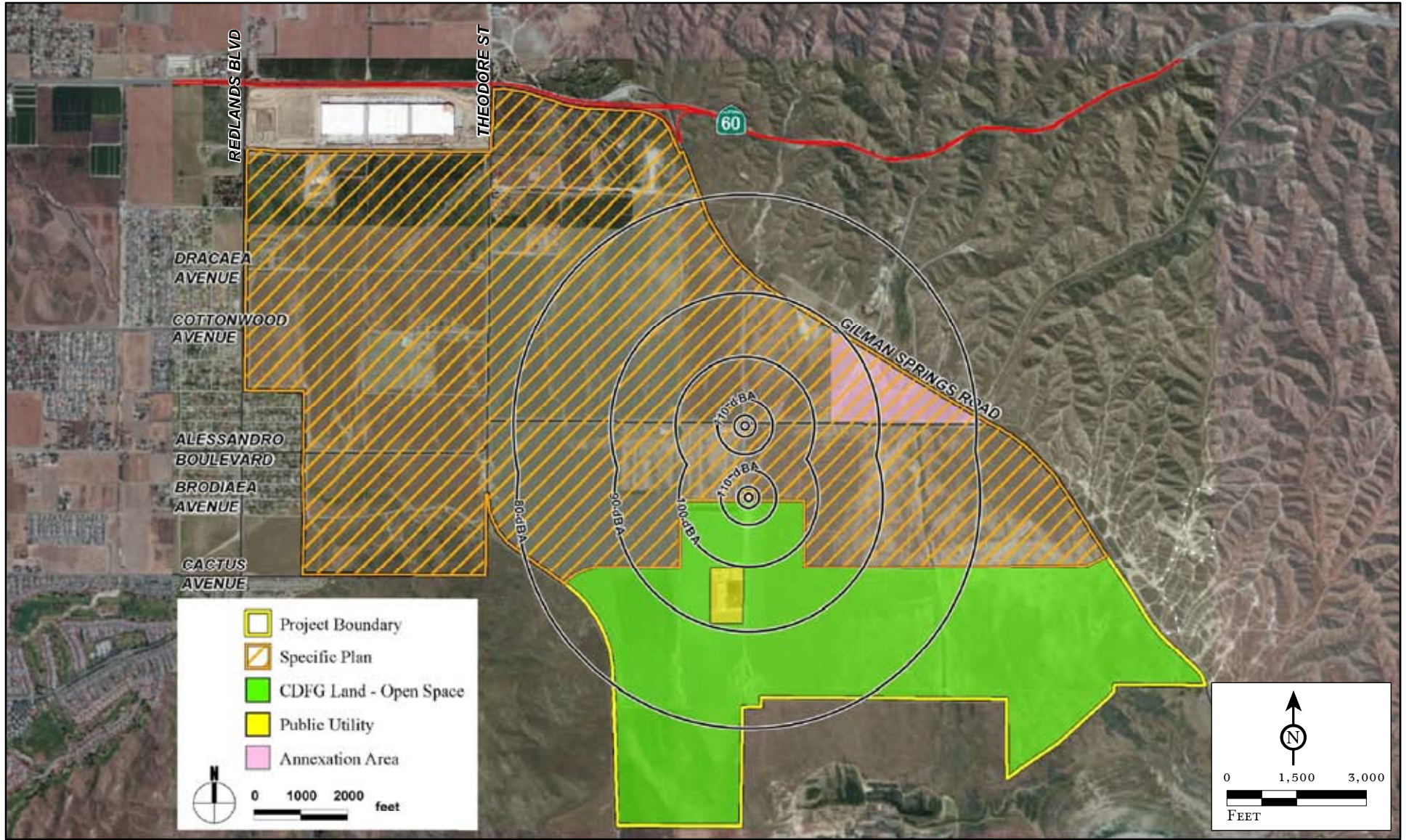


FIGURE 4.12.6

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Existing Lmax Noise Levels for the SCE Blow Down Event

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- Objective 6.4** Review noise issues during the planning process and require noise attenuation measures to minimize acoustic impacts to existing and future surrounding land uses.
- Policy 6.4.1** Site, landscape and architectural design features shall be encouraged to mitigate noise impacts for new developments, with a preference for noise barriers that avoid freeway sound barrier walls.
- Objective 6.5** Minimize noise impacts from significant noise generators such as, but not limited to, motor vehicles, trains, aircraft, commercial, industrial, construction, and other activities.
- Policy 6.5.1** New commercial and industrial activities (including the placement of mechanical equipment) shall be evaluated and designed to mitigate noise impacts on adjacent uses.
- Policy 6.5.2** Construction activities shall be operated in a manner that limits noise impacts on surrounding uses.

4.12.2.2 City of Moreno Valley Municipal Code

The *Moreno Valley Municipal Code*¹ establishes a Noise Ordinance that describes the noise standards within the City. Chapter 11.80.030 (Title 11) lists specific prohibited acts.

The City's residential site development standards, as identified in Chapter 9.03.040 of the City's Planning and Zoning Code, state that in all residential districts, air conditioners, heating, cooling, and ventilating equipment and all other mechanical lighting or electrical devices shall be operated so that noise levels do not exceed 60 dBA (L_{dn}) at the property line.

The City's Municipal Code, Section 6.04.030.J states that "to create, allow or maintain any loud or unusual noise or operate or maintain any device, instrument, vehicle, or machinery in such a manner as to create loud or unusual noise, cause vibrations, or unreasonable light spillage or glare which causes discomfort or annoyance to reasonable persons of normal sensitivity, or which endangers the comfort, repose, health or peace of the public or of any person using or occupying other property in the vicinity" is prohibited.

The City's Municipal Code, Section 9.10.140, specifies that all commercial and industrial uses shall be operated so that noise created by any loudspeaker, bells, gongs, buzzers, or other noise attenuation or attracting devices shall not exceed 55 dBA at any one time beyond the boundaries of the property.

Chapter 11.80.030 of the City's Municipal Code also states:

Based on statistics from the Center for Disease Control and Prevention and the National Institute for Occupational Safety and Health, Table 1 and Table 1-A specify sound level limits which, if exceeded, will have a high probability of producing permanent hearing loss in anyone in the area where the sound levels are being exceeded. No sound shall be permitted within the City which exceeds the parameters set forth in Table 11.80.030-1 [Table 4.12.E] and 11.80.030-1-A [Table 4.12.F] of this chapter.

No person shall maintain, create, operate or cause to be operated on private property any source of sound in such a manner as to create any nonimpulsive sound which exceeds the limits set forth for the source land use category (as defined in Section 11.80.020) in Table 11.80.030-2 [Table 4.12.F] when measured at a distance of two hundred (200) feet or more from the real property line of the source of the sound, if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right-of-way, public space or other publicly owned property. Any source of sound in violation of this subsection shall be deemed prima facie to be a noise disturbance.

¹ *Moreno Valley Municipal Code*, City of Moreno Valley, current through Ordinance 836 and the November 2012 code supplement.

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The following uses and activities shall be exempt from the sound level regulations except the maximum sound levels provided in Tables 11.80.030-1 [Table 4.12.E] and 11.80.030-1A [Table 4.12.F]:

1. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency.
2. Sounds resulting from emergency work as defined in Section 11.80.020.
3. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders or air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
4. All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
5. Sounds from the operation of motor vehicles, to the extent they are regulated by the California Vehicle Code.
6. Any constitutionally protected noncommercial speech or expression conducted within or upon any public right-of-way, public space or other publicly owned property constituting an open or a designated public forum in compliance with any applicable reasonable time, place and manner restriction on such speech or expression or otherwise pursuant to legal authority.
7. Sounds produced at otherwise lawful and permitted city-sponsored events, organized sporting events, school assemblies, school playground activities, by permitted fireworks, and by permitted parades on public right-of-way, public space, or other publicly owned property.
8. An event for which a temporary use permit or special event permit has been issued under other provisions of this code, where the provision of Section 11.80.010 are met, the permit granted expressly grants an exemption from specific standards contained in this chapter, and the permittee and all persons under the permittee's reasonable control actually comply with all conditions of such permit. Violation of any condition of such permit related to sound or sound equipment shall be in violation of this chapter and punishable as such.

Table 4.12.E and Table 4.12.F show the maximum sound levels that are permitted in the City for continuous and impulsive sounds, respectively.

Table 4.12.E: Maximum Continuous Sound Levels*

Duration Per Day Continuous Hours	Sound Level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25	115

* When the daily sound exposure is composed of two or more periods of sound exposure at different levels, the combined effect of all such periods shall constitute a violation of this section if the sum of the percentage of allowed period of sound exposure at each level exceeds 100 percent.

Source: Chapter 11.80.030 Table 11.80.030-1, City of Moreno Valley Municipal Code, City of Moreno Valley.

Table 4.12.F: Maximum Impulsive Sound Levels

Number of Repetitions Per 24-Hour Period	Sound Level (dBA)
1	145
10	135
100	125

Source: Chapter 11.80.030 Table 11.80.030-1A, City of Moreno Valley Municipal Code, City of Moreno Valley.

The City also restricts the sound levels for non-impulsive sound on lands designated for residential and commercial land uses during the daytime and nighttime time periods. These levels are shown in Table 4.12.G. Section 11.80.050 (3) clearly identifies the measurement as an “average” noise level, and therefore, the noise limits shown in Table 4.12.G are interpreted as the L_{eq} noise level.

Table 4.12.G: Maximum Sound Levels (in dBA) for Source Land Uses

Residential		Commercial	
Daytime	Nighttime	Daytime	Nighttime
60	55	65	60

Source: Chapter 11.80.030 Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley.

The City prohibits all construction and demolition activities between the hours of 8:00 p.m. and 7:00 a.m. the day following a noise disturbance. A noise disturbance is defined as any sound which that disturbs a reasonable person of normal sensitivities, exceeds the sound level limits set forth in the Noise Ordinance, or is plainly audible. A noise disturbance is defined as plainly audible measured at a distance of 200 feet from the real property line of the source of the sound if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right-of-way, public space or other publicly owned property.

4.12.2.3 State of California Vehicle Code

Recent studies have shown that the most objectionable feature of traffic noise is the sound produced by vehicles equipped with illegal or faulty exhaust systems. In addition, such vehicles are often operated in a manner that causes tire squeal and excessively loud exhaust noise. A number of California State vehicle noise regulations can be enforced by local authorities as well as the California Highway Patrol. These include § 27150 (mufflers) of the California Vehicle Code (CVC), as well as excessive speed laws, which may be applied to curtail traffic noise. The California Highway Patrol and the Department of Health Services (through local health departments) are available to aid local authorities in code enforcement and training pursuant to proper vehicle sound level measurements.

4.12.2.4 State of California Noise Compatibility Guidelines

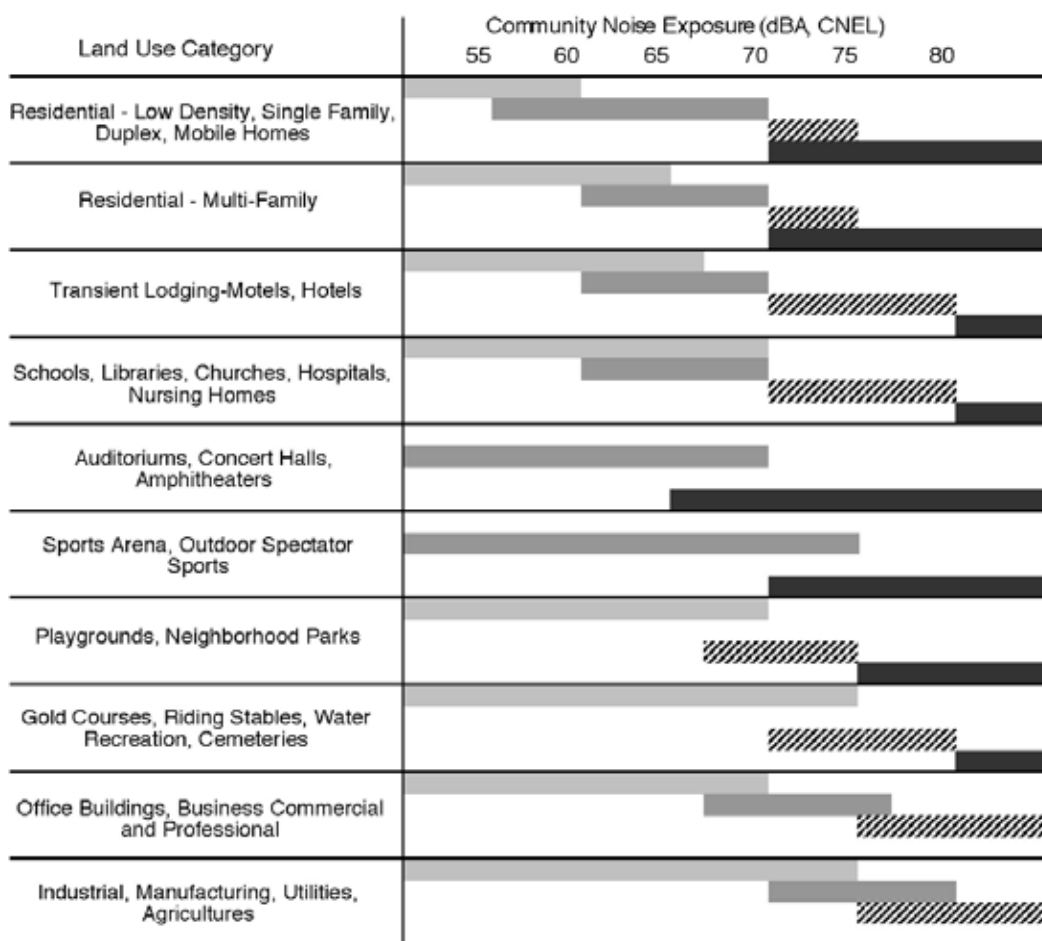
The State of California Noise Compatibility Guidelines, published by the Department of Health, Services provides guidance for use when siting land uses. The compatibility guidelines are shown in Figure 4.12.7. The guidelines will be used to evaluate the compatibility of the proposed land uses with the noise environment. The guidelines show compatibility of various land uses with different noise environments. The guidelines show that industrial uses are normally acceptable in noise environments up to 75 CNEL.





4.12.3 Methodology

Evaluation of noise impacts associated with the proposed project includes the following:

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Land Use/Noise Compatibility Guidelines



-  **Normally Acceptable** Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements
-  **Conditionally Acceptable** - New construction or development shall be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply system of air conditioning, will normally suffice.
-  **Normally Unacceptable** New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design
-  **Clearly Unacceptable** New construction or development should generally not be undertaken

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FIGURE 4.12.7

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California Noise Compatibility Guidelines

SOURCE: Mestre Greve Associates, 2012

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- Determination of the short-term construction noise impacts on off-site noise-sensitive uses;
- Determination of the long-term noise impacts, including vehicular traffic and stationary noise sources, on on-site and off-site noise-sensitive uses; and
- Determination of the required mitigation measures to reduce long-term noise impacts from all sources.

Because of the location of noise-sensitive receptors, the noise analysis evaluates the noise effects of the industrial development on the existing residential development (sensitive receptors) near the southwest portion of the proposed project area.

There are no Federal Highway Administration (FHWA), State, or local standards for vibration. According to the FHWA, highway traffic and construction vibrations pose no threat to buildings and structures; and annoyance to people is not considered any worse than other discomforts experienced from living near highways. However, a substantial amount of research has been completed to compare vibrations from single events such as dynamite blasts with architectural and structural damage. The U.S. Bureau of Mines has set a safe limit of 0.5 inch per second peak particle velocity to avoid structure damage in residential structures (U.S. Bureau of Mines 1980). Below this level, there is virtually no risk of building damage.

4.12.4 Thresholds of Significance

A project would have a significant effect on the environment related to noise if it would substantially increase the ambient noise levels for adjoining areas or if it would conflict with adopted environmental plans and goals of the community in which it is located.

The applicable noise standards and guidelines governing the project are those specified previously in Sections 4.12.2.1 through 4.12.2.4. In summary, these criteria are contained within the Safety Element of the General Plan, the Municipal Code, the California Vehicle Code, and the State Noise Compatibility Guidelines.

For this project, a noise impact is considered significant if the project would result in:

- Exposure of persons to or generation of noise levels in excess of standards established in the *City of Moreno Valley General Plan*, *Moreno Valley Municipal Code*, or applicable standards of other agencies;
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- A substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels; and/or
- For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

The standards within the *City of Moreno Valley General Plan* and *Moreno Valley Municipal Code* determine the acceptable noise environment for proposed project and its vicinity. The standards are as follows:

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- To the extent feasible, ensure through the design review process that exterior noise levels at commercial and industrial areas do not exceed 75 dBA CNEL.
- Consider the following uses noise-sensitive and discourage them in areas where exterior noise levels exceed 65 dBA CNEL unless measures are implemented that reduce the noise exposure below this level: single-family and multiple-family residential uses, group homes, hospitals, schools and other learning institutions, and parks and open space areas where quiet is a basis for use.

Long-term impacts from the project's traffic noise that affect existing sensitive land uses are considered to be substantial and, therefore, constitute a significant noise impact if the project would:

- Increase noise levels by 5 dB or more where the no project noise level is less than 60 CNEL;
- Increase noise level by 3 dB or more where the no project noise level is 60 CNEL to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the no project noise level is greater than 65 CNEL.

The project's incremental contribution to a cumulative noise increase would be considered cumulatively considerable and significant when ambient noise levels affect noise-sensitive land uses and when the project increases noise levels by 1 dB or more over pre-project conditions and the predicted future cumulative with project noise levels cause the following cumulative increases:

- Increase noise levels by 5 dB or more where the existing noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the existing noise level is 60 to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the existing noise level is greater than 65 CNEL.

4.12.5 No Impact/Less than Significant Impacts

The following impacts were identified as having a less than significant impact or no impact on the environment with implementation of the proposed project.

4.12.5.1 Groundborne Vibration Impacts

Threshold	Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
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Roadways in the vicinity of the project area are either paved or would be paved as the area develops, and would not result in project traffic driving over rough or dirt roads. Well maintained roads typically do not result in substantial vibration levels. Even roads with irregularities typically only generate substantial levels of vibration very near, less than 50 feet from the irregularity. Construction activities that would occur within the WLCSP area are not anticipated to require blasting or pile driving. Roadway vibrations are typically not perceptible more than 50 feet from the roadway except in very unusual circumstances. Generally, the interface between the soft tire of a truck or automobile will not generate significant vibration unless the road is in poor shape (e.g., potholes or pavement joints) Therefore, impacts associated with this issue are anticipated to be less than significant, and no mitigation is required.

4.12.5.2 Airport Noise Impacts

Threshold	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, results in exposure of people residing or working in the project area to excessive noise levels. For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.
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The project area is located approximately 5.5 miles northeast of the March Airfield (MAF) and is not located within two miles of a private airstrip. The MAF is a joint-use airport, used for both military and civilian purposes. The March Air Reserve Base (MARB) is the military operator of the MAF and March Inland Port (MIP) is the civilian operator of the airport. This facility is anticipated to play an increasingly important role in the transportation of goods and cargo for the Southern California region. Existing flight patterns affect a large portion of the City of Moreno Valley, along a path that affects the western portion of the City in a northwest/southeast alignment. Aircraft operations from the airport currently contribute intermittent single-event noise.

There is potential for single-event noise exposure levels from MAF activity to affect the proposed project. The exposure levels will vary dependent upon the type of aircraft and flight track flown for each operation at MAF. However, the proposed project is not identified as being within the noise or safety contours delineated for the MARB Airport.¹ In addition, the proposed project is not considered to contain sensitive receivers and, therefore, the impacts from these single-event noise levels are considered to be below the level of significance. The City's exterior noise standard for industrial uses is 70 dBA CNEL. MAF noise levels are less than 60 dB CNEL within the project area. Therefore, the proposed project would not have the potential to expose people to excessive noise levels from airport operations. Therefore, no significant noise impacts would occur regarding these issues from implementation of the proposed project, and no mitigation is required.

4.12.6 Significant Impacts

4.12.6.1 Short-Term Construction Noise Impacts

Threshold	Would the project result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
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Short-term noise would occur during the construction of the WLCSP. First, construction crew commutes and the transport of construction equipment and materials to the site for the proposed WLC project would incrementally increase noise levels on access roads in the WLC planning area. In addition, noise would be generated during excavation, grading, and building construction on various portions of the Specific Plan site. Construction is completed in discrete steps, each of which has its own mix of equipment, and consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment, which includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at

¹ Figure 5.4-1 March Reserve Air Base Noise Impact Area, City of Moreno Valley General Plan EIR, July 2006.

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lower power settings. Implementation of the Specific Plan would result in construction activities that would require the use of scrapers, bulldozers, and water and pickup trucks within the WLCSP area.

Figure 4.12.8 presents construction noise levels measured at 50 feet. The peak noise level for the majority of the equipment that will be used during construction of the proposed project will range from 70 to 95 dBA. Based on the fact that noise levels dissipate with increases in distance from the noise source due to noise divergence, noise levels at greater distances are less than those presented in Figure 4.12.8. Noise measurements made by Mestre Greve Associates demonstrate that the noise levels generated by commonly used grading equipment (e.g., loaders, graders, and trucks) generate noise levels that typically do not exceed the middle of the range shown in Figure 4.12.8.¹ However, the noise levels shown in Figure 4.12.8 have been used as the basis for the noise analysis estimates presented in this EIR.

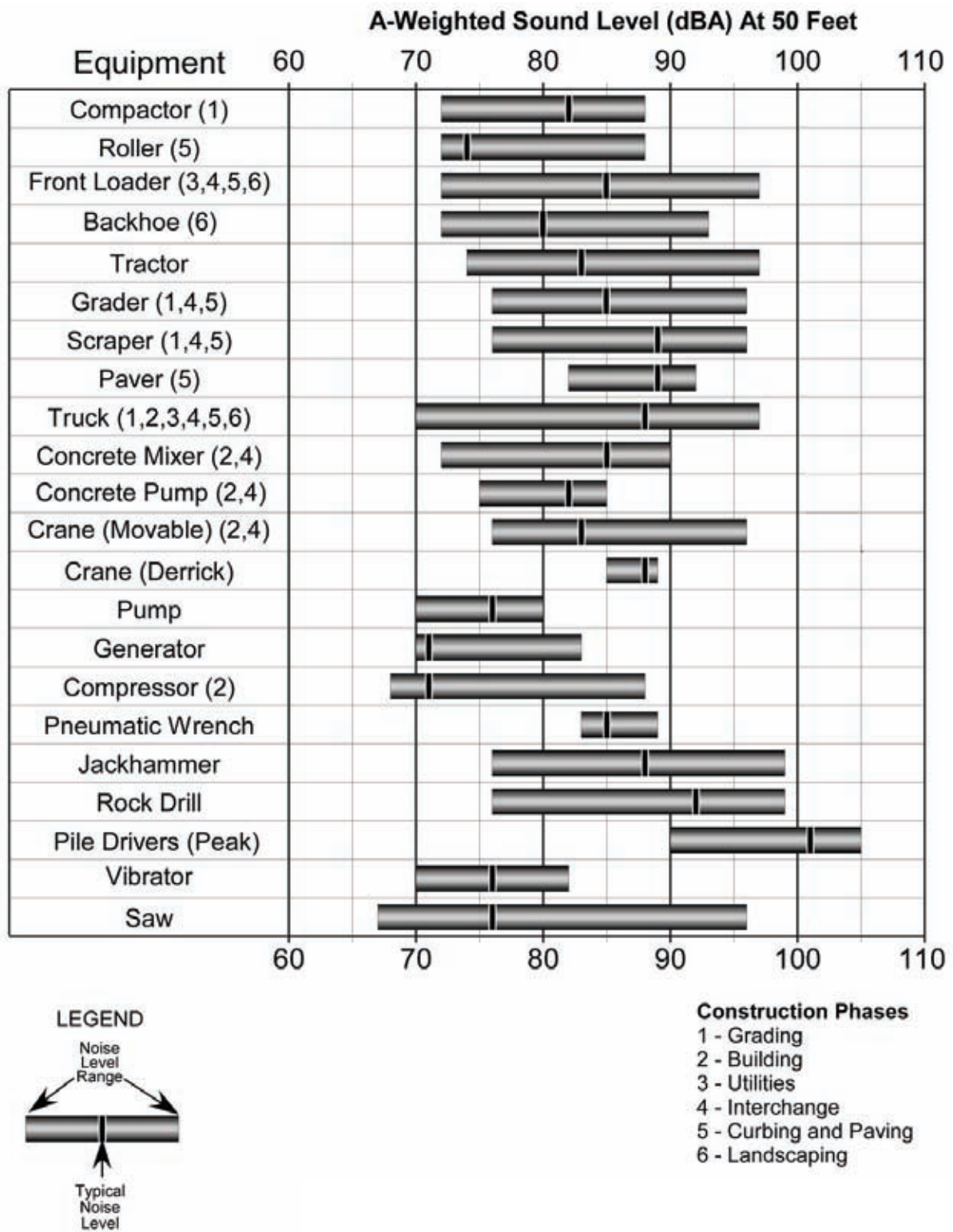
Construction activities that are associated with the proposed WLCSP project would occur in two general areas: on-site and off-site. Some phases of the on-site construction would occur for 24 hours a day for 7 days a week. It is anticipated that on-site construction would occur periodically over a nine-year period with a potential start year of 2013 and ending in 2021. Off-site construction (which would involve minor grading, drainage, interchange, utility, and roadway improvements) is anticipated to only during the daytime weekday hours and would have a shorter construction duration.

On-site Construction. Sensitive receptors that would be potentially affected by on-site construction activities would include residences located within and adjacent to the WLCSP area as well as residences located on the north side of SR-60. For residences on the opposite side of SR-60, existing daytime and nighttime freeway noise is anticipated to be greater than the noise generated by the construction activities that would occur within the WLCSP area. Although certain conditions at night, such as low inversions and very calm conditions, can increase the ability of construction noise to travel to the residences north of the freeway, these same conditions would also amplify the noise generated on the freeway. Since freeway noise would continue to be the dominant noise source in the area for these residences along SR-60, construction noise impacts on the residents north of the freeway will be less than significant and no mitigation is required.

Existing residences within the WLCSP area or adjacent to the Specific Plan area, such as those along Redlands Boulevard, Merwin Street, Bay Avenue, Cactus Avenue, and Gilman Springs Road, may be located within 50 feet or less from areas where intense construction (24 hours a day, 7 days a week) would occur. Although residential properties located within the WLCSP would be rezoned as Light Logistics, the existing residences are considered to be noise-sensitive uses that would be affected by intense construction activities. Similarly, residences located adjacent to the project site (i.e., along Redlands Boulevard, Merwin Street, Bay Avenue, Cactus Avenue, and Gilman Springs Road) would also be affected by intense construction activities. Based on a 50-foot noise attenuation distance, these residences may experience worst-case unmitigated peak construction noise levels (L_{max}) up to 97 dBA. The average noise levels are typically 5 to 15 dB lower than the peak noise levels. Average noise levels (L_{eq}) at 50 feet could easily be in the range of 82 to 92 dBA during most phases of construction.

The City of Moreno Valley Municipal Code does not include any exemptions for construction noise. Therefore, construction would be subject the limitations of 60 dBA during daytime and 55 dBA at nighttime measured at residential areas. According to Section 3.4.14, *Project Description*, WLC project construction may occur 24 hours a day, 7 days a week for certain activities. Significant noise impacts would be expected, especially if work with high noise levels occurs between 8:00 p.m. and 6:00 a.m.

¹ *Noise Assessment for the World Logistic Center Specific Plan*, page 27, Mestre Greve Associates, Division of Landrum & Brown, November 2012.



LSA

FIGURE 4.12.8

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Based on these projections, anticipated worst-case construction noise levels would regularly be exceeded during daytime and nighttime hours at residences within the Specific Plan area. Based on an L_{eq} noise level of 90 dBA at 50 feet, an observer would need to be 1,580 feet from the construction to experience a noise level of 60 dBA (L_{eq}), or 2,800 feet for a noise level of 55 dBA (L_{eq}). Therefore, a residence within 1,580 feet during active construction during the daytime would be affected. Similarly, a residence within 2,800 feet during the nighttime would be affected by construction noise.

As set forth in Section 3.4.14 and as stated by the project applicant, construction could occur 24 hours per day, 7 days per week for these construction activities. Therefore, noise levels at the nearest residences would exceed the City's exterior noise standard of the 60 dBA¹ CNEL daytime standard and 55 dBA CNEL nighttime standard for residential uses. This is a significant impact requiring mitigation.

Off-site Construction. Construction activities associated with off-site construction include road improvements along Cactus Avenue and Redlands Boulevard, water and utility improvements, construction of a detention basin, debris basins, and interchange improvements. Roadway and interchange improvements are planned along Cactus Avenue, Redlands Boulevard, State Route 60, and Gilman Springs Road. Often the loudest pieces of equipment associated with this type of construction are the graders/scrapper equipment. Peak noise levels at 50 feet can reach 96 dBA, with average noise levels (L_{eq}) in the 85 dBA range. Noise levels of 60 dBA (L_{eq}) could be exceeded for up to 900 feet from the construction area. Existing residences are located within 900 feet of the off-site construction areas and would be exposed to noise levels that would exceed of the Moreno Valley noise criteria for residential uses.

Other off-site construction improvements such as drainage, sewer, water, and utility features would also generate noise in close proximity to existing sensitive uses. However, these activities typically utilize less construction equipment, which results in lower noise levels. These construction activities may commonly employ a backhoe as the loudest piece of equipment. A backhoe may have a peak noise level that exceeds 90 dBA at 50 feet, but has an average noise level around 80 dBA (L_{eq}) at 50 feet. However, at this noise level one would need to be more than 500 feet away to experience a noise level (L_{eq}) of less than 60 dBA. This noise level would exceed the City's daytime criteria at the nearest existing residences and mitigation measures would be required.

Specific Plan Design Features. The WLCSP does not contain any design features that specifically address noise. Other features, such as perimeter setback requirements, will have the effect of reducing noise to certain residential areas.

Mitigation Measures. Construction of the proposed project would result in noise levels at the closest residences exceeding the maximum noise level allowed under the City's Municipal Code. The following measures² would reduce short-term construction-related noise impacts associated with the proposed WLC project:

4.12.6.1A Prior to issuance of any discretionary approvals for development in the WLCSP, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City of Moreno Valley for review and approval. The NRCP shall show the limits of nighttime construction in relation to any then occupied residential dwellings. Conditions shall be added to any discretionary projects requiring that the limits of nighttime grading be shown on the NRCP and all grading plans submitted to the City.

¹ Chapter 11.80.030 Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley.

² Measures 4.12.6.1B-F correspond to the noise study measures N-1 through N-5

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The limits of construction allowed at night shall be clearly staked on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

- 4.12.6.1B** During all project site grading, all construction equipment, fixed or mobile, shall be equipped with operating and maintained mufflers consistent with manufacturers' standards.
- 4.12.6.1C** All discretionary approvals for development in the WLCSP shall prohibit construction vehicles from using Redlands Boulevard south of Fir Avenue during on-site construction for all phases of the Specific Plan.
- 4.12.6.1D** All discretionary approvals for development in the WLCSP shall include conditions of approval stating that no nighttime grading shall occur within 2,800 feet of residences south of SR-60 (between 8 p.m. and 6 a.m. on weekends and 8 p.m. and 7 a.m. on weekends or holidays). These restrictions shall be included as part of the Noise Reduction Compliance Plan. As an alternative to this requirement, a temporary construction sound barrier may be used in lieu of the construction buffer, per Mitigation Measure 4.12.6.1E.
- 4.12.6.1E** As an alternative to Mitigation Measure 4.12.6.1D, a 12-foot tall temporary construction sound barrier may be installed for residences within 1,580 feet of active nighttime construction areas. The temporary sound barrier shall be constructed of plywood with a total thickness of 1 to 1.5 inches, or a sound blanket wall may be used. If sound blankets are used, the curtains must have a Sound Transmission Class (STC) rating of 27. This shall be included as part of the Noise Reduction Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation.
- 4.12.6.1F** As an alternative to Mitigation Measure 4.12.6.1D, actual noise measurements of construction areas may be taken by qualified personnel and recommend specific buffer distances between construction activities and existing residences based on actual noise levels. These measurements will be incorporated into the Noise Reduction Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation.
- 4.12.6.1G** Any discretionary approvals for development that proposes grading within 1,580 feet of occupied residential units shall require that all grading equipment be equipped with residential grade mufflers (or better).
- 4.12.6.1H** All material stockpiles in connection with any grading operations shall be located at least 1,200 feet from existing residences.
- 4.12.6.1I** All project-related off-site construction shall be limited to 6 a.m. and 8 p.m. on weekdays only. Construction during City holidays shall not be permitted.
- 4.12.6.1J** Prior to the issuance of grading permits for off-site construction activities in support of development in the WLCSP, the project developer shall provide evidence to the City that any off-site construction area adjacent to occupied residential units shall have a 12-foot temporary sound barrier installed for construction activities lasting more than one month.

Level of Significance after Mitigation. *On-site Construction.* Elimination of nighttime construction within 2,800 feet of residences would lower the noise levels to 55 dBA (L_{eq}) at the closest residences. The noise levels would just meet the 55 dBA (L_{eq}) nighttime criteria contained in the Moreno Valley Noise Ordinance resulting in a less than significant impact. With the implementation of **Mitigation Measures 4.12.6.1A** through **4.12.6.1J**, the loudest noise level that would be experienced at any

developed residential parcel would be less than the 55 dBA (L_{eq}) nighttime threshold and would be consistent with the limits established in the City's Noise Ordinance resulting in a less than significant impact. In addition, implementation of **Mitigation Measure 4.12.6.1H**, would reduce the noise experienced at existing residences, resulting in a less than significant impact.

As previously stated, construction within 1,580 feet of residential areas south of the freeway has the potential to exceed the daytime Moreno Valley Noise Ordinance criteria of 60 dBA (L_{eq}). With implementation of **Mitigation Measure 4.12.6.1E**, any existing residences within 1,580 feet of a construction area would be shielded from construction noise with a 12-foot temporary sound barrier. A sound barrier will reduce the noise levels by about 10 dB resulting in a reduction of noise below City thresholds at residences 500 feet or further from the construction area. Although the installation of the temporary sound barrier would reduce noise levels experienced at the closest residences, those residences that are located within 500 feet of a construction area would still be exposed to noise levels greater than 60 dBA (L_{eq}). Therefore, impacts associated with this issue would remain significant and unavoidable.

Off-site Construction. With the implementation of **Mitigation Measure 4.12.6.1I**, off-site construction activities would be limited to daytime hours while **Mitigation Measure 4.12.6.1J** would require the installation of a temporary sound barrier. With these mitigation measures in place, residences adjacent to construction activities (depending on the loudness of the construction equipment) could experience noise levels greater than 60 dBA (L_{eq}) for off-site construction projects lasting less than one month. These impacts would only occur during weekday, daytime hours. However, even with implementation of these mitigation measures, noise levels experienced at these residences would be above the City's threshold. Therefore, impacts would remain significant and unavoidable.

4.12.6.2 Long-Term Traffic Noise Impacts

Threshold	Would the project result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
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The noise analysis for the proposed project is based on the traffic volume data contained in the Traffic Impact Analysis (TIA) prepared for the project (contained in its entirety as EIR Appendix L). The TIA addressed the intersections of surface streets in Moreno Valley of a collector or higher classification street with another collector or higher classification street, at which the proposed project will add 50 or more peak hour trips. The study area also included the main travel routes between the project and the neighboring cities of Riverside, Perris, Beaumont, San Jacinto, and Redlands. The study area extended west to the nearest ramps on SR-91 and as far south as the I-215 ramps at Redlands Avenue in Perris. The study area for freeways was selected to cover the freeway routes radiating from the project site to the north, south, east, and west. The traffic analysis covered SR-60 from SR-62 in the east to SR-71 in the west, SR-91 from I-215 in the east to I-15 in the west, and I-215 from SR-210 in the north to the Scott Road interchange in the south.

Three hundred and thirty nine (339) roadway links and eighty (80) freeway segments were analyzed in the noise analysis. The change in noise level was calculated for all 419 roadway and freeway links with and without the project for the existing case (2012), 2017, 2022, and 2035 time horizons. Links with noise increases less than 1.5 dB would not have a substantial noise increase and were not presented in the main body of the noise report (i.e., the tables and figures). Similarly, any links that do not have sensitive receptors (e.g., residential uses) were also not presented in the main body of the noise report. Based on this filtering process, of the 419 links analyzed, 72 links have sensitive receptors and an increase of 1.5 dB for at least one time horizon and were therefore addressed in the analysis.

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The projected future daily traffic volumes (Parsons Brinckerhoff, Inc., December, 2012) for roadway segments in the project vicinity were used in the traffic noise impact analysis. Modeled noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn. As previously identified, the threshold for traffic noise is 65 dBA CNEL for sensitive receptors.

Operation of development that could occur within the proposed project area would generate traffic along roadways in the project vicinity. Table 4.12.H identifies existing with project roadway traffic noise levels with the project.

Table 4.12.H: Existing Year (2012) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	60.5	61.5	1.0
Alessandro Road (Crescent Avenue to Sunset Drive)	63.3	65.1	1.8
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	63.3	65.4	2.1
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.2	59.8	1.6
Cactus Avenue (Redlands Boulevard to Street D)	50.2	65.6	15.4
Cactus Avenue (west of Redlands Boulevard)	57.5	59.2	1.7
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	41.8	41.9	0.1
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	57.5	59.2	1.7
Crescent Avenue (west of Alessandro Boulevard)	57.1	59.7	2.6
Day Street (Cottonwood Avenue to Alessandro Boulevard)	57.7	57.9	0.2
Evans Road (Marbella Date to Ramon Expressway)	56.9	57.9	1.0
Evans Road (north of Harley Knox Boulevard)	0.0	0.0	0.0
Evans Road (Nuevo Road to San Jacinto Avenue)	0.0	0.0	0.0
Fir Avenue (Quincy Drive to Redlands Boulevard)	0.0	0.0	0.0
Gilman Springs Road (Bridge Street to Beaumont Avenue)	61.0	62.1	1.1
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	61.0	62.2	1.2
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.1	53.5	7.4
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	62.7	63.9	1.2
Gilman Springs Road (south of Street C)	56.1	57.4	1.3
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	60.7	60.9	0.2
Iris Avenue (Kitching Street to Lasselle Street)	60.1	61.6	1.5
Iris Avenue (Lasselle Street to Nason Street)	57.0	59.4	2.4
Iris Avenue (Nason Street to Oliver Street)	60.0	63.0	3.0
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	55.6	55.7	0.1
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	46.3	57.1	10.8
John F Kennedy Drive (south of Cactus Avenue)	61.5	67.0	5.5
Kitching Street (Iris Avenue to Ivory Avenue)	61.1	62.1	1.0
Krameria Avenue (Perris Boulevard to Lasselle Street)	57.5	60.6	3.1
Lasselle Street (Cahuilla Drive to Krameria Avenue)	60.5	61.7	1.2
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	56.4	59.0	2.6
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	56.5	58.6	2.1
Lochmoor Drive (Central Avenue to Fair Isle Drive)	52.1	53.7	1.6

Table 4.12.H: Existing Year (2012) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2	46.2	0.0
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	55.7	59.7	4.0
Moreno Beach Drive (John F Kennedy to Oliver Street)	55.2	58.8	3.6
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	55.3	57.8	2.5
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	61.4	61.4	0.0
Oliver Street (Alessandro Boulevard to Cactus Avenue)	54.1	56.5	2.3
Orange Avenue (Evans Road to Foothill Drive)	55.3	55.4	0.1
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	61.0	61.0	0.0
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	61.9	61.9	0.0
Perris Boulevard (Iris Avenue to Krameria Avenue)	60.8	61.5	0.7
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	67.2	67.2	0.0
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	60.7	61.8	1.1
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	59.6	60.6	1.0
Placentia Avenue (Evans Road to El Nido Avenue)	0.0	0.0	0.0
Placentia Avenue (Water Avenue to Evans Road)	0.0	0.0	0.0
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	0.0	0.0	0.0
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	0.0	0.0	0.0
Ramona Expressway (Evans Road to Rider Street)	59.2	59.4	0.1
Reche Canyon Road (Keissel Road to Reche Vista)	62.7	62.9	0.2
Reche Canyon Road (Reche Vista Drive to High Country Drive)	48.9	48.9	0.0
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	49.4	49.4
Redlands Boulevard (Ironwood Avenue to SR-60)	68.3	71.1	2.8
Redlands Boulevard (Ironwood Avenue to San Timoteo)	67.8	70.2	2.3
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	58.8	64.9	6.1
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	62.0	65.2	3.2
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	62.7	65.8	3.2
Street A (Eucalyptus Avenue to Street F)	47.0	73.2	26.3
Street D (Street E to Cactus Avenue)	0.0	69.6	69.6
Street E (north of Alessandro Boulevard)	0.0	70.3	70.3
Street F (east of Street A)	0.0	68.4	68.4
Sunset Drive (Alessandro Road to Cameo Drive)	52.5	55.2	2.7
Sunset Drive (Crown Street to Alessandro Road)	49.0	51.4	2.3
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	62.8	63.2	0.4
Theodore Street (SR-60 to Highland Boulevard)	56.8	64.9	8.1
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	66.5	68.1	1.6
SR-60 (Heacock Street to Perris Boulevard)	65.2	66.9	1.7

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Table 4.12.H: Existing Year (2012) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
SR-60 (Perris Boulevard to Nason Street)	64.6	66.7	2.1
SR-60 (Nason Street to Moreno Beach Drive)	52.0	54.3	2.3
SR-60 (Moreno Beach Drive to Redlands Boulevard)	62.5	65.6	3.1
SR-60 (Redlands Boulevard to Theodore Street)	60.2	63.5	3.4

Source: Mestre Greve Associates, November 2012.

Year 2017 (Phase I) with and without project scenarios projected daily traffic volumes on roadway segments in the project vicinity were used to conduct the traffic noise modeling. The projected daily traffic volumes in the area were taken from the TIA prepared for the proposed project. Table 4.12.I identifies year 2017 without project and with project traffic noise levels.

Table 4.12.I: Phase I (2017) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	61.4	61.3	-0.1
Alessandro Road (Crescent Avenue to Sunset Drive)	63.8	65.3	1.5
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	64.0	65.6	1.6
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.7	60.5	1.8
Cactus Avenue (Redlands Boulevard to Street D)	50.2	64.2	14.0
Cactus Avenue (west of Redlands Boulevard)	57.9	59.4	1.5
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	42.0	42.5	0.5
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	57.5	58.0	0.5
Crescent Avenue (west of Alessandro Boulevard)	57.6	59.3	1.7
Day Street (Cottonwood Avenue to Alessandro Boulevard)	59.7	60.9	1.3
Evans Road (Marbella Date to Ramon Expressway)	57.3	58.6	1.2
Evans Road (north of Harley Knox Boulevard)	0.0	0.0	0.0
Evans Road (Nuevo Road to San Jacinto Avenue)	0.0	0.0	0.0
Fir Avenue (Quincy Drive to Redlands Boulevard)	0.0	0.0	0.0
Gilman Springs Road (Bridge Street to Beaumont Avenue)	62.1	63.3	1.2
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	62.1	63.4	1.3
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.8	47.0	.02
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	63.9	65.4	1.5
Gilman Springs Road (south of Street C)	57.3	58.9	1.6
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	61.0	61.6	0.6
Iris Avenue (Kitching Street to Lasselle Street)	60.6	61.8	1.1
Iris Avenue (Lasselle Street to Nason Street)	60.2	62.3	2.1
Iris Avenue (Nason Street to Oliver Street)	62.8	65.2	2.3
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	56.0	56.8	0.8
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	49.2	57.6	8.4
John F Kennedy Drive (south of Cactus Avenue)	61.5	65.5	4.0

Table 4.12.I: Phase I (2017) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Kitching Street (Iris Avenue to Ivory Avenue)	61.7	62.7	1.0
Krameria Avenue (Perris Boulevard to Lasselle Street)	58.9	60.5	1.6
Lasselle Street (Cahuilla Drive to Krameria Avenue)	61.1	62.4	1.3
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	57.6	59.7	2.2
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	57.3	58.1	0.8
Lochmoor Drive (Central Avenue to Fair Isle Drive)	55.2	56.8	1.6
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2	46.8	0.6
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	59.2	61.9	2.7
Moreno Beach Drive (John F Kennedy to Oliver Street)	55.2	57.7	2.5
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	57.6	59.7	2.1
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	61.6	62.3	0.7
Oliver Street (Alessandro Boulevard to Cactus Avenue)	58.5	59.3	0.8
Orange Avenue (Evans Road to Foothill Drive)	55.3	55.9	0.6
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	62.0	63.0	1.0
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	62.6	63.4	0.9
Perris Boulevard (Iris Avenue to Krameria Avenue)	61.9	62.6	0.8
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	68.8	69.9	1.0
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	62.0	63.2	1.2
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	60.6	61.5	0.9
Placentia Avenue (Evans Road to El Nido Avenue)	0.0	0.0	0.0
Placentia Avenue (Water Avenue to Evans Road)	0.0	0.0	0.0
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	0.0	0.0	0.0
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	0.0	0.0	0.0
Ramona Expressway (Evans Road to Rider Street)	59.5	59.9	0.4
Reche Canyon Road (Keissel Road to Reche Vista)	62.9	63.8	1.0
Reche Canyon Road (Reche Vista Drive to High Country Drive)	48.9	49.3	0.4
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	0.0	0.0
Redlands Boulevard (Ironwood Avenue to SR-60)	68.5	69.4	1.0
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	68.2	69.5	1.3
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	59.2	60.0	0.8
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	62.4	64.2	1.8
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	63.2	64.9	1.7
Street A (Eucalyptus Avenue to Street F)	51.8	71.2	19.4
Street D (Street E to Cactus Avenue)	0.0	68.3	68.3
Street E (north of Alessandro Boulevard)	0.0	65.5	65.5
Street F (east of Street A)	0.0	29.8	29.8
Sunset Drive (Alessandro Road to Cameo Drive)	53.8	55.8	2.0

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Table 4.12.I: Phase I (2017) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Sunset Drive (Crown Street to Alessandro Road)	50.2	51.6	1.4
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	63.3	64.9	4.6
Theodore Street (SR-60 to Highland Boulevard)	56.8	64.1	7.4
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	67.2	67.9	0.7
SR-60 (Heacock Street to Perris Boulevard)	66.0	66.8	0.8
SR-60 (Perris Boulevard to Nason Street)	65.5	66.5	1.0
SR-60 (Nason Street to Moreno Beach Drive)	52.9	54.0	1.1
SR-60 (Moreno Beach Drive to Redlands Boulevard)	63.5	65.1	1.5
SR-60 (Redlands Boulevard to Theodore Street)	61.3	63.1	1.8

Source: Mestre Greve Associates, November 2012.

As identified in Table 4.12.I, implementation of the proposed WLC project would result in relatively minor changes in traffic noise levels in Year 2017 (Phase I). The largest project-related increase in traffic noise would be along Street D (Street E to Cactus Avenue) and Street E (north of Alessandro Boulevard), where increases of greater than 65 dBA are predicted for the 2017 With Project scenario over the Year 2017 without project scenario. The increase associated with these roadway segments is attributable in part to Streets D and E being new roads that will be constructed by the proposed project.

Future Year (2022) with and without project scenarios projected daily traffic volumes on roadway segments in the project vicinity were used to conduct the traffic noise modeling. The projected daily traffic volumes in the area were taken from the TIA prepared for the proposed project. Table 4.12.J identifies the future year (2022) without project and with project traffic noise levels.

Table 4.12.J: Future Year (2022) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	61.5	63.4	1.9
Alessandro Road (Crescent Avenue to Sunset Drive)	64.6	65.9	1.3
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	65.0	66.3	1.3
Cactus Avenue (Oliver Street to Moreno Beach Drive)	58.9	60.7	1.8
Cactus Avenue (Redlands Boulevard to Street D)	50.2	65.7	15.5
Cactus Avenue (west of Redlands Boulevard.)	58.3	60.2	1.9
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	45.2	45.9	0.7
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	58.9	59.1	0.2
Crescent Avenue (west of Alessandro Boulevard)	58.5	60.8	2.3
Day Street (Cottonwood Avenue to Alessandro Boulevard)	63.2	64.7	1.5
Evans Road (Marbella Date to Ramon Expressway)	58.1	59.2	1.1
Evans Road (north of Harley Knox Boulevard)	0.0	0.0	0.0
Evans Road (Nuevo Road to San Jacinto Avenue)	0.0	0.0	0.0

Table 4.12.J: Future Year (2022) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Fir Avenue (Quincy Drive to Redlands Boulevard)	0.0	0.0	0.0
Gilman Springs Road (Bridge Street to Beaumont Avenue)	61.2	63.1	2.0
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	61.2	63.2	2.0
Gilman Springs Road (Eucalyptus Avenue to Street C)	46.4	55.0	8.6
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	63.0	65.3	2.4
Gilman Springs Road (south of Street C)	56.5	58.8	2.3
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	62.3	62.6	0.2
Iris Avenue (Kitching Street to Lasselle Street)	61.0	62.4	1.4
Iris Avenue (Lasselle Street to Nason Street)	61.1	63.6	2.5
Iris Avenue (Nason Street to Oliver Street)	63.8	66.7	2.9
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	56.2	56.6	0.4
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	51.9	57.8	5.9
John F Kennedy Drive (south of Cactus Avenue)	62.8	67.2	4.3
Kitching Street (Iris Avenue to Ivory Avenue)	62.5	63.9	1.4
Krameria Avenue (Perris Boulevard to Lasselle Street)	60.5	62.2	1.8
Lasselle Street (Cahuilla Drive to Krameria Avenue)	61.9	63.3	1.4
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	59.2	61.5	2.3
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	58.0	59.0	0.9
Lochmoor Drive (Central Avenue to Fair Isle Drive)	57.0	57.9	0.9
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	46.2	45.7	-0.5
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	60.7	63.3	2.6
Moreno Beach Drive (John F Kennedy to Oliver Street)	56.1	59.1	3.0
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	58.8	60.9	2.1
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	62.8	64.3	1.5
Oliver Street (Alessandro Boulevard to Cactus Avenue)	58.9	59.7	0.8
Orange Avenue (Evans Road to Foothill Drive)	55.3	55.7	0.4
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	62.7	63.4	0.7
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	63.2	63.7	0.5
Perris Boulevard (Iris Avenue to Krameria Avenue)	62.7	63.2	0.5
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	69.7	70.5	0.8
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	62.8	63.7	0.9
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	61.5	62.0	0.5
Placentia Avenue (Evans Road to El Nido Avenue)	0.0	0.0	0.0
Placentia Avenue (Water Avenue to Evans Road)	0.0	0.0	0.0
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	0.0	0.0	0.0
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	0.0	0.0	0.0
Ramona Expressway (Evans Road to Rider Street)	59.4	60.2	0.8
Reche Canyon Road (Keissel Road to Reche Vista)	63.5	64.1	0.6
Reche Canyon Road (Reche Vista Drive to High Country Drive)	49.3	49.0	-0.3
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	50.6	50.6

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Table 4.12.J: Future Year (2022) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Redlands Boulevard (Ironwood Avenue to SR-60)	69.2	71.4	2.2
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	69.1	70.8	1.7
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	60.5	66.1	5.6
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	63.4	65.8	2.4
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	64.2	66.4	2.2
Street A (Eucalyptus Avenue to Street F)	49.4	73.1	23.8
Street D (Street E to Cactus Avenue)	0.0	69.8	69.8
Street E (north of Alessandro Boulevard)	0.0	65.4	65.4
Street F (east of Street A)	0.0	68.4	68.4
Sunset Drive (Alessandro Road to Cameo Drive)	55.3	56.9	1.7
Sunset Drive (Crown Street to Alessandro Road)	49.0	49.0	0.0
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	65.1	65.2	0.1
Theodore Street (SR-60 to Highland Boulevard)	60.3	64.1	3.8
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	67.2	68.4	1.2
SR-60 (Heacock Street to Perris Boulevard)	66.1	67.4	1.3
SR-60 (Perris Boulevard to Nason Street)	65.6	67.2	1.6
SR-60 (Nason Street to Moreno Beach Drive)	53.1	54.9	1.8
SR-60 (Moreno Beach Drive to Redlands Boulevard)	63.8	66.2	2.4
SR-60 (Redlands Boulevard to Theodore Street)	61.7	64.1	2.4

Source: Mestre Greve Associates, November 2012.

As identified in Table 4.12.J, implementation of the proposed WLC project would result in relatively minor changes in traffic noise levels in Future Year 2022. The largest project-related increase in traffic noise would be along Street D (Street E to Cactus Avenue), Street E (north of Alessandro Boulevard), and Street F west (of Street A), where increases of greater than 65 dBA are predicted for the Future Year 2022 With Project scenario over the Future Year 2022 Without Project scenario. The increase associated with these roadway segments is attributable in part to Streets D, E, and F being new roads that will be constructed by the proposed project.

Operation of the proposed project would generate traffic along roadways in the surrounding area during the buildout year (2035) scenario. Buildout Year (2035) with and without project scenarios projected daily traffic volumes on roadway segments in the project vicinity were used to conduct the traffic noise modeling. The projected daily traffic volumes in the area were taken from the TIA prepared for the proposed project. Table 4.12.K identifies the Buildout Year (2035) without project and with project traffic noise levels.

Table 4.12.K: Buildout Year (2035) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Alessandro Boulevard (west of Redlands Boulevard)	65.6	66.5	0.9
Alessandro Road (Crescent Avenue to Sunset Drive)	64.5	64.9	0.4
Alessandro Road (Sunset Drive to San Timoteo Canyon Road)	65.0	65.5	0.5
Cactus Avenue (Oliver Street to Moreno Beach Drive)	60.4	62.3	1.9
Cactus Avenue (Redlands Boulevard to Street D)	50.1	66.3	16.3
Cactus Avenue (west of Redlands Boulevard.)	59.7	64.8	5.1
Canyon Crest Drive (Alessandro Boulevard to Sandtrack Road)	58.1	59.7	1.6
Country Club Drive (Chicago Avenue to Canyon Crest Drive)	62.4	64.9	2.5
Crescent Avenue (west of Alessandro Boulevard)	58.9	60.1	1.2
Day Street (Cottonwood Avenue to Alessandro Boulevard)	67.8	69.4	1.7
Evans Road (Marbella Date to Ramon Expressway)	61.3	62.7	1.5
Evans Road (north of Harley Knox Boulevard)	60.1	62.9	2.8
Evans Road (Nuevo Road to San Jacinto Avenue)	60.5	62.0	1.5
Fir Avenue (Quincy Drive to Redlands Boulevard)	61.6	68.3	6.7
Gilman Springs Road (Bridge Street to Beaumont Avenue)	63.5	65.5	2.0
Gilman Springs Road (Bridge Street to SR-79 Southbound Ramps)	63.7	65.5	1.8
Gilman Springs Road (Eucalyptus Avenue to Street C)	52.0	57.4	5.4
Gilman Springs Road (Jack Rabbit Trail to Bridge Street)	65.7	68.0	2.3
Gilman Springs Road (south of Street C)	61.9	63.6	1.7
Gilman Springs Road (SR-79 Northbound Ramps to Record Road)	62.6	64.8	2.2
Iris Avenue (Kitching Street to Lasselle Street)	63.2	65.1	1.9
Iris Avenue (Lasselle Street to Nason Street)	63.1	65.4	2.3
Iris Avenue (Nason Street to Oliver Street)	65.6	67.4	2.8
Ironwood Avenue (Moreno Beach Drive to Redlands Boulevard)	57.9	60.6	2.7
Ironwood Avenue (Redlands Boulevard to Highland Boulevard)	58.6	63.6	5.0
John F Kennedy Drive (south of Cactus Avenue)	64.3	67.9	3.6
Kitching Street (Iris Avenue to Ivory Avenue)	63.6	64.8	1.2
Krameria Avenue (Perris Boulevard to Lasselle Street)	57.5	59.4	1.9
Lasselle Street (Cahuilla Drive to Krameria Avenue)	62.1	63.3	1.2
Lasselle Street (Krameria Avenue to Arroyo Park Drive)	60.0	61.8	1.8
Live Oak Canyon Road (San Timoteo Canyon Road to I-10)	57.5	58.6	1.1
Lochmoor Drive (Central Avenue to Fair Isle Drive)	65.4	68.9	3.5
Locust Avenue (Moreno Beach Drive to Smiley Boulevard)	60.8	63.3	2.5
Locust Avenue (Moreno Beach Drive to Redlands Boulevard)	60.8	63.3	2.5
Moreno Beach Drive (John F Kennedy to Oliver Street)	56.8	60.4	3.6
Moreno Beach Drive (Locust Avenue to Ironwood Avenue)	63.3	66.6	3.3
Old 215 Frontage Road (Eucalyptus Avenue to Alessandro Boulevard)	32.2	63.5	1.2
Oliver Street (Alessandro Boulevard to Cactus Avenue)	54.1	54.4	0.3
Orange Avenue (Evans Road to Foothill Drive)	57.3	65.1	7.8
Perris Boulevard (Alessandro Boulevard to Cactus Avenue)	63.5	65.0	1.5

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Table 4.12.K: Buildout Year (2035) Plus Project Traffic Noise Levels (dBA)

Roadway Segment	CNEL (dBA) at 100 feet		
	Without Project	With Project	Change
Perris Boulevard (Alessandro Boulevard to Cottonwood Avenue)	63.5	65.0	1.5
Perris Boulevard (Iris Avenue to Krameria Avenue)	64.4	66.0	1.5
Perris Boulevard (John F Kennedy Drive to Iris Avenue)	70.5	72.2	1.7
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	64.0	65.5	1.5
Perris Boulevard (Krameria Avenue to Harley Knox Boulevard)	64.0	65.8	1.8
Placentia Avenue (Evans Road to El Nido Avenue)	54.0	68.2	14.3
Placentia Avenue (Water Avenue to Evans Road)	57.4	67.5	10.1
Quincy Drive (Alessandro Boulevard to Cactus Avenue)	31.1	54.5	23.4
Quincy Drive (Cottonwood Avenue to Alessandro Boulevard)	49.2	66.8	1.8
Ramona Expressway (Evans Road to Rider Street)	59.9	61.6	1.7
Reche Canyon Road (Keissel Road to Reche Vista)	65.1	66.9	1.8
Reche Canyon Road (Reche Vista Drive to High Country Drive)	64.2	67.5	3.3
Redlands Boulevard (Eucalyptus Avenue to Dracaea Avenue)	0.0	48.5	48.5
Redlands Boulevard (Ironwood Avenue to SR-60)	69.4	71.6	2.2
Redlands Boulevard (Ironwood Avenue to San Timoteo Canyon Road)	68.7	70.6	1.9
Redlands Boulevard (SR-60 to Eucalyptus Avenue)	61.3	67.3	6.0
San Timoteo Canyon Road (Alessandro Road to Live Oak Canyon Road)	63.5	66.4	2.8
San Timoteo Canyon Road (Live Oak Canyon Road to Redlands Boulevard)	64.1	66.4	2.3
Street A (Eucalyptus Avenue to Street F)	54.0	73.0	19.0
Street D (Street E to Cactus Avenue)	0.0	70.4	70.4
Street E (north of Alessandro Boulevard)	0.0	65.8	65.8
Street F (east of Street A)	0.0	69.2	69.2
Sunset Drive (Alessandro Road to Cameo Drive)	56.9	58.7	1.8
Sunset Drive (Crown Street to Alessandro Road)	50.7	51.7	1.1
Sycamore Canyon Boulevard (Central Avenue to College Boulevard)	65.1	66.5	1.3
Theodore Street (SR-60 to Highland Boulevard)	65.0	67.9	2.9
Freeways			
SR-60 (Pigeon Pass Road/Frederick Street to Heacock Street)	67.6	68.6	1.0
SR-60 (Heacock Street to Perris Boulevard)	66.6	67.7	1.1
SR-60 (Perris Boulevard to Nason Street)	66.5	67.8	1.3
SR-60 (Nason Street to Moreno Beach Drive)	54.2	55.6	1.3
SR-60 (Moreno Beach Drive to Redlands Boulevard)	65.5	67.1	1.6
SR-60 (Redlands Boulevard to Theodore Street)	63.7	65.1	1.4

Source: Mestre Greve Associates, November 2012.

Increases in noise levels associated with Buildout Year (2035) traffic conditions on area roadways range from 0.1 to 68.0 dBA. As identified in the Table 4.12.K, the greatest increase in noise levels would be along Street D (Street E to Cactus Avenue), Street E (north of Alessandro Boulevard), and

Street F west (of Street A), where increases of greater than 65 dBA are predicted for the Buildout Year 2035 With Project scenario over the Buildout Year 2035 Without Project scenario. The increase associated with these roadway segments is attributable in part to Streets D, E, and F being new roads that will be constructed by the proposed project.

Tables 4.12.H through 4.12.K identify the noise increases directly caused by the proposed project. These numbers represent the distance from the centerline of the road to the contour value shown. Note that the values given in Tables 4.12.H through 4.12.I do not take into account the effect of any existing noise attenuation in the form of barriers, soundwalls, or topography that may affect ambient noise levels.

For the reader's convenience, the significance threshold for a project-specific roadway noise impact as defined previously is:

- Project induced increase in noise levels by 5 dB or more where the no project noise level is less than 60 CNEL;
- Project induced increase in noise level by 3 dB or more where the no project noise level is 60 CNEL to 65 CNEL; or
- Project induced increase in noise levels by 1.5 dB or more where the no project noise level is greater than 65 CNEL.

For the reader's convenience, the significance threshold for a project's incremental contribution to a cumulative noise increase as defined previously is:

A project increase of the ambient (cumulative without project) noise level by 1 dB or more, and the predicted future cumulative with project noise levels cause the following cumulative increases:

- Increase noise levels by 5 dB or more where the existing noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the existing noise level is 60 to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the existing noise level is greater than 65 CNEL.

It should be noted that the same noise increase occurs at all locations along a roadway link. In other words, the same increase will occur at 50 feet from a roadway as it does at 100 feet. In addition, the noise contours cover a wider area around the local roadways than does the existing condition. State Route 60, however, continues to be the dominant noise source in the area.

In general, the project proposes logistics uses and will not be affected by these noise increases. However, there are a few scattered residences within the project area and adjacent to the WLCSP area that would be affected by the proposed logistics uses.

Within the Specific Plan Area. For locations within the WLCSP area, these include three groups of residences that may remain with the implementation of the proposed project. The Specific Plan would rezone the properties as Light Logistics, but it is anticipated that the residences may remain for some time. The Light Logistics use is not sensitive to noise. However, the existing residences, as long as they remain, must be considered sensitive land uses.

- *Redlands Boulevard (north of Brodiaea Avenue).* The first group of homes is located east of Redlands Boulevard north of the intersection with Brodiaea Avenue. The traffic on Redlands Boulevard will not increase significantly as a result of the project. Future Street E is proposed to be constructed west of these existing residences. However, as stated in the Noise Study

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conducted for the Specific Plan, it is likely that there will be intervening buildings and that the distance from Street E will be so great that these homes will not experience significant noise from public roadways. Therefore, impacts are anticipated to be less than significant and no mitigation is required.

- *Street A/Theodore Street (Street B to Street F)*. The second group of residences within the Specific Plan area is located on the east side of Street A (Theodore Street) midway between the future Street B and Street F. There are currently two residences in this area. These residences are anticipated to experience noise increases up to 18 dB due to the implementation of the Specific Plan. As a result, existing noise levels at these two residences will be changed significantly. The exact alignment of the roadway is yet to be determined, but the homes may be roughly 100 feet from the centerline on the roadway. As identified in Table 4.12.J, at this distance, the noise level by future year (2022) could be as high as 73.1 CNEL. This level of noise would be above the 65 CNEL threshold and would result in a greater than 1.5 dB noise increase when compared to without project conditions. This is a significant impact requiring mitigation.
- *Street F/Dracaea Avenue (east of Theodore Street)*. The third area is a single residence located east of Theodore Street along what is currently Dracaea Avenue (future Street F). Existing conditions identify low levels of traffic noise on Dracaea Avenue. The 65 CNEL contour is projected to lie 84 feet from the centerline of Street F and it is likely that the one residence would lie within this zone. This level of noise would be above the 65 CNEL threshold and result in a greater than 1.5 dB noise increase when compared to without project conditions. Therefore, this is a significant impact requiring mitigation.

Off-Site Areas Adjacent to the Specific Plan Area. For areas adjacent to the Specific Plan area, 22 segments would experience a noise increase that would be greater than significance criteria specified previously. These seven areas are described below.

- *Cactus Avenue (Redlands Boulevard to Street D)*. This area is occupied by a small group of single-family homes along Cactus Avenue between the future Street D and Redlands Boulevard. A significant noise increase is projected for all four time horizons. Currently, there is no soundwall along these homes. Therefore, this is a significant impact requiring mitigation.
- *Cactus Avenue (west of Redlands Boulevard)*. As identified in the noise study, this area shows noise increases ranging from 1.5 dB to 5.1 dB depending on the time horizon. Only the 2035 case results in a significant noise increase.

Existing residences are located along Redlands Boulevard with rear yards facing Cactus Avenue. Existing 6-foot high soundwalls are located along the residences and rear yard areas are approximately 60 feet from the centerline of the roadway. In buildout year (2035), the noise levels for 60 feet from the centerline of the roadway including the effects of the soundwall are projected to be 64.8 CNEL. This is below the City criteria of 65 CNEL and, therefore, a less than significant impact will occur and no mitigation is required.

- *Day Street (between Cottonwood Avenue and Alessandro Boulevard)*. There are scattered single-family homes along this roadway that front onto Day Street. Only the 2035 time horizon results in a significant noise increase for this area. In 2035, the project is projected to increase noise levels by 1.7 dB, bringing the noise level up to 69.4 CNEL. Therefore, this is a significant impact requiring mitigation.
- *Fir Avenue (between Quincy Drive and Redlands Boulevard)*. There is one single-family home along this roadway fronting Fir Avenue. Only the 2035 time horizon results in a significant noise increase for this area. In 2035, the project is projected to increase noise levels by 6.7 dB, bringing the noise level up to 68.3 CNEL. Therefore, this is a significant impact requiring mitigation.

- *Gilman Springs Road (between Eucalyptus Avenue and Street C, and between Jack Rabbit Trail and Bridge Street)*. There are three single-family homes scattered along these roadway segments. All of the houses are set back from the roadway, but none has soundwalls. A significant noise increase is projected for at least one of these segments in three of the four case years. Therefore, this is a significant impact requiring mitigation.
- *Ironwood Avenue (between Redlands Boulevard and Highland Boulevard)*. There are two single-family homes that front onto Ironwood Avenue. There are also two churches along this roadway. A significant noise increase is projected for all four study years. In 2035, the project is projected to increase noise levels by 5 dB, bringing the noise level to 63.6 CNEL. Therefore, this is a significant impact requiring mitigation.
- *John F. Kennedy Drive (south of Cactus Avenue)*. The residences along John F. Kennedy Drive south of Cactus Avenue will experience significant noise increases in all four time horizons. Similar to the area along Cactus Avenue, this noise increase will be due to cars and light vehicles, and not heavy trucks. The residences along the west side of the roadway are generally depressed with respect to the road and have existing 6-foot soundwalls. Due to the presence of the existing soundwalls and slope conditions, noise levels would be reduced by 6 to 10 dB. This would result in noise levels being below the City threshold of 65 CNEL for residential uses. Therefore, residences on the west side of the street will not be affected. Impacts are considered to be less than significant and no mitigation is required.

The residences on the east side of the roadway are elevated with respect to the roadway and do not have soundwalls. Rear yards areas on both sides of the street are approximately 60 to 90 feet from the centerline of the roadway and are bordered by wrought iron fencing. As identified in Tables 4.12.H through 4.12.K, the greatest noise levels that would be experienced at these residences would range up to 67.9 CNEL, which is above the City threshold of 65 CNEL. This is a significant impact requiring mitigation.

- *Locust Avenue (between Moreno Beach Drive and Smiley Boulevard)*. There are three single-family homes along this roadway and they front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.5 dB, bringing the noise level to 68.9 CNEL. This is a significant impact requiring mitigation.
- *Moreno Beach Drive (between Locust Avenue and Ironwood Avenue)*. There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most back up to the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.3 dB, bringing the noise level to 66.6 CNEL. This is a significant impact requiring mitigation.
- *Perris Boulevard (between John F. Kennedy Drive and Iris Avenue)*. This is a mixed area in terms of residential land use. There are approximately 36 single-family homes along this roadway, some with a soundwall and some without. There is also a large multifamily development without a soundwall. Most of the homes either back up to the roadway or side-on to the roadway, making a soundwall feasible. Approximately half of the homes along this roadway do have a soundwall in place. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 1.7 dB, bringing the noise level up to 72.2 CNEL for areas without a soundwall. For the homes with a soundwall, there would not be a significant noise impact since the year 2035 the noise would increase by 1.7 dB and reaching up to 66.2 CNEL. For the homes on this roadway that do not have a soundwall, there would be a significant noise impact and mitigation is required.
- *Placentia Avenue (from El Nido Avenue to Evans Road, and on to Water Avenue)*. There are scattered single-family homes along this roadway that front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 10 to 14 dB, bringing the noise level up to 68 CNEL. This is a significant impact requiring mitigation.

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- *Quincy Drive (from Cactus Avenue to Alessandro Boulevard, and on to Cottonwood Avenue)*. The existing single-family homes along Quincy Drive have a soundwall. Quincy Drive currently only exists from Cottonwood to Bay Avenue, which is north of Alessandro Boulevard. The 2035 time horizon results in a significant noise increase. This is a significant impact requiring mitigation.
- *Reche Canyon Road (from Keissel Road to Reche Vista Drive, and on to High Country Drive)*. There are roughly 22 single-family homes scattered along these two roadway segments. These homes are scattered along the roadway and front onto Reche Canyon Road. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 1.8 to 3.3 dB with resulting noise levels in the 67 to 68 CNEL range. This is a significant impact requiring mitigation.
- *Redlands Boulevard (from Dracaea Avenue to State Route 60)*. There are scattered homes in this area that either face Redlands Boulevard (or Shubert Street) or are on Redlands Boulevard. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. This is a significant impact requiring mitigation.
- *Redlands Boulevard (from State Route 60 to San Timoteo Canyon Road)*. There are approximately 28 homes along this roadway that would be affected. The single-family homes are scattered and generally front the roadway. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. The increases in noise are around 2 dB with a resultant noise level in the 71 to 72 CNEL range. This is a significant impact requiring mitigation.
- *San Timoteo Canyon Road (from Alessandro Road to Live Oak Canyon Road to Redlands Boulevard)*. There are about four scattered residences along this roadway that would be affected. The existing baseline plus project time horizon results in a significant noise increase for this area. The noise increases by up to 3.3 dB with resultant noise levels in the 65 to 66 CNEL range. This is a significant impact requiring mitigation.
- *Theodore Street (State Route 60 to Highland Boulevard)*. There are four existing homes on Theodore Street that front onto the roadway. Implementation of the Specific Plan would result in a 10.7 dB increase over baseline conditions (2012), a 7.4 dB increase in Opening Year (2017), and a 3.8 dB increase in future year (2022). By Buildout Year (2035), the noise increase associated with the proposed project is anticipated to be 2.9 dB, which would not be significant. In future year (2022), the 65 CNEL contour for this roadway link would lie approximately 138 feet from the centerline of the roadway. The four existing residences on Theodore Street are within 138 feet of the roadway. As a result, these existing residences could experience noise levels above the 65 CNEL threshold during all time horizons. This is a significant impact requiring mitigation.
- *Street D (from Street E to Cactus Avenue)*. Street D, as shown in the Specific Plan, will come down the western side of the project parallel to Merwin Street. It then merges with Cactus Avenue traveling to the west until Redlands Boulevard. A specific alignment has not been determined for this roadway. There are approximately 14 homes that side-on to Merwin Street that could be affected by traffic on Street D. There are no soundwalls along these homes. There would be limited or no heavy trucks using this roadway. The 65 CNEL contour will lie 114 feet from the centerline of Street D. If the centerline of Street D is located closer than 114 feet to the residences, then a significant impact would occur. Outdoor living spaces for homes along Merwin Street would experience noise levels greater than 65 CNEL, and this would not be consistent with City criteria. This is a significant impact requiring mitigation.
- *State Route 60 (from Pigeon Pass Road to Perris Boulevard)*. All residential areas along this stretch of freeway have soundwalls in place. The 2012 time horizon results in a significant noise increase for this area. The noise levels are projected to increase by 1.5 to 1.7 dB in this area with resultant noise levels in the 66.9 to 68.1 CNEL range. This is a significant impact requiring mitigation.
- *State Route 60 (from Perris Boulevard to Nason Street)*. All residential areas along this stretch of freeway have soundwalls in place. The 2022 time horizon results in a significant noise increase

for this area. The noise level will go up by 1.6 dB with the project up to a level of 67.2 CNEL. This is a significant impact requiring mitigation.

- *State Route 60 (from Moreno Beach Drive to Redlands Boulevard)*. There are soundwalls in place for all residences in this area. The existing 2012 and 2035 time horizons result in a significant noise increase for this area, reaching 67.1 CNEL by 2035. This is a significant impact requiring mitigation.
- *State Route 60 (from Redlands Boulevard to Theodore Street)*. No soundwalls are present in this area. The residential area is set back from the freeway and is clustered along Redlands Boulevard north of the freeway. The existing 2012 time horizon results in a significant noise increase for this area. The resultant noise level will be 63.5 CNEL with an increase due to the project of 3.4 dB. This is a significant impact requiring mitigation.

Specific Plan Design Features. The WLCSP indicates there will be a 250-foot setback from existing housing along Redlands Boulevard. No additional design features to attenuate noise impacts are planned as part of the WLCSP.

Mitigation Measures. Construction of the proposed WLC project would result in noise levels at the closest residences within and adjacent to the WLCSP area exceeding the maximum noise level allowed under the City's Municipal Code. The following measures would reduce long-term traffic related noise impacts associated with the proposed project:

4.12.6.2A Within the WLCSP, Street D shall be designed such that exterior noise levels at existing residential areas shall not exceed 65 CNEL, which may require installation of a soundwall or other noise attenuation improvements. The design and calculations of such improvements shall be incorporated into a report that shall be submitted to the City for review and approval prior to the issuance of construction permits for Street D.

4.12.6.2B Prior to issuance of any discretionary approvals for development in the WLCSP, a WLC Noise Development Impact Fee study shall be submitted to the City for review and approval. The City shall require future development within the WLCSP to participate in a WLC Noise Development Impact Fee program to include soundwall attenuation to mitigate impacts from the proposed project based on the collection of fair-share fee payments from each increment of development and the implementation of each soundwall in accordance with Mitigation Measure 4.12.6.2C. The update to the DIF shall be based on a nexus study in conformance with State law (i.e., AB 1600). The Nexus study shall examine the soundwalls specified below, shall include detailed cost estimates for each soundwall, and shall establish a pro-rated fee to be paid per square foot by all development proposals within the WLCSP. The soundwalls to be included in this study include:

Cactus Avenue Soundwall from Redlands Boulevard to Street D. Construct an approximately 1,000-foot long, 6-foot high soundwall at the top of slope. The existing wrought-iron fencing will be removed and replaced with the soundwall (e.g., masonry wall, berming, glass barrier, or combinations of these barriers). The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

John F. Kennedy Drive, east side, Soundwall from Cactus Avenue to Bay Hill Drive. Construct an approximately 5,000-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The existing wrought-iron fencing will be removed and replaced with the soundwall (e.g., masonry wall, berming, glass barrier, or combinations of these barriers). The

soundwall would need to measure 6 feet as measured from the rear yard of the residences.

Moreno Beach Drive Soundwall between Locust Avenue and Ironwood Avenue. Construct an approximately 2,000-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

Perris Boulevard Soundwall between John F. Kennedy Drive and Iris Avenue. Construct an approximately 1,500-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

State Route 60 Soundwall from Redlands Boulevard to Theodore Street. Construct an approximately 580-foot long, 6-foot high soundwall for the existing residences. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

Iris Avenue Soundwall from Nason Street to Oliver Street. Construct an approximately 3,000-foot long, 6-foot high soundwall along the property line for the existing residences.

Sycamore Canyon Boulevard Soundwall from College Boulevard and Central Avenue. Construct an approximately 1,000-foot long, 6-foot high soundwall at the top of slope for the existing residences. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

4.12.6.2C Prior to issuance of any building permits for development in the WLCSP, the City shall collect the Development Impact Fee (DIF) as modified in accordance with Mitigation Measure 4.12.6.2B. The City shall establish a schedule for installing the specific soundwalls listed in Mitigation Measure 4.12.6.2B consistent with the WLC Noise DIF program..

Level of Significance after Mitigation. *Within the WLC Specific Plan Area.* For areas within the WLCSP area, these include three groups of residences that may remain with the implementation of the proposed project. The level of significance after mitigation is provided for each of the two areas for which a significant impact has been identified.

- *Theodore Street/Street A (Street B to Street F).* There are two residences in this area. These residences are anticipated to experience noise increases up to 18 dB due to the implementation of the Specific Plan. As a result, existing noise levels at these two residences will be changed significantly. The exact alignment of the roadway is to be determined, but the homes may be roughly 100 feet from the centerline on the roadway. One residence fronts onto Street A (Theodore Street), and the driveway access would make a soundwall ineffective. The other residence is on to Street A. It is difficult to determine where an outdoor living area is for this residence. However, since it is a single residence, a soundwall would have a limited effectiveness. Since mitigation is not feasible, impacts remain significant and unavoidable.
- *Dracaea Avenue/Street F (east of Theodore Street).* There is one residence in this area fronting onto the future alignment of Street F (currently Dracaea Avenue). Existing conditions identify low levels of traffic noise on Dracaea Avenue. The 65 CNEL contour is projected to lie 84 feet from the centerline of Street F and it is likely that the one residence would lie within this zone. Installation of a soundwall would not be effective in reducing noise levels due to the opening for the driveway. Since mitigation is not feasible, impacts remain significant and unavoidable.

Off-Site Areas Adjacent to the Specific Plan Area. For areas adjacent to the WLCSP area, eight areas would experience noise increases that would be mitigated to a less than significant level with implementation of **Mitigation Measures 4.12.6.2A** through **4.12.6.2C**. These areas are as follows:

- Cactus Avenue from Redlands Boulevard to Street D;
- John F. Kennedy Drive, west side, from Cactus Avenue to Bay Hill Drive;
- Moreno Beach Drive between Locust Avenue and Ironwood Avenue (15 of 18 homes);
- Perris Boulevard between John F. Kennedy Drive and Iris Avenue;
- State Route 60 from Redlands Boulevard to Theodore Street;
- Iris Avenue from Nason Street to Oliver Street;
- Sycamore Canyon Boulevard from College Boulevard and Central Avenue; and
- Street D from Street E to Cactus Avenue (8).

For the remaining noise impact locations adjacent to the WLCSP area for which significant noise impacts have been identified, mitigation measures are not feasible or will not fully reduce the impact to less than significant levels. Each location that will remain significant and unavoidable with implementation of the proposed project is discussed below.

- *Cactus Avenue (west of Redlands Boulevard).* Existing soundwalls will reduce noise levels by an estimated 6 dB, lowering the ultimate noise levels to 64.8 CNEL in the rear yard areas along Cactus Avenue. This is below the City criteria of 65 CNEL. It is not feasible to modify the existing residential block wall to reduce the project increase in noise levels because the block walls are designed for the height that they are built. In addition, the projected noise levels in year 2035 are within the City's exterior noise level for residences. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Day Street (between Cottonwood Avenue and Alessandro Boulevard).* The scattered single-family homes along this roadway front onto Day Street. In 2035, the project is projected to increase noise levels by 1.7 dB, bringing the noise level up to 69.4 CNEL. Homes that are widely separated from other homes cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Fir Avenue (between Quincy Drive and Redlands Boulevard).* There is one single-family home along this roadway fronting Fir Avenue. Only the 2035 time horizon results in a significant noise increase for this area. In 2035, the project is projected to increase noise levels by 6.7 dB, bringing the noise level up to 68.3 CNEL. A single home that fronts on a roadway cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Gilman Springs Road (between Eucalyptus Avenue and Street C, and between Jack Rabbit Trail and Bridge Street).* There are three single-family homes scattered along these roadway segments. All of the houses are set back from the roadway, but none has soundwalls. A significant noise increase is projected for at least one of these segments in three of the four case years. Homes that are widely separated from other homes cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Ironwood Avenue (between Redlands Boulevard and Highland Boulevard).* There are two single-family homes that front onto Ironwood Avenue. There are also two churches along this roadway. A significant noise increase is projected for all four study years. In 2035, the project is projected to increase noise levels by 5 dB, bringing the noise level to 63.6 CNEL. Land uses that are widely

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separated from one another cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

- *Locust Avenue (between Moreno Beach Drive and Smiley Boulevard)*. There are three single-family homes along this roadway and they front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.5 dB, bringing the noise level to 68.9 CNEL. As discussed above, homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Moreno Beach Drive (between Locust Avenue and Ironwood Avenue)*. There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most back up to the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 3.3 dB, bringing the noise level to 66.6 CNEL. This is a significant impact requiring mitigation. Even with the soundwall that would be implemented as part of **Mitigation Measures 4.12.6.2A** through **4.12.6.2C**, sound levels at 3 of the 18 homes would exceed 65 CNEL. These homes front onto Moreno Beach Drive and cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Placentia Avenue (from El Nido Avenue to Evans Road, and on to Water Avenue)*. There are scattered single-family homes that front onto the roadway. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 10 to 14 dB, bringing the noise level up to 68 CNEL. As discussed above, homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Quincy Drive (from Cactus Avenue to Alessandro Boulevard, and on to Cottonwood Avenue)*. The existing single-family homes along Quincy Drive have a soundwall. Quincy Drive currently only exists from Cottonwood to Bay Avenue, which is north of Alessandro Boulevard. The 2035 time horizon results in a significant noise increase. It is not feasible to modify the existing residential block walls to reduce the project increase in noise levels because the block walls are designed for the height that they are built. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Reche Canyon Road (from Keissel Road to Reche Vista Drive, and on to High Country Drive)*. There are approximately 22 single-family homes scattered along these two roadway segments. These homes front onto Reche Canyon Road. The 2035 time horizon results in a significant noise increase for this area. In 2035, the project will increase noise levels by 1.8 to 3.3 dB with resulting noise levels in the 67 to 68 CNEL range. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Redlands Boulevard (Dracaea Avenue to State Route 60)*. There are scattered homes in this area that either face Redlands Boulevard (or Shubert Street) or are on Redlands Boulevard. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Redlands Boulevard (State Route 60 to San Timoteo Canyon Road)*. There are approximately 28 homes along this roadway that would be affected. The single-family homes are scattered and generally front the roadway. The 2012, 2022, and 2035 time horizons result in a significant noise increase for this area. The increases in noise are around 2 dB with a resultant noise level in the 71 to 72 CNEL range. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

- *San Timoteo Canyon Road (from Alessandro Road to Live Oak Canyon Road to Redlands Boulevard)*. There are approximately four scattered residences along this roadway that would be affected. The existing baseline plus project time horizon results in a significant noise increase for this area. The noise increases by up to 3.3 dB with resultant noise levels in the 65 to 66 CNEL range. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.
- *Theodore Street (State Route 60 to Highland Boulevard)*. There are four existing homes on Theodore Street that front onto the roadway. Implementation of the Specific Plan would result in a 10.7 dB increase over baseline conditions (2012), a 7.4 dB increase in Opening Year (2017), and a 3.8 dB increase in future year (2022). By Buildout Year (2035), the noise increase associated with the proposed project is anticipated to be 2.9 dB, which would not be significant. In future year (2022), the 65 CNEL contour for this roadway link would lie approximately 138 feet from the centerline of the roadway. The four existing residences on Theodore Street are within 138 feet of the roadway. As a result, these existing residences could experience noise levels above the 65 CNEL threshold for all time horizons. Homes that are scattered and front onto a street cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

4.12.6.3 Long-Term Operational Noise Impacts

Threshold	Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the <i>City of Moreno Valley General Plan</i> , <i>Moreno Valley Municipal Code</i> , or applicable standards of other agencies?
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Potential long-term stationary noise impacts would primarily be associated with operations at logistics facilities within the WLCSP area. Logistics facility uses would generate noise from truck delivery, loading/unloading activities at the loading areas, heating, ventilation, and air-conditioning (HVAC) equipment and other noise-producing activities within the parking lot (e.g., doors slamming, vehicle engine start-ups, and conversing in the parking lot). These activities are potential point sources of noise that could affect noise-sensitive receptors adjacent to the loading areas and parking lots. As noise spreads from a source, it loses energy; therefore, the farther away the noise receiver is from the noise source, the lower the perceived noise level would be.

Noise levels were measured at similar facilities to determine representative noise levels that might be generated by this type of activity. Noise measurements were made at two facilities; specifically, Lowes Distribution Center (3984 Indian Avenue, Perris, CA) and Ross Distribution Center (3404 Indian Avenue, Perris, CA). Based on these representative noise measurements, Table 4.12.L provides the noise levels for various distances from the warehouse property line with no noise barrier in place and with an assumed 12-foot noise barrier.

Table 4.12.L: Representative Noise Levels for Warehousing Activities

Distance from Facility (feet)	Noise Level (dBA L _{eq})	
	No Barrier	With 12-foot barrier
50	56.9	48.6
100	54.9	47.8
250	50.8	44.7
500	46.6	40.9

Source: Mestre Greve Associates, November 2012.

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The City of Moreno Valley Noise Ordinance requires that noise levels remain below 55 dBA (L_{eq}) during nighttime hours. To achieve this noise level, the warehouse property line would only need to be 100 feet from the nearest residential property and no soundwall would need to be present.

Another consideration is whether the proposed activity levels will be substantially higher than current ambient conditions. No matter what is developed in the Specific Plan area, ambient conditions would be higher in future years due to higher levels of traffic and activity. Ambient noise levels were measured at seven sites that could border the World Logistics Center (i.e., Measurement Sites 3 through 9). The nighttime ambient noise levels (L_{eq}) ranged from 35.8 to 61.8 dBA with an average for the sites of 46.6 dBA. To keep the noise levels at nearby residential areas less than typical ambient conditions, the logistics property line should be located a minimum distance of 250 feet and a 12-foot soundwall should be located along the perimeter of the property that faces any residential areas. This would keep the logistic use noise to less than 45 dBA (L_{eq}) at the residences. The implementation of this buffer between logistics uses and noise sensitive uses has been included as **Mitigation Measure 4.12.6.3A**.

Specific Plan Design Features. The WLCSP indicates there will be a 250-foot building setback from residentially zoned property along Redlands Boulevard, Bay Avenue, and Merwin Street.

Mitigation Measures. Operation of the proposed WLC project would result in noise levels at the closest residences within and adjacent to the WLC Specific Plan area exceeding the maximum noise level allowed under the City's Municipal Code. The following measure would reduce long-term operational noise impacts associated with the proposed WLC project:

4.12.6.3A All discretionary approvals for development in the area of Redlands Boulevard, Bay Avenue, Merwin Street, and Cactus Avenue shall provide a minimum 250-foot setback between residentially zoned property and logistics buildings within the WLCSP. In addition, all such discretionary approvals shall provide sound attenuation improvements that will reduce expected noise levels from development to within City standards.

Level of Significance after Mitigation. Implementation of **Mitigation Measure 4.12.6.3A** would eliminate any noise impacts on residential areas due to the operation of logistic activities. Through the provision of a 250-foot buffer, berms, and/or soundwalls, noise levels at the nearest residences would be reduced to below the City's thresholds. Therefore, with adherence to the identified mitigation measure, impacts associated with this issue would be less than significant.

4.12.6.4 Long-Term Utility Noise Impacts

Threshold	Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the <i>City of Moreno Valley General Plan</i> , <i>Moreno Valley Municipal Code</i> , or applicable standards of other agencies?
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As illustrated in previously referenced Figure 4.12.3 and Figure 4.12.6, there is one existing SDG&E compressor station and two existing SCGC facilities located within the WLC Specific Plan area.

Based on preliminary calculations as illustrated in Figure 4.12.3, the worst-case compressor station operational characteristics will result in a maximum noise level just above 65 CNEL within the project area proposed for development (i.e., not open space). Typical commercial construction results in buildings that achieve at least a 20 dB reduction of outdoor noise levels. Therefore, an office use

exposed to the highest noise level from the compressor station will be just above 45 CNEL and below the 50 CNEL limit prescribed by the City's General Plan, resulting in a less than significant impact and no mitigation is required.

As illustrated in previously referenced Figure 4.12.4, the L_{eq} noise level generated by the compressor station does not exceed 60 dBA L_{eq} beyond the property lines of the facility. Therefore, the compressor station is not considered a noise disturbance based on City criteria. Operation of the compressor station would not result in any interior noise levels exceeding the limits established by the City in the General Plan. Therefore, noise impacts associated with the operation of the compressor station would be less than significant and no mitigation is required.

As identified in previously referenced Figure 4.12.5, the maximum noise level from a blow-down at the SDG&E compressor station within the WLCSP area proposed for development (i.e., the Logistics Development land use) is 100 dBA. A person would need to be exposed to this level for more than two hours in a day before permanent hearing loss would be expected. As discussed above, blow-down events at the SDG&E compressor station typically do not last longer than 90 seconds. Therefore, the SDG&E blow-down events will not result in a significant impact to the uses proposed within the WLCSP area, and no mitigation is required.

For SCGC blow-down events, noise generated could reach as high as 130 dBA just outside the fence line of the southern facility and in excess of 135 dB just outside the fence line of the northern facility. People within approximately 250 feet of the blow-down points would be exposed to noise levels greater than 115 dBA, which would likely cause permanent hearing damage regardless of the exposure time. The SCGC blow-downs could last as long as 90 minutes. It is anticipated that people exposed to noise levels greater than 102 dBA, within approximately 1,300 feet from the blow-down point could experience permanent hearing loss based on this event duration. Noise generated by SCGC blow-down events has the potential to cause permanent hearing loss in persons in the developed area of the project. This is a significant impact and mitigation is required.

SCGC blow-down events also have the potential to produce groundborne vibration. However, the effect of the blow-down groundbourne vibration would be limited to within 100 feet of the equipment and would not be perceived beyond the facility fenceline, resulting in a less than significant impact and no mitigation is required.

Specific Plan Design Features. The WLCSP provides a setback of open space and a street between the SCGC facility and planned warehouse buildings in the WLCSP. However, the separation may not be sufficient to prevent significant noise impacts during blow-down events.

Mitigation Measures. Operation of the proposed WLC project could result in exposure of people to noise levels as high as 130 dBA or greater during SCGC blow-down events. The following measure would reduce long-term utility related noise impacts associated with the proposed WLC project:

4.12.6.4A Prior to the issuance of building permits for projects within 500 feet of the SCGC and SDG&E facilities, documentation shall be submitted to the City confirming that sound attenuation devices or improvements for the blow-down facilities providing at least a 40 dB reduction in noise levels during blow-down events area available and will be installed for all planned blow-down events. This measure shall be implemented to the satisfaction of the City Planning Official.

Level of Significance after Mitigation. The SCGC blow-down equipment does not currently include a permanent silencer system. A review of the literature of a leading manufacturer of specialty silencer

systems (Industrial Acoustics Company) determined that a specialty silencer system added to the blow-down equipment could reduce noise levels by about 40 dB. With a silencer system providing 40 dB of noise reduction, blow-down noise levels would be less than 102 dBA approximately 30 feet from the blow-down point, which is within the property line of these facilities. 102 dBA is the noise level that could be experienced for up to 90 minutes without causing permanent hearing loss. Therefore, while occupants within the WLCSP in close proximity to the SCGC facilities would be subject to high noise levels during these infrequent noise events, they would not be subject to any permanent hearing damage. With implementation of **Mitigation Measure 4.12.6.4A**, SCGC blow-down events would not result in noise levels that could cause permanent hearing loss and the project would not be significantly affected by noise from the SCGC facilities, resulting in a less than significant impact.

4.12.7 Cumulative Impacts

The cumulative area for noise impacts is the City of Moreno Valley. Implementation of the Specific Plan would result in the introduction of new noise sources and levels from on-site activities and from increased traffic volumes on vicinity roadway and freeways.

Construction crew commutes and the transport of construction equipment, and materials to the WLCSP area would incrementally increase noise levels on access roads leading to the site. Secondary sources of noise would include noise generated during excavation, grading, and building erection on the project site. The net increase in project site noise levels generated by these activities and other sources has been quantitatively estimated and compared to the applicable noise standards and thresholds of significance. Although it is not possible to predict if contiguous properties may be constructed at the same time and create cumulative noise impacts that would be greater than if developed at separate times, it is unlikely that adjacent properties will be developed at the same time as the Specific Plan area. However, in the unlikely event that adjacent properties are developed at the same time as the proposed WLC project, adherence to the City's Municipal Code provisions that regulate construction activities and other development standards would render the cumulative impacts of the proposed project to less than significant levels.

The noise analysis contained in this section also provides an assessment of on-site operational noise level impacts on adjacent sensitive uses, both existing and future. Additionally, on-site operational noises are individual noise occurrences and are not typically additive in nature. It is extremely unlikely that adjacent properties will generate noises that would be additive in nature because of two important reasons. First, the noise sources would have to be adjacent or in close proximity to one another in order for the noises to intermingle. Second, the sensitive receptor or receptors would also have to be adjacent to or in close proximity to the noise generators. Although it is not possible to predict if contiguous or proximate properties may generate noise at the same time that would be additive in nature and thus create a significant cumulative noise impact at sensitive receptors, adherence to the City's Municipal Code provisions that regulate nuisance noise from land uses and other development standards would render the cumulative impacts of the proposed project to less than significant levels.

Cumulative traffic volumes contained in the TIA were developed for the Future Year 2022 and Buildout 2035 analysis time horizons. Traffic volumes for each time horizon were developed utilizing a combination of various future traffic growth methods as follows. For Future Year 2022, traffic volumes were developed by interpolating year 2035 traffic volume projections from the Riverside County Transportation and Analysis Model (RivTAM) to year 2022 plus traffic from a list of past, present, and reasonably foreseeable projects. For Buildout Year 2035, traffic volumes were developed by utilizing the year 2035 traffic volume projections from the RivTAM plus traffic from a list of past, present, and reasonably foreseeable projects.

Cumulative noise impacts associated with roadway noise have been addressed based on the cumulative traffic volumes. Previously referenced Tables 4.12.J and 4.12.K provide a comparison of Future Year (2022) and Buildout Year (2035) without and with project noise levels, and if a significant impact (project-specific or cumulatively significant) occurs.

The project calls for improvements to several of the roadways around the project area in order to accommodate the projected increase in project traffic volumes. There are no new noise-sensitive land uses proposed to be constructed within the area of analysis. However the presence of residential uses occurs within the WLCSP project and nearby area. These roadway segments are analyzed against the thresholds for determining significant impacts defined previously in Section 4.12.6.2. As described previously in Section 4.12.4, the project's incremental contribution to a cumulative noise increase would be considered cumulatively considerable and significant when ambient noise levels affect noise-sensitive land uses and when the proposed project increases noise levels by 1 dB or more over pre-project conditions and the predicted future cumulative with project noise levels cause the following cumulative increases:

- Increase noise levels by 5 dB or more where the existing noise level is less than 60 CNEL;
- Increase noise levels by 3 dB or more where the existing noise level is 60 to 65 CNEL; or
- Increase noise levels by 1.5 dB or more where the existing noise level is greater than 65 CNEL.

Cumulative noise impacts associated with roadway noise have been addressed based on the 2022 and 2035 time horizons analyses contained in Section 4.12.6.2. As identified in the preceding analysis, Tables 4.12.J and 4.12.K show the Future Year 2022 and Buildout Year 2035 CNEL values without and with the proposed project and if a significant impact would be produced based on the project-specific significance criteria identified in Section 4.12.4 and the cumulatively significant significance criteria identified in Section 4.12.4 and repeated above. Traffic noise level increases from the existing baseline condition and the future (2022 and 2035) time horizons are attributable to the intermingled effects of both the cumulative (i.e., past, present, and reasonably foreseeable projects) development projects in the project vicinity and region as well as the proposed project. As indicated in Section 4.12.6.2, roadway noise impacts have been identified and **Mitigation Measures 4.12.6.2A** through **4.12.6.2C** have been presented to reduce roadway noise impacts to the greatest extent feasible. As disclosed in Section 4.12.6.2, there are numerous instances in which there is no feasible means to reduce roadway noise impacts because of the existing developed nature of the affected roadway segment and/or the scattered nature of the sensitive receptors (i.e., residences), which prohibits the effectiveness of a soundwall. Therefore, no significant cumulative noise impacts would occur after implementation of the proposed mitigation measures. For those segments at which there is a cumulatively considerable impact and there is no feasible means to provide mitigation, the significant cumulative impact will remain significant and unavoidable.

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April 23, 2014

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RE: Comment on Final Environmental Impact Report for ProLogis Eucalyptus Industrial Park (State Clearinghouse No. 2008021002)

Dear Mr. Bradshaw:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County (collectively "LIUNA Local 1184") regarding the Final Environmental Impact Report ("FEIR") prepared for the ProLogis Eucalyptus Industrial Park, State Clearinghouse No. 2008021002 ("Project").

LIUNA Local 1184 appreciates the Planning Commission's decision to delay its consideration of the FEIR until staff and the EIR consultant reviewed and prepared responses to our comments of August 2012. Unfortunately, it appears the brief delay was not sufficient time for staff to adequately review and consider those comments as many of the concerns expressed about the DEIR still remain in regard to the FEIR. In addition, LIUNA Local 1184 is particularly concerned that the Commission's staff is proposing not to address the significant new information of the proposed nearby World Logistics Center which, when combined with the ProLogis project, the two projects alone will emit as much greenhouse gasses per year in 2020 as the City has established as its total GHG emission target for that year. In other words, the two projects together will emit as much GHGs as the entire City and will cause the City to emit twice as many GHGs as its announced goal as of 2020. Obviously, this is significant new information regarding a serious significant impact of the ProLogis Project's cumulative GHG emissions that must be addressed in a recirculated EIR for public review. These and other concerns are elaborated upon in the following comments.

In addition, LIUNA Local 1184 has had its consultants who prepared comments in 2012 review the staff's responses to comments. Matthew Hagemann, P.G., C.Hg. and Anders Sutherland, of SWAPE Consulting and Dr. James Clark, Ph.D., have reviewed the FEIR and prepared detailed comments regarding numerous technical shortcomings and omissions in the responses. SWAPE Comments (attached as Exhibit A); Clark Comments (attached as Exhibit B). Although this comment will highlight some of those technical comments below, the Commission should review each of the concerns raised in those expert comments.

LIUNA Local 1184 requests that the Planning Commission not certify the EIR at this time but request staff to reconsider the analyses and require additional mitigation measures in order to address the Project's significant air quality impacts, GHG emissions, health risks, farmland conversion, and hazardous material risks that the Project as proposed will cause in the City of Moreno Valley.

A. The FEIR's Failure To Tackle The Project's Massive GHG Emissions is an Abuse of Discretion.

The total GHG emissions that the City claims it will achieve by 2020 are 798,693 metric tons of CO₂ equivalent per year for the entire City. *See* World Logistics Center DEIR, p. 4.7-9 (excerpts attached as Exhibit C). Yet the Prologis Project alone is projected to emit 79,000 metric tons of CO₂e per year at full build-out – a full ten percent of the City's target. The FEIR basically relies upon a wish and a prayer that a number of air quality mitigations will miraculously reduce the Project by about 70,000 tons of GHGs per year down to 10,000 tons per year, the South Coast Air Quality Management District's ("SCAQMD") threshold of significance for GHG emissions. *See* FEIR, PDF p. 111 ("The mitigation measures discussed in the project-level impact analysis of GHG emissions indicated the measures would substantially reduce the project's emissions of greenhouse gases..."). No effort to rationally quantify or describe a reviewable basis for concluding that the smattering of air quality mitigations will come anywhere close to reducing the Project's GHG emissions by that level is provided or discussed. Moreover, when combined with the nearby World Logistics Center's GHG emissions of about 700,000 metric tons of CO₂ equivalents per year, the City has essentially abandoned any GHG reduction strategy, instead taking steps to almost double its projected GHG emissions.

1. There is no substantial evidence to support the FEIR's remarkable assertion that the air quality mitigations applied to the Project will reduce GHG emissions by 70,000 tons per year.

It is not sufficient under CEQA for the City to pick a few air quality mitigations of unknown efficacy and then simply assume that they will miraculously reduce the Project's 79,000 metric tons of GHG emissions down to less than 10,000 metric tons. As SWAPE explains in its comments, there is nothing precluding the City from estimating quantitative reductions by any claimed mitigations and providing the public, this Commission, and the City Council with a rational means to evaluate whether the currently optimistic predictions have any basis in reality. SWAPE Comments, pp. 2-3. The FEIR must do more than make exaggerated

claims of mitigation effectiveness. *See Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832. In *Oroville*, the court held that failing to calculate existing air emissions at the project site, and “failing to quantitatively or qualitatively ascertain or estimate the effect of the Project’s mitigation measures on those emissions,” amounted to misapplication of the threshold-of-significance standard. *Id.* at 842-843. Claiming to rely on a qualitative assessment, the City instead applies bald assumptions, assuming that the air quality mitigations will have a dramatic effect on reducing GHG emissions from the project all the way down to a level of insignificance, *i.e.* less than 10,000 metric tons per year. No rational discussion relying on explicable estimates, whether qualitative or quantitative, is provided to explain this unlikely result for this Project that will include upwards of 5,800 vehicle trips per day. *See Clark & Associates Comments*, p. 3 (attached as Exhibit B).

The FEIR all but admits the randomness of its GHG emission discussion, responding at one point to the Sierra Club’s comments that “it is not possible to determine with certainty whether the project’s emissions of greenhouse gases will be cumulatively considerable, within the meaning of CEQA Guidelines Sections 15065(a)(3) and 15130.” FEIR, p. 109. A hundred pages later, that uncertainty appears to have vanished, the FEIR restating its two rationales for discounting the Project’s 79,000 metric tons of GHGs per year. First, the EIR attempts to find solace in the claim that “the project’s impacts alone would not cause or significantly contribute to global climate change...” FEIR, p. 222. This statement is entirely arbitrary given the SCAQMD’s significance threshold of 10,000 metric tons per year. 79,000 metric tons per year is obviously very large compared to the threshold. And nothing in the EIR explains how or which mitigation measures will reduce the Project’s GHG emissions to this level. The second rationale set forth in the EIR is that “the project has no substantial effect on consumption of fuels or other energy resources, especially fossil fuels that contribute to GHG emissions when consumed.” *Id.* How a project that will generate upwards of 5,000 vehicle trips per day would have no substantial effect on consumption of fuels is not further elucidated in the EIR. What these two rationales mean in the end is that the world is already suffering from global warming and because this project’s GHG contribution is small compared to the overall problem, there is no need to grapple with it in any meaningful way. Of course, as *Oroville* recognized, that capitulation renders the SCAQMD’s expert threshold, which is a rational quantification of the point where a project’s GHG emissions are significant and cumulatively considerable, a meaningless number.

2. The Proposed World Logistics Center and its massive GHG emissions is significant new information that must be addressed in the cumulative impact analysis.

The EIR’s mishandling of the Project’s large GHG emissions is exacerbated to a frightening level by the FEIR’s refusal to account for the massive World Logistics Center project (“WLC”). WLC is expected to emit about 700,000 metric tons of GHGs per year from within the City. WLC and Prologis together all but scuttle the City’s GHG reduction target. The FEIR, responding to comments about the WLC’s cumulative impacts on traffic states that, because the WLC project was not proposed at the time of the Notice of Preparation (“NOP”) for the Prologis

Project (in 2008), the EIR need not include WLC's impacts in its baseline. The City claims that the baseline traffic for the previous development proposed for the WLC site was actually higher at the time of the NOP. This response, in addition to steadfastly refusing to provide the City and its residents a realistic assessment of the Project's cumulative impacts, overlooks the City's responsibility to address significant new information that arises after a DEIR is released but prior to certification of the FEIR. Alternatively, it is simply unreasonable for the City to not adjust its baseline to reflect the impacts of the WLC project, especially given the long delay between the Project's 2008 NOP and the FEIR now six years later.

The CEQA Guidelines require recirculation of an EIR when significant new information, such as the processing of a nearby project that will drastically increase the City's GHG contributions inconsistent with its GHG reduction targets, as well as NOx and PM emissions. Section 15088.5 provides:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

...

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

14 CCR 15088.5. The processing of the WLC is significant new information requiring recirculation. It is plain that the WLC's emission of 700,000 metric tons of GHG per year would largely erase the City's GHG reduction target in 2020 and the additional Prologis GHG emissions will have a more profound cumulative impact on the City's GHG contributions than are evident without considering the WLC project. Likewise, because the DEIR was so basically inadequate and conclusory in asserting without any meaningful estimates that air quality mitigations uncoupled from any detailed information regarding their effectiveness at reducing GHG emissions would reduce the Prologis Project's GHG emissions by 70,000 metric tons per

year, the addition of WLC's 700,000 metric tons of GHG per year makes it imperative that the City revisit and recirculate the EIR's GHG analysis before the City further dooms its supposed GHG reduction targets.

The need to address this new information and/or adjust the baseline for GHGs is also supported by the fact that, unlike traffic levels purportedly included in the baseline, the GHG emissions for WLC increase any conceivable GHG emissions that may have been estimated for that project's location at the time of the WLC project's NOP by at least 60 percent, possibly more. *See* World Logistics EIR, p. 6-16 & Table 6.F (665,321 metric tons of GHG for WLC as compared to zero at site with no project or 228,719 metric tons if built out consistent with previous General Plan) (*see* Exhibit C). This massive addition of GHG emissions to the baseline is new information that must be addressed and recirculated or, alternatively, added to the Project's baseline in order to make sure the City's EIR remains realistic.

3. The substantial evidence in the record establishes that the Project will have a significant impact on GHG emissions, including the sheer volume of its GHG emissions and its adverse impact on the City's ever achieving its GHG reduction targets.

The FEIR confirms that the City has not gathered in any estimate of actual reductions of GHG emissions by any of the mitigation measures it purports will address those emissions. Hence, it is clear that there is no substantial evidence in the record to show that the Project will emit 10,000 metric tons or less per year of CO₂ equivalents. As a result, the EIR cannot substantiate a conclusion that the Project's GHG emissions will result in less than significant impacts and, instead, must conclude that these emissions will result in significant impacts. The EIR must include additional feasible mitigations to address these GHG impacts, including electrified loading docks, mandating the installation of solar panels (rather than the mere possibility of solar panels), on-site industrial solar power storage, additional pollution control equipment on trucks utilizing the facility, and, where other feasible project specific mitigations are exhausted, the use of offset credits through recognized programs. SWAPE describes several mitigation measures in its comments as well as the availability of offset credits. SWAPE Comments, pp. 3-4.

Mitigation measures, including for a project's GHG emissions, must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). Especially given the uncertainty claimed by the City in measuring GHG reductions from various mitigation measures, the EIR must include a monitoring and verification process to confirm reductions in the Project's overall GHG emissions and include contingencies, *i.e.* additional mitigations including more offsets, if the measures do not achieve expected GHG reductions.

Lastly, because the evidence does not support a finding of no significant impact from the Project's GHG emissions, the City must acknowledge that significant impact and make a finding of overriding considerations that is supported by a showing that all feasible mitigation measures have been required. CEQA Guidelines §§ 15126.4, 15091, 15092(b)(2); Pub. Res. Code § 21002.

B. The EIR Significantly Underestimates the Project's Air Pollution Emissions From Mobile Sources.

The EIR makes a significant error in its air pollution emissions analysis by failing to rely upon substantial evidence regarding the veracity of the estimated truck trips for the Project. According to the review of Dr. James Clark, the EIR relies on an uncorroborated estimate of the Project's daily truck trips of 1.96 daily truck trips per 1,000 square feet. As Dr. Clark explains, "[i]n order to avoid underestimating the number of trips associated with large warehouse/distribution center operations without rail service, the SCAQMD staff recommended that lead agencies utilize a rate of 2.59 trips per TSF [thousand square feet] for large warehouse air quality analyses on a project specific basis." Clark Comments, p. 3. By using a value that is significantly reduced from SCAQMD's recommended value for the CalEEMod model, the EIR significantly understates the Project's air emissions:

Based upon the trip generation rate of 2.59, the total number of trips associated with Project would increase from 4,400 to 5,813 trips per day. The net result is that the air quality analysis performed by the Proponent greatly underestimates the emissions from mobile sources by at least one-third during the operational phase of the Project. Those impacts are likely to lead to a significant impact that will be unmitigated and unaccounted for in the FEIR. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of the Moreno Valley are unknown.

Clark Comments, p. 4. Because the EIR fails to disclose the full extent of the Project's air pollution impacts, it should be revised to include an accurate discussion of those impacts and recirculated along with any necessary additional mitigation measures.

C. The EIR Does Not Include Additional Feasible Mitigation Measures to Further Reduce the Project's Significant Impacts From its Emissions of NOx and PM10 and, Without Requiring Additional Measures, the City Cannot Adopt a Statement of Overriding Considerations.

An agency may adopt a statement of overriding considerations only *after* it has imposed all feasible mitigation measures to reduce a project's impact to less than significant levels. CEQA Guidelines §§ 15126.4, 15091. CEQA prohibits agencies from approving projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts. Pub. Res. Code § 21002. As explained in CEQA Guidelines section 15092(b)(2), an agency is prohibited from approving a project unless it has "[e]liminated or

substantially lessened all significant effects on the environment where feasible.” The EIR states that the Project’s direct and cumulative emissions of NO_x and ROG_s will remain significant after the identified mitigation measures are implemented. *See* DEIR, pp. 1-22, 1-28. As a result, the EIR must require all feasible mitigations to reduce these impacts. As explained by SWAPE, additional mitigation measures are available that are not included by the City. The measures include requiring electrified loading docks for all refrigeration units and the use of fuel cell trucks to reduce NO_x emissions. SWAPE Comments, pp. 4-5. SCAQMD also provided a list of feasible mitigations that must be mandated for the Project. *See* FEIR, Letter B-3, pp. 3-4.

In addition, whether or not to implement several key measures included in the EIR is left to the future discretion of the City. *See, e.g.* DEIR, p. 1-22 (Mitigation Measure 4.3.6.5B) (“Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features *may include* (but are not limited to) the following...” (emphasis added)). The list of measures included in Mitigation Measure 4.3.6.5B should be mandatory and enforceable in order to be consistent with the CEQA Guidelines.

LIUNA Local 1184 appreciates the change in the FEIR to make the energy efficiency requirement set forth in Measure 4.3.6.5A mandatory rather than voluntary. However, a number of the requirements embedded within the mandatory efficiency standard should also be adjusted to be mandatory requirements or otherwise clarified. For example, there is a requirement that lease/purchase documents shall identify that tenants are merely encouraged to promote a list of air pollution reduction measures. *See* DEIR, 1-27 – 1-28, Table 1.C; FEIR, pp. 58-59, 61-62. The FEIR should be revised to make these feasible tenant/purchaser measures mandatory as well.

Measure 4.3.6.5A also includes a vague requirement to “[i]ncorporate energy efficient space heating and cooling equipment.” This measure should be clarified to require that cooling for the main warehouse spaces at the Project shall be provided through evaporative coolers rather than air conditioners, or use new or different cooling technology that is at least as efficient. In addition, the mitigation should require the warehouse spaces to incorporate automated airflow and ventilation systems designed to minimize need for supplemental heating and cooling within the warehouse spaces. These measures are feasible, having been applied at other warehouse facilities. *See Coalition for Clean Air v. VWR Int’l LLC*, Consent Decree, attached as Exhibit D.

Currently, Measure 4.3.6.5A requires that “[a]ll buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.” FEIR, p. 197. This mitigation measure should be revised to require that photovoltaic, or comparable renewable energy sources, be actually installed on all buildings sufficient to provide all of the energy needs of the Project and, if feasible, surplus energy to help offset the Project’s remaining pollution emissions. Given the size of the buildings’ roofs, this measure is feasible and would reduce or help offset the Project’s emissions of both ROG_s, NO_x, and GHG_s.

Additionally, Mitigation Measure 4.3.6.5B currently appears inconsistent with Mitigation Measure 4.3.6.5A. Unlike Measure 4.3.6.5A, Measure 4.3.6.5B does not increase the improvement over energy efficiency standards to 20 percent as was proposed in the DEIR and which applies to the related Measure 4.3.6.5A. FEIR, pp. 194-201. In order to apply all feasible measures, Measure 4.3.6.5B's list of measures should be made mandatory (replace "may" with "shall") and the measure to exceed statewide energy efficiency requirements by 10 percent restored to a 20 percent exceedance. FEIR, pp. 194-96. In addition, a requirement that the Project use building automation systems to control and optimize the efficiency of its mechanical systems, including lighting, HVAC, exhaust dampers, fans, and ventilation louvers should be added to Measure 4.3.6.5B's list.

Until each of the above mitigation measures as well as those measures identified by SCAQMD are incorporated as enforceable measures into the Project approval, the City will not be in a position to make a finding of overriding considerations for the Project's NOx, ROG, and GHG emissions.

D. The EIR Does Not Include Additional Feasible Mitigation Measures to Further Reduce the Project's Significant Impacts From its Particulate Matter Emissions During Construction and, Without Requiring Additional Measures, the City Cannot Adopt a Statement of Overriding Considerations.

An additional feasible mitigation measure that also would assist in assuring that the Project's air quality pollution mitigations during construction are enforceable is a measure to require monitoring of dust plumes. SWAPE identifies "[m]onitoring for opacity for all construction activities, including grading, not just for "screening" and "turf overseeding" activities" as an additional feasible measure. Without such a measure, it is not clear how the implementation or effectiveness of many of the air pollution control measures during construction will be documented or enforced. SWAPE lays out the following monitoring requirement:

Opacity monitoring should be conducted by qualified personnel using a Ringelmann chart. Monitoring with use of the Ringelmann Chart should be required when construction is occurring when wind speeds exceed 15 miles an hour, as gauged by a wind meter installed at the Project site. When a 20% opacity (Ringelmann 1) standard is exceeded, construction activities should cease until wind speeds drop to below 15 miles per hour. A log should be kept at the Project site to document when wind speeds exceed 15 miles per hour and the Ringelmann readings recorded during those periods, along with actions taken to comply when Ringelmann readings exceed the 20% opacity threshold.

SWAPE Comments, p. 4. Because this mitigation is feasible, would help to prevent any oversight of other mitigation measures, and would further reduce actual excessive emissions of PM10 at the Project site, it must be included in the mitigation requirements for construction-related air pollution.

E. The EIR Fails to Disclose the Project's Serious Cancer Risks to Neighbors and Workers.

a. The Project has significant air quality and health risk impacts because it will expose nearby residents to cancer risks of 22 cancers in one million for adults and 33 excess cancers in a million for children.

The EIR states that nearby residents and on-site workers will not be exposed to any significant health risks by the Project's construction. DEIR, p. 4.3-14. However, the EIR dramatically understates the health risks that will result from the Project's construction phase because the health risk assessment it relies upon assumes construction will only occur for four months rather than the 11.5 months reported in the EIR. SWAPE Comments, pp. 6-10. See DEIR, p. 4.3-13. This is despite the EIR's acknowledgement that "[a]lthough construction of the structures uses different types of equipment on site than during grading periods, similarities do exist in terms of equipment exhaust emissions and fugitive dust emissions." DEIR, p. 4.3-23. SWAPE prepared a screening-level HRA for construction-related DPM air quality impacts using the emissions and phasing data from the EIR and covering the full construction period. As SWAPE concludes, its risk assessment for nearby residences "shows that the adult exposure resulted in an additional 22 cancers in one million while the child exposure resulted in 33 excess cancers in a million. For both adult and child exposure parameters, the CEQA significance threshold of ten in one million excess cancer risk was exceeded during the construction period." SWAPE Comments, p. 9. In contrast to SWAPE's analysis, which fully discloses all of its inputs and models, "no modeling files or cancer risk calculations for the construction impacts analysis were provided in the DEIR or the FEIR" for the EIR's health risk assessment. *Id.*, pp. 9-10. Hence, the substantial evidence available to the Commission and others indicates that cancer risks to the Project's neighbors are significant. This must be acknowledged in the EIR and additional mitigations required. As SWAPE concludes:

An updated HRA should be prepared that incorporates all emissions from construction equipment over the entire duration of Project construction, and addresses the potential for significant air quality impacts to nearby sensitive receptors. Our analysis has demonstrated that by utilizing appropriate U.S. EPA and OEHHA exposure assessment methodologies, excess cancer risks consequent of Project construction have the potential to exceed CEQA thresholds of significance even under mitigated construction scenarios.

SWAPE Comments, p. 10.

b. The Project relied on a flawed health risk assessment in concluding that health risks to workers for the life of the Project would be insignificant.

The EIR also underestimates health risk impacts to workers to be employed at the Project site. SWAPE Comments, pp. 10-11. First, the Project's worker health risk assessment assumes

that trucks will be 87.5 percent diesel, explaining in its response to SCAQMD that the City believed such a number was appropriate because “[i]t is pure guesswork to predict how the diesel emissions will change over this period.” FEIR, p. 66. Acknowledging uncertainty of future actions does not warrant then selecting a number based on the acknowledged guesswork. Rather than use the conditions that the City knows exist currently to prepare a reasonable estimate of future worker health risks, they made a guess that trucks using the Project would be 87.5 percent diesel. That number, by the FEIR’s own admission, is not supported by substantial evidence. Likewise, SWAPE notes that the EIR suggests that a health risk assessment was prepared assuming operations were concentrated in 12-hours of each day rather than 24-hours. No such calculation was made in the health risk assessment for 12-hour days at the Project. SWAPE Comments, p. 11. A revised HRA for workers must be prepared and reviewed to determine if any changes to the EIR should be made prior to the Commission and City taking action on the EIR.

F. The EIR Continues to Fail to Require Feasible Mitigations to the Project’s Destruction of Farmland, Including Requiring the Applicant to Locate and Purchase an Equivalent or More Acreage of Farmland Conservation Easements Outside of the City and Western Riverside County.

In response to LIUNA’s comments noting the absence of any measures to mitigate the Project’s destruction of 82.55 acres of Prime Farmland and 36.4 acres of Farmland of Local Importance, the City continues to claim that it is excused from mitigating this impact simply because it intends to eventually destroy all remaining farmland within the City and because there is no program established by either the City or the County of Riverside for those governmental entities to manage conservation easement or land purchases for mitigation. *See* FEIR, p. 218. Neither of these excuses relieves the City and the Project Applicant from having to mitigate the Project’s significant impacts on farmland. Farmland conservation easements are feasible within Riverside County. The State of California has a program to facilitate such easements, providing grants and easement template applicable anywhere in the State of California, including Riverside County. *See* Exhibit E. There is no need for the City or County to create some bureaucratic program in order for the City to require the Project applicant to mitigate the 119-acres of farmland by purchasing easements or farmland of equivalent quality somewhere in Riverside or even other nearby counties. Private organizations also exist to facilitate the creation of farmland easements, including one located in Riverside County – the Riverside Land Conservancy. *See* Exhibit F.

The City claims that a 2010 Court of Appeal decision – *Building Industry Association of Central California v. County of Stanislaus* (2010) 190 Cal.App.4th 582 – conditioned the use of conservation easements as CEQA mitigation on the presence of a city- or county-wide program. FEIR, p. 218 (“That case concluded that it is appropriate to mitigate at a 1:1 ratio for the loss of prime agricultural land through the acquisition of an offsite agricultural easement if such a program is established by a county or regional governmental entity”). No such rule is found in the case. Instead, the pertinent rule is that the Court of Appeal upheld a requirement included in Stanislaus County’s General Plan requiring either 1:1 mitigation of developed

farmland based primarily on private purchases of farmland conservation easements. *See* 190 Cal.App.4th at 601 (“Under the FMP, although the developer is required to arrange for the granting of a conservation easement in order to obtain a development approval, most likely by a purchase, *no particular landowner* is required to grant the conservation easement”) (emphasis added). The case was not even a CEQA case so it certainly did not preclude mitigation under CEQA of destroyed farmland through a conservation easement unless some governmental program was in place. Nor is there any reason to restrict mitigation farmland to western Riverside County, given the county-wide and indeed statewide problem of farmland conversion. In short, there is no reason the applicant cannot take the steps necessary to purchase one or more farmland conservation easements for farmland of similar quality to that being destroyed by the Project somewhere in Riverside County or other nearby counties in southern California. Because the Project’s destruction of farmland is significant and unavoidable, the City must incorporate all feasible mitigation measures. Requiring the applicant to obtain farmland conservation easements for comparable quality farmland in other areas is plainly feasible and must be included.

G. Additional Details for Sampling Soils for Residual Pesticides Should be Required.

The FEIR has added a mitigation measure to require additional soil sampling prior to issuance of a grading permit. FEIR, p. 222. LIUNA Local 1184 believes that, because the additional information will not be available prior to the certification of the EIR, this change does not cure the baseline concerns raised in their previous comment letter. In addition, unless additional details are added to the mitigation, it amounts to improper deferred mitigation. SWAPE recommends the following additional details:

The mitigation measure (MM 4.6.6.1A) should be revised to include specifics on the number of samples to be collected, the chemical analytes, and to provide for documentation of the sampling and analysis of the results prior to FEIR certification. The mitigation measure should also include a commitment to compare sampling results to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels and California Human Health Screening Levels, and to mitigate any exceedances of the screening levels through further evaluation of health risks and the removal of any contaminated soil that may pose a risk to human health.

SWAPE Comments, p. 2. LIUNA Local 1184 request that the EIR’s mitigation be changed to address these details.

VI. CONCLUSION

For the foregoing reasons, as well as each of the comments raised in LIUNA Local 1184’s DEIR comments, LIUNA Local 1184 recommends that the Commission continue the matter for future consideration pending completion of a supplemental EIR addressing the above

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concerns. Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Lozeau". The signature is fluid and cursive, with a large initial "M" and a stylized "L".

Michael Lozeau
Lozeau Drury LLP
Attorneys for LIUNA Local Union No. 1184

EXHIBIT A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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April 21, 2014

Richard Drury
Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Comments on the Final Environmental Impact Report, Prologis Eucalyptus Industrial Park Project, Riverside County, California

Dear Mr. Drury:

We have reviewed the April 2, 2014 Revised Final Environmental Impact Report (FEIR) for the Prologis Eucalyptus Industrial Park Project ("Project"). We have found the FEIR fails to adequately address comments we made in an August 30, 2012 letter on the July 2012 Draft Environmental Impact Report (DEIR). The comments we made focused on issues related to hazardous waste, greenhouse gas emissions and air quality. The FEIR should not be certified until these concerns are adequately addressed.

Hazards and Hazardous Materials

Baseline Conditions Remain Undisclosed

Comments we made on the July 2012 Draft Environmental Impact Report (DEIR) focused on the inadequacy of ten year-old Phase I Environmental Site Assessments (ESAs) to represent conditions at the Project site that may pose risks to workers and the neighboring public. We also noted that the Phase I ESAs that had been completed did not cover the entire Project site and that potential residual pesticide risks had not been satisfactorily addressed.

In response to concerns we expressed about the potential for residual pesticides to be present (Comment 9), the FEIR adds a mitigation measure (MM 4.6.6.1A) to sample for agricultural chemicals prior to issuance of a grading permit. While we applaud the addition of this needed mitigation measure, it does not go far enough in that it does not specify the manner in which the samples will be collected (namely, the number of samples, the depths and the chemical analytes) and the sampling is not to occur until after certification of the project (and prior to grading).

The mitigation measure (MM 4.6.6.1A) should be revised to include specifics on the number of samples to be collected, the chemical analytes, and to provide for documentation of the sampling and analysis of the results prior to FEIR certification. The mitigation measure should also include a commitment to compare sampling results to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels¹ and California Human Health Screening Levels,² and to mitigate any exceedances of the screening levels through further evaluation of health risks and the removal of any contaminated soil that may pose a risk to human health.

The FEIR should also provide the closure documentation we requested in DEIR comments for a 13,400 gallon underground storage tank (UST) that was reportedly removed from the Project site in 2004. As we requested, the documentation should be produced to disclose if closure for the UST removal was granted by the County.

Greenhouse Gas Emissions

In DEIR comments (Comment 12), we expressed concern that estimates of the Project's operational greenhouse gas (GHG) emissions, following mitigation, were not quantified. We commented that the need to show the efficacy of the mitigation was necessary because pre-mitigation operational GHG emissions were well above any applicable South Coast Air Quality Management District thresholds. The Response to Comment 12 states:

This comment states that the EIR did not show the GHG emissions with mitigation. The reductions with mitigation were not calculated because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts.

The mitigation in the DEIR, for which emissions reductions were not quantified, included:

- Establishment of a Transportation Management Association (TMA) to encourage and coordinate carpooling among building occupants (p. 1-26).
- Green building and maintenance provisions (MMs 4.13.6.1A, 4.13.6.1B, 4.13.6.1C)

Other measures identified in the DEIR to reduce GHG emissions include recommended actions within the Transportation, Electricity and Natural Gas, Green Buildings, and Water sectors. Again, no effort was made to quantify the reductions in GHG emissions from the incorporation of these measures.

It is simply not good enough for the Responses to assert, qualitatively, that mitigation measures and recommended actions will reduce GHG emissions from 79,000 MTCO₂e/yr to below 10,000 MTCO₂e/yr, the applicable South Coast Air Quality Management District (SCAQMD) threshold. Without quantifying the reductions, there is absolutely no basis to say that reductions will be below the applicable threshold.

Likewise, it is non-responsive to state that mitigation could not be quantified "because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts" (Response to Comment 12). Numerous means to quantify GHG mitigation emissions reductions are available,

¹ <http://www.epa.gov/region9/superfund/prg/>

² <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

including methods as published in an August 2010 guidance document published by the California Air Pollution Control Officers Association (CAPCOA), entitled “Quantifying Greenhouse Gas Mitigation Measures”.³ The CAPCOA document has numerous separate methodologies to quantify GHG mitigation emission reductions for activities related to the project, and for the mitigation measures identified for the Project. The reductions cited below, from the CAPCOA guidance document, are for operational activities relevant to the Project:

Transportation

- Use of electrified loading docks to reduce the need for diesel auxiliary engines to run in order to keep refrigerated transportation units temperature controlled to achieve a 26-71% reduction in GHG emissions;
- Use of electric or hybrid vehicles to achieve a 0.4-20% reduction in GHG emissions; and
- Use of alternative fueled vehicles (reductions vary).

Water Use

- Install low-flow water fixtures (as identified in MM 4.13.6.1A) to achieve a 17-31% reduction in GHG emissions;
- Design water-efficient landscapes (as identified in MM 4.13.6.1C) to achieve up to 70% in GHG emissions reductions; and
- Use reclaimed water for up to 81% GHG emissions reductions.

The need to quantify GHG reductions is critical to show that the Project’s emissions will meet the SCAQMD threshold of 10,000 MTCO₂e/yr. The examples from the CAPCOA guidance, as cited above, are just a few of those measures that can be quantified to estimate GHG emissions reductions, demonstrating that Response to Comment 12 is inadequate when it states mitigation could not be quantified “because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts.”

The FEIR should not be certified until GHG mitigation measures are quantified to demonstrate estimates that are below the SCAQMD threshold of 10,000 MTCO₂e/yr. If the threshold is not met, additional mitigation or use of credits (offsets) would be necessary, consistent with other Southern California projects where the SCAQMD threshold was exceeded, after mitigation.⁴

If emissions reductions estimates do not demonstrate that the threshold is met, additional measures should be undertaken, to include credits for all GHG emissions generated above the threshold of 10,000 MTCO₂e per year. To ensure GHG emissions reductions are real and verifiable, a GHG reporting and reduction plan should be submitted to the SCAQMD and the City detailing the measures to be implemented to achieve the required reductions. Credits should comply with

³ <http://capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

⁴ http://www.hermosabch.org/ftp/oil_docs/_ALL%20DEIR.pdf

- SCAQMD Regulation XXVII protocol;⁵
- CAPCOA GHG Rx program;⁶ and
- Those verified by the Climate Action Reserve or the American Carbon Registry.

Air Quality

Mitigation of Criteria Air Pollutants is Inadequate

The Responses fail to address to the concerns we expressed about the need to employ all available mitigation to address what the FEIR identifies as significant emissions of criteria air pollutants from construction and operation. The specific response to the comment we made on this issue (Letter D-4C, Response to Comment 5) stated:

For a detailed response on comparing construction emissions to daily construction thresholds, see the Responses to Comments D-4A-13 and D-4A-14 in the previous Letter D-4A from Lozeau Drury. For a detailed response on operational impacts of the project, see the Response to Comment D-4A-16 in the previous Letter D-4A from Lozeau Drury.

Responses to Comments D-4A-13, D-4A-14 and D-4A-16 have nothing to do with the issue of the inadequacy of mitigation measures to reduce construction emissions of NOx and ROG and operational emissions of ROG, NOx, and PM10 to less-than-significant levels. Some responses to other comments did address the need for additional mitigation (see Responses 1-12, Comment Letter B-3 and Responses 49-60, Comment Letter D-3) but we find these measures do not incorporate all measures that are feasible to reduce criteria air pollutant emissions.

Applicable Construction Mitigation Measures

- Monitoring for opacity for all construction activities, including grading, not just for “screening” and “turf overseeding” activities (as cited in the Air Quality Measure 4.3.6.2M Best Available Control Measures for Fugitive Dust). Opacity monitoring should be conducted by qualified personnel using a Ringelmann chart. Monitoring with use of the Ringelmann Chart should be required when construction is occurring when wind speeds exceed 15 miles an hour, as gauged by a wind meter installed at the Project site. When a 20% opacity (Ringelmann 1) standard is exceeded, construction activities should cease until wind speeds drop to below 15 miles per hour. A log should be kept at the Project site to document when wind speeds exceed 15 miles per hour and the Ringelmann readings recorded during those periods, along with actions taken to comply when Ringelmann readings exceed the 20% opacity threshold.

Applicable Operation Mitigation Measures

⁵ http://www.aqmd.gov/rules/reg/reg27_tofc.html

⁶ <http://www.capcoa.org/>

- Use of electrified loading docks for all refrigeration units;
- Use fuel cell trucks that use hydrogen produced primarily from natural gas show only slightly lower net PM emissions (11 percent) relative to new diesel trucks, largely due to the steam reformation process to produce hydrogen from natural gas; NOx emissions are reduced 84 percent in total and GHGs are cut in half. Greater use of renewable hydrogen or improved hydrogen production methods could cut fuel cell emissions relative to conventional technology.⁷

Cumulative Impacts have not been Adequately Addressed

We commented that the DEIR identified 13 proposed projects within five miles of the Project but failed to identify a construction schedule for the projects. The Responses (Comment D-4A-19) did not provide this schedule and simply states:

The EIR includes a complete cumulative air quality impacts analysis that satisfies all CEQA requirements and that includes the conclusion that the long-term cumulative air quality impacts would be significant and avoidable.

The FEIR does not go far enough to address concerns about emissions of criteria air pollutants. For example, to meet air quality standards required by 2023, NOx emissions must be reduced by approximately two thirds beyond existing rules and regulations. The largest source of NOx emissions in the SCAQMD are heavy duty trucks. Without meeting air quality standards, the Southern California area faces federally mandated sanctions, including possible loss of transportation funding.

Other major projects in Moreno Valley, which involve significant trucking operations, include the WestRidge Commerce Center Project (which will be built adjacent to the proposed Project), the VIP Moreno Valley Project and the March Business Center. Along with the Project, these projects may be constructed simultaneously, highlighting the need for an estimate of the combined emissions of these projects.

Although the FEIR states that cumulative impacts are significant, additional measures are available to mitigate cumulative impacts on air quality. Perhaps most important is to quantify the emissions that will stem from the construction of other projects and, using those emissions estimates, identify how the construction of the projects might be staged to reduce temporal impacts. The US EPA has commented on the benefit of this approach to prevent violations of air quality standards.⁸

The FEIR should not be certified until cumulative emissions data from all projects have been compiled, by month, for construction in a six-mile radius that would overlap with the Project. From use of this data, a phased construction schedule, for projects that will undergo construction concurrently, should be derived so that violations of local, state or federal air quality regulations will not result. Consistent

⁷ http://www.ucsusa.org/assets/documents/clean_vehicles/Moving-California-Forward-Executive-Summary.pdf p.

2

⁸ U.S. Environmental Protection Agency, Comments on the Alta East Wind Project, September 27, 2012 <http://www.epa.gov/region9/nepa/letters/blm/ca/alta-east-wind-project-kern-county-deis.pdf>, p. 2

with US EPA's recommendations, the Project should be scheduled for constructed in light of the other planned construction activities to ensure air quality standards are not exceeded.

Diesel Particulate Matter Emissions have not been Evaluated and Addressed Adequately

Emissions of diesel particulate matter (DPM) associated with activities occurring on the Project site both during construction and operations have not been adequately characterized in estimating risks to human health. We have re-reviewed the DEIR documents, the 2012 LSA Air Quality Analysis (AQA) report, and the FEIR Responses to Comments and determined that impacts of DPM emissions on human health should be reevaluated before certification of the FEIR. Our evaluation has shown that construction of the Project has the potential to result in DPM exposures at nearby residences that exceed CEQA significance thresholds, and DPM exposure to workers on-site during operations warrants additional investigation by the Lead Agency.

Construction of the Project Will Result in Significant Air Quality Impacts

The Project location is situated just south of the Moreno Valley Freeway (SR60), with residential neighborhoods located within 50 feet to the southeast and 200 feet to the north of the Project boundary. The 2012 LSA AQA relied upon several inaccurate assumptions in preparing the Health Risk Assessment (HRA) for off-site residential exposure that accompanied the DEIR:

"The anticipated level of diesel-powered equipment use will, on average for the entire construction period, emit approximately 6.0 lbs/day of diesel exhaust particulate. A screening health risk assessment was performed using this emission rate and assuming the mobile equipment operates for 22 days per month and 4 months continuously at this high rate. This is considered conservative even though the total construction period will be longer than 4 months due to the extreme variation from day to day of heavy-duty construction equipment usage. **All of these values are deliberately higher than expected so that the risk levels will not be underestimated.**⁹ [*emphasis added*]

This statement contradicts itself in saying that even though average daily emissions of DPM were assumed to be 6 pounds, the duration of construction utilized for the exposure model was actually less than half of the total anticipated length. Therefore, it is impossible that all values are deliberately higher than expected, as LSA admits that the Project construction will in fact take longer than 4 months. By a simple calculation, the total pounds of DPM emissions evaluated in the HRA for construction-related activities is: $\frac{6 \text{ lbs}}{\text{day}} \times \frac{22 \text{ days}}{\text{month}} \times \frac{4 \text{ months}}{\text{Project}} = 528 \text{ lbs DPM}$ from construction. We believe that this represents a significant underestimate of actual construction-related DPM emissions, as the total length of Project construction is approximately 11.5 months. We have prepared a revised estimate that more accurately represents the exposures that nearby residents will be subjected to during Project construction.

⁹ LSA Associates, Inc., 2012. Air Quality Analysis, Eucalyptus Industrial Park, City of Moreno Valley, California. March 2012. Page 43.

We extracted only the estimates of mitigated on-site daily construction exhaust emissions provided in the CalEEMod output files (shown in the table below from the FEIR¹⁰), and multiplied the daily emissions estimates for each phase by the number of days given in AQA Table E: Construction Schedule, also shown below. The total pounds of construction-related DPM emissions was calculated to be 934.37 pounds, or 177% of the emissions that LSA incorporated into their HRA for off-site residential exposure. The HRA and FEIR should be revised to include more accurate estimates of total construction-related DPM emissions, as well as the appropriate exposure duration for nearby sensitive receptors in the residential communities.

Construction Phase	Onsite Pollutant Emissions, lbs/day							
	ROG	NO _x	CO	SO ₂	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Site Preparation	10.43	84.72	47.82	0.07	7.05	4.27	3.87	4.27
Grading	12.5	103.9	55.13	0.1	3.38	5.01	1.29	5.01
Building Construction	5.63	37.37	23.73	0.04	0	2.54	0	2.54
Architectural Coating	342.39	2.96	1.94	0	0	0.27	0	0.27
Paving	7.91	33.81	20.89	0.03	0	2.93	0	2.93

Table E: Construction Schedule

Phase Name	Phase Start Date	Phase End Date	Number of Days
Site Preparation	9/1/2012	9/26/2012	18
Grading	9/27/2012	11/27/2012	44
Building Construction	11/28/2012	8/16/2013	188
Architectural Coating	1/17/2013	8/16/2013	152
Paving	6/1/2013	8/16/2013	55

Source: Project Plans

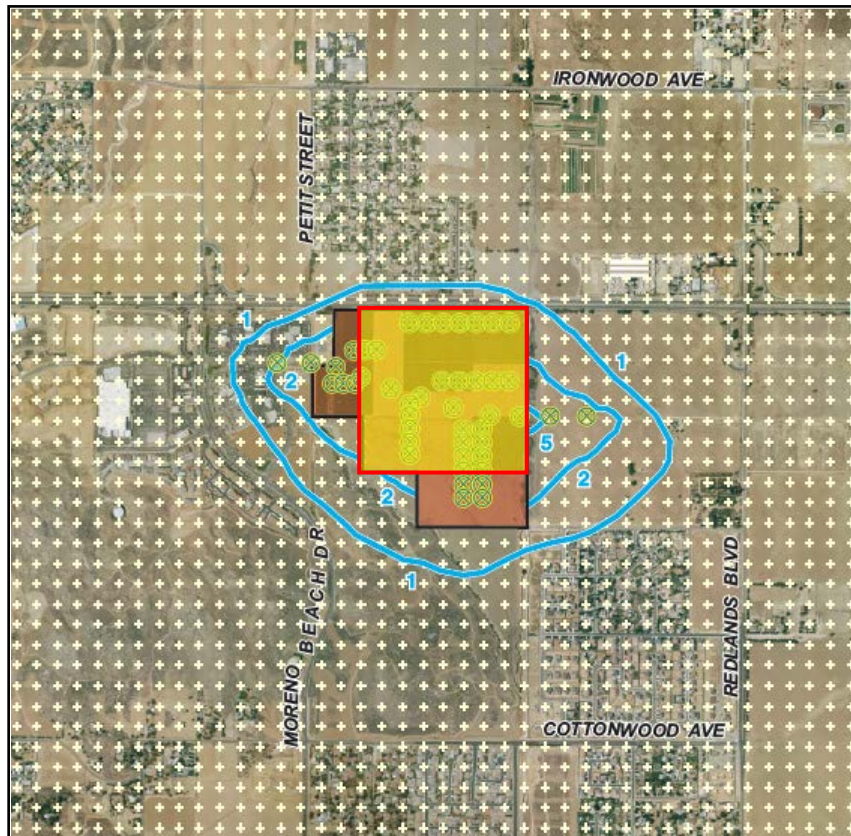
We have prepared our own screening-level HRA for construction-related DPM air quality impacts using the emissions and phasing data from the above tables. From the AQA appendices, we determined that diesel-fueled construction equipment would be operated for no more than 8 hours per day, and 5 days per week. The total number of construction days was 250 (weekdays between 9/1/2012 and 8/16/2013, or 18+44+188 as the last three phases of the Project in Table E overlap entirely). The emission rate derived for our screening model was therefore:

$$\text{Emission Rate (grams/second)} = \frac{934.37 \text{ lbs} \times 453.6 \text{ grams/lb}}{250 \text{ days} \times 8 \text{ hours/day} \times 3600 \text{ seconds/hour}} = 0.05886 \text{ g/s}$$

This value represents the average DPM emission rate during hours that construction activities are occurring for the entire Project

¹⁰ Response to Letter D-4A, Final EIR - Response to Comments, Prologis Eucalyptus Industrial Park, City of Moreno Valley. Page 223.

We used the EPA-recommended screening model AERSCREEN to evaluate off-site impacts to residential receptors during construction¹¹. As of 2011, AERSCREEN replaced SCREEN3 as the official screening model of the EPA due to its enhanced ability to simulate near-field dispersion from emissions sources. When detailed data pertaining to specific locations of emissions sources are unavailable, it is acceptable to model the average emission rate over the entire area of project construction. However, the Project boundary is geometrically complicated, and so our analysis focused on a subset of the Project site for screening-level modeling and HRA. The figure below depicts the portion of the site that was considered for the screening model. The yellow rectangle measures approximately 570 meters by 600 meters, with an area of approximately 84.51 acres.



The total Project boundary encompasses an area of 122.8 meters. For the purposes of our screening model, we multiplied the emission rate of 0.05886 g/s by the fraction $\frac{84.51}{122.8} = 0.6882$ to arrive at an average emission rate of 0.0405 g/s for the designated area over the course of Project construction. Due to lack of available information describing the anticipated sequencing of Project construction by area within the boundary, we assumed that averaging the emissions over the total duration was the best methodology to prepare this screening-level HRA.

The AERSCREEN model predicts the maximum single-hour concentration of a pollutant downwind of an emissions source. The maximum downwind concentration of DPM will be encountered during hours of

¹¹ U.S. Environmental Protection Agency Air Quality Modeling Group, C439-01 , MEMORANDUM: AERSCREEN Released as the EPA Recommended Screening Model, April 11, 2011.

construction equipment use, during which air quality impacts to sensitive receptors will also be highest. EPA screening methodology states that to estimate the maximum reasonable annualized concentration of an air pollutant, the maximum single-hour concentration can be multiplied by a scaling factor of 0.1¹². The maximum single-hour concentration of DPM produced by the AERSCREEN model during construction hours of the Project was 50.89 µg/m³ at 402 meters (1,319 feet) downwind. Residential receptors in the community to the southeast of the Project boundary are situated at this downwind distance.

The following table provides our estimations for a screening-level HRA for excess cancer risk at downwind residential receptors. The maximum single-hour concentration was multiplied by 0.1 to represent a maximum reasonable estimate of the annualized DPM concentration from construction. 80th percentile breathing rates were obtained from OEHHA guidance on HRA, as utilized in the LSA AQA¹³. Instead of incorporating the 4-month exposure considered by LSA, we utilized an 11.5 month exposure duration based on anticipated start and end dates of Project construction given in the tables presented above.

402-Meter Downwind Exposure

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration in Air	µg/m ³	5.09	5.09
DBR	Daily Breathing Rate	L/kg-day	302	452
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	0.95	0.95
AT	Averaging Time	days	25550	25550
	Inhaled Dose		2.0E-05	3.0E-05
	Cancer Risk		2.20E-05	3.29E-05

The table shows that the adult exposure resulted in an additional 22 cancers in one million while the child exposure resulted in 33 excess cancers in a million. For both adult and child exposure parameters, the CEQA significance threshold of ten in one million excess cancer risk was exceeded during the construction period. The maximum calculated inhalation cancer risk estimate provided in Table Q of the AQA report was 0.53 in one million at approximately 50-56 feet downwind. However, there is no modeling files or cancer risk calculations for the construction impacts analysis were provided in the DEIR

¹² U.S. Environmental Protection Agency Office of Air Quality Planning and Standards, Screening Procedures for Estimating the Air Quality Impacts of Stationary Sources, Revised, , October 1992.

¹³ Office of Environmental Health Hazard Assessment, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, Air Toxics Hot Spots Program Risk Assessment Guidelines, August 2003.

or the FEIR. In fact, the 2012 LSA AQA report references a November 2011 Traffic Impact Study as the source of the information, however this report does not mention cancer risk a single time¹⁴.

There is a considerable discrepancy between the 0.53 in one million calculated by LSA and the 22 in one million calculated in our analysis. An updated HRA should be prepared that incorporates all emissions from construction equipment over the entire duration of Project construction, and addresses the potential for significant air quality impacts to nearby sensitive receptors. Our analysis has demonstrated that by utilizing appropriate U.S. EPA and OEHHA exposure assessment methodologies, excess cancer risks consequent of Project construction have the potential to exceed CEQA thresholds of significance even under mitigated construction scenarios.

A Health Risk Assessment for On-Site Workers Should be Prepared Using Appropriate Parameters

Neither the FEIR, the DEIR, nor the AQA provides a detailed description of the methodologies utilized in arriving at the on-site worker excess cancer risk reported to be 1.5 in one million in Table 4.3.F of the DEIR. Response to Comment 13 of Letter D-2 addresses the lack of available data that made the assessment of operational DPM exposure to workers difficult in making a reference to the AQA:

Due to lack of data, precise evaluation of vehicle exhaust impacts is not feasible; however, based on the limited amount of TAC from vehicle exhaust associated with the project operations in relation to background levels, the impact is not expected to be significant.

This conclusion relied upon several inappropriate assumptions, and a revision to the on-site worker HRA should be prepared. An example of an appropriate HRA for on-site workers can be found in the ENVIRON HHRA for the proposed Stanford University Medical Center¹⁵, which clearly demonstrates that evaluation of vehicle exhaust impacts is indeed feasible.

The fleet of trucks that will be passing through the facility on a daily basis is expected to include 1,246 heavy-duty trailer trucks. In Response to Comment 21 of Letter B-3 the Lead Agency defends its assumption that the heavy-duty trailer trucks will be 87.5% diesel based on fuel use percentages from the URBEMIS model. However, the SCAQMD website clearly states that, "Emissions calculated using URBEMIS are now outdated and SCAQMD staff recommends all projects now evaluate emissions with CalEEMod if they use software for their analysis."¹⁶ Furthermore, the SCAQMD Comment Letter directly asserts that the fleet should be assumed 100% diesel.¹⁷ The FEIR admits that adjusting the fuel use of the fleet will increase the carcinogenic health risks to workers during Project operations (Comment 21, Response to Letter B-3), and this adjustment should be made in a revised iteration of the worker HRA.

¹⁴ LSA Associates, Inc., Draft Traffic Study, Eucalyptus Industrial Park, City of Moreno Valley, California, April 24, 2012.

¹⁵ ENVIRON, Human Health Risk Assessment, Construction and Incremental Operational Emissions, Proposed Stanford University Medical Center, Facilities Renewal and Replacement Project, Palo Alto, California, February 22, 2010.

¹⁶ SCAQMD, Air Quality Modeling. <http://www.aqmd.gov/ceqa/models.html>.

¹⁷ Comment 21, Letter B-3: South Coast Air Quality Management District, Final EIR - Response to Comments, ProLogis Eucalyptus Industrial Park, City of Moreno Valley, p. 54.

Additionally, the methodology by which daily operational emissions associated with the heavy-duty truck fleet were quantified is unclear. In the AQA, page 44 clearly states that, "Deliveries are assumed to occur 24 hours per day and 7 days per week." This was confirmed by reviewing the HRA emission worksheet in Appendix C to the AQA. However, the FEIR claims that, "Modeling the actual number of trucks that are planned to operate over 24 hours as if they operated over 12 hours results in much higher hourly emissions. Thus, the HRA is protective of human health in case there is a change in the project operations to only operate 12 hours per day" (Comment 19, Response to Letter B-3). There is no evidence to suggest that the HRA utilized an emission rate assumed over 12 hours per day instead of 24.

A revised iteration of the HRA during Project operations should be prepared prior to FEIR certification to clearly identify how the emissions generated by truck idling and movement were quantified. Incorporation of the SCAQMD comments regarding the use of a 100% diesel-fueled fleet, as well as the increased idle time per truck of fifteen minutes per trip instead of five, will unquestionably increase the estimates of emissions from Project operations. Adjustment of these parameters will provide a more accurate characterization of air quality impacts to on-site workers during Project operations, as current assumptions may have resulted in underestimated exposures.

Sincerely,

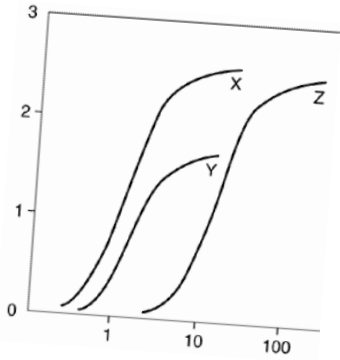


Matt Hagemann, P.G., C.Hg.



Anders Sutherland

EXHIBIT B



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April 22, 2014

Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Attn: Mr. Richard Drury

Subject: Comment Letter on the Final Environmental Impact Report for the Prologis Eucalyptus Industrial Park, SCH No. 2008021002

Dear Mr. Drury:

At the request of Lozeau | Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Final Environmental Impact Report¹ (FEIR) for the Prologis Eucalyptus Industrial Park (hereafter called the Project), SCH No. 2008021002 and its appendices. The proposed project site is located in the eastern portion of the City of Moreno Valley, in Riverside County, California. The 122.8-acre project site is located south of State Route 60 (SR-60) east of the Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel. According to the FEIR the proposed project would result in the construction and operation of a warehouse facility, consisting of approximately 2,244,638 square feet (sq ft).

¹ LSA. 2014. Final Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared February 12, 2014 and revised April 2, 2014

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description

This FEIR was issued prematurely without considering the serious flaws in the Proponent's analysis of the project by failing to accurately characterize truck traffic at the site

The air quality impacts from the traffic associated with an approximately 2,250,000 square foot facility are significant. The most significant factor used to quantify air quality impacts from project traffic is the vehicle trip rate, or the number of vehicle trips per day. A vehicle trip is one round trip (one trip segment to a site and one trip segment away from a site). In the case of the proposed Project, the primary concern will be the number of truck trips per day.

In the analysis of this Project, the Proponent estimates the vehicle trip rate used a truck trip rate of 1.96 trips per 1,000 square feet of land use to estimate operational air quality impacts instead of the default Cal EEMod land use model trip rate of 2.59 (an underestimation of operational emissions by 32%).

According to SCAQMD², for CEQA purposes, the volume of truck traffic predicted to serve a new large warehouse project has historically been derived using the ITE Trip Generation manual's general rate for warehouse projects (land use type 150), which is 4.96 trips per 1,000

² As reported in Appendix E, p. 10, Technical Source Documentation for the CalEEMod, prepared for the CAPCOA by Environ International Corporation and the California Air Districts, July 2013, available at : <http://www.aqmd.gov/caleemod/doc/AppendixE.pdf>

square feet (TSF). This is the same source of traffic data used in the URBEMIS air quality model.³ This value is from the 7th Edition of the ITE Trip Generation manual, published in 2003. Several developers of high-cube warehouses in recent years have questioned the validity of this value for modern warehousing operations and commissioned local studies to investigate these trip rates⁴. As a result, in the most recent version of the ITE Trip Generation manual (8th Edition, 2008), additional data has been included to provide a new high-cube warehouse (land use type 152) trip rate of 1.44 trips/TSF⁵.

This greatly reduced trip rate has been criticized in California. In order to avoid underestimating the number of trips associated with large warehouse/distribution center operations without rail service, the SCAQMD staff recommended that lead agencies utilize a rate of 2.59 trips per TSF for large warehouse air quality analyses on a project specific basis⁶. According to SCAQMD and based on a review of warehouse studies and operations, this value provides a reasonable default rate for individual new warehouses in the absence of more project-specific data.⁷ This trip rate has been accepted by CAPCOA and incorporated into the CalEEMod model.

Another way to illustrate how the DEIR greatly underestimates truck traffic associated with the Project is to review the estimated number of daily truck trips per 1,000 square feet of warehouse. As described above, the DEIR estimates 1.96 daily truck trips per 1,000 square feet.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

The results of utilizing the CalEEMOD method for estimating the traffic impacts from the Project are substantial. Based upon the trip generation rate of 2.59, the total number of trips associated with Project would increase from 4,400 to 5,813 trips per day.

The net result is that the air quality analysis performed by the Proponent greatly underestimates the emissions from mobile sources by at least one-third during the operational phase of the Project. Those impacts are likely to lead to a significant impact that will be unmitigated and unaccounted for in the FEIR. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of the Moreno Valley are unknown.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project will result in significant adverse impacts that were not identified in the FEIR and that are not adequately mitigated. Many of the FEIR's conclusions that environmental impacts are not significant or less than significant with mitigation are unsupported or contradicted by the evidence. As a result, several analyses presented in the FEIR, including impacts on air quality, fail to identify or disclose the magnitude of significant adverse impacts. To protect air quality and public health the Proponent must prepare a revised FEIR for the Project.

Sincerely,



James Clark, Ph.D.

EXHIBIT C

4.7.1.4 Greenhouse Gas Inventories

The City of Moreno Valley estimated greenhouse gas emissions for the community for 2007 and 2010 and projected emissions for 2020 are shown in Table 4.7.B, which shows the reduced 2020 emissions are below the reduction target.

Table 4.7.B: City of Moreno Valley Projected Greenhouse Gas Emissions

Source Category	Moreno Valley Greenhouse Gas Emissions (MTCO ₂ e per year)			
	2007	2010	BAU 2020	Reduced 2020
Transportation	517,098	513,581	788,267	421,561
Energy	287,261	277,230	356,192	251,372
Area	69,390	69,437	84,665	73,046
Water and Wastewater	21,595	16,831	20,216	14,158
Solid Waste	44,294	43,633	49,203	38,000
Total	939,638	920,712	1,298,543	798,137
Reduction Target	—	—	798,693	798,693

Notes: MTCO₂e = metric tons of carbon dioxide equivalents BAU = business as usual
Source: Table 9, City of Moreno Valley Greenhouse Gas Analysis, 2012., MBA 2013

The existing WLC project site is largely vacant with scattered dry farming that generates minimal greenhouse gas emissions. For the purposes of this analysis, a zero baseline will be assumed to identify the “worst case” emissions (i.e., GHG emissions from the entire WLC project without removal of any existing GHG emissions).

4.7.2 Regulatory Setting

4.7.2.1 International Regulation of Climate Change

Intergovernmental Panel on Climate Change (IPCC). In 1988, the United Nations created the IPCC to provide independent scientific information regarding climate change to policymakers. The IPCC does not conduct research itself, but rather compiles information from a variety of sources into reports regarding climate change and its impacts. The IPCC has thereafter periodically released reports on climate change, and in 2007 released its Fourth Assessment Report which concluded most global climate change was the result of human activity, mainly the burning of fossil fuels (see Section 4.7.1.1).

United Nations Framework Convention on Climate Change. On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change (Convention). Under the Convention, governments gather and share information on greenhouse gas emissions, national policies, and best practices; launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

Kyoto Protocol. The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing greenhouse gas emissions at average of five per cent against 1990 levels over the five-year period 2008-2012. The Convention (discussed above) encouraged industrialized countries to stabilize emissions; however, the Protocol commits them to do so. Developed countries have contributed more emissions

**World Logistics Center Project
Draft Environmental Impact Report**

Table 4.7.I: Project Operational GHG Emissions (Year by Year with Mitigation)

Source	Emissions with Mitigation and Project Design Features (MTCO ₂ e/year)								
	2014	2015	2016	2017	2018	2019	2020	2021	2022
Vehicles	10,638	21,784	28,283	39,632	52,154	57,836	61,228	65,730	66,329
Trucks	51,111	107,099	141,204	199,737	269,134	304,600	328,592	358,109	366,971
Electricity	14,513	30,387	40,428	58,208	79,917	91,993	101,491	110,174	112,888
Natural gas	177	371	494	711	976	1,124	1,240	1,346	1,379
Water	299	626	833	1,199	1,646	1,895	2,090	2,269	2,325
Waste	12,812	26,826	35,690	51,385	70,550	81,211	89,595	97,261	99,657
Refrigerants	182	380	506	728	1,000	1,151	1,269	1,378	1,412
Construction	37,927	31,634	26,947	94,510	41,743	34,665	26,818	26,818	14,471
Sequestration	-14	-30	-40	-57	-79	-90	-100	-108	-111
Total	127,645	219,077	274,345	446,053	517,041	574,385	612,223	662,977	665,321
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Reduction summary: local vehicles = 3 percent; waste = 35 percent
Source: Michael Brandman Associates 2013.

When compared with the proposed project, air quality impacts associated with the No Project/Existing General Plan Alternative would be correspondingly decreased in magnitude. Similar to the proposed project, the generation of these emissions would still result in a cumulative contribution of air pollutants in a nonattainment basin; therefore, impacts remain significant and unavoidable.

Table 6.E: No Project/Existing General Plan Alternative Operational Emissions

Source	Pollutant Emissions, lbs/day					
	CO	VOC	NO _x	SO _x	PM ₁₀	PM _{2.5}
Proposed Project ¹	3,466	729	3,059	21	1,685	153
No Project/Existing General Plan ²	4,853	1,114	1072	14	1,231	86
Net Change	+1,387	+385	-1,987	-7	-454	-67
SCAQMD thresholds	550	55	55	150	150	55
Alternative exceeds thresholds?	Yes	Yes	Yes	No	Yes	Yes

Source: MBA 2013

¹ MBA 2013 Air Quality Assessment for the proposed project

² From Moreno Highlands Specific Plan updated by MBA using CalEEMod software

Global Climate Change: GHG emissions associated with the No Project/Existing General Plan Alternative are correspondingly decreased as this alternative does not include a logistics warehouse component. In addition, the No Project/Existing General Plan Alternative would decrease the amount of water utilized and wastewater generated. As identified in Table 6.F, the No Project/Existing General Plan Alternative would generate 228,719 metric tons of total CO₂ equivalent¹ (mt CO₂e), which is approximately 60 percent less than what was identified for the proposed project.

Table 6.F: Comparison of Greenhouse Gas Emissions

Type of Development	Annual MTCO ₂ e Emissions	Change
Proposed Project	665,321	100%
No Project/No Build ¹	—	0%
No Project/Existing General Plan ²	228,719	35%
Alternative 1: Reduced Density	465,725	70%
Alternative 2: Mixed Use A	794,828	120%
Alternative 3: Mixed Use B	318,808	48%
Alternative Sites	665,321	100%

MTCO₂e is metric tons of carbon dioxide equivalents, which is a standard unit of measure for greenhouse gases.

¹ Estimated based on existing on-site rural residential uses.

² Based on approved Moreno Highland Specific Plan.

Source: MBA 2013 project air quality study, alternatives analysis (see Appendix D).

Hazards and Hazardous Materials: Development of the No Project/Existing General Plan Alternative would still result in the on-site handling of hazardous substances, both during project construction and operation. It is reasonable to assume that, like any current use, these substances would continue to be used in accordance with applicable local, State, and Federal standards. Impacts associated with the transport or use of hazardous materials or potential upsets or accidents would not be increased in magnitude because the intensity of development is still below what is envisioned under the proposed project. Therefore, it is not expected that increased quantities of hazardous materials would be present on site. With the adherence to existing hazardous materials regulations,

¹ Carbon dioxide equivalent (CO₂e) is an internationally accepted measure that expresses the amount of other greenhouse gases (e.g., methane and nitrous oxide) in terms of the amount of carbon dioxide (CO₂). The CO₂e measure is used as a way to measure the warming potential of a greenhouse gas as compared to CO₂, which has the highest global warming potential.

EXHIBIT D

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5 Attorneys for Defendant and Real Party in Interest
VWR International, LLC
6

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 COALITION FOR CLEAN AIR, et al.,

11 Plaintiff,

12 v.

13 VWR INTERNATIONAL, LLC, et al.,

14 Defendant.
15
16

Case No. 1:12-CV-1569-LJO-BAM

CONSENT JUDGMENT

17
18 Pursuant to Rules 54 and 58 of the Federal Rules of Civil Procedure, the Court hereby
19 ORDERS, ADJUDGES AND DECREES as follows:

20 1. Defendant VWR International, LLC (“VWR”) shall install two (2) electric vehicle
21 charging stations at its warehousing and distribution facility located at 8711 West Riggin Avenue
22 in the City of Visalia (the “Project”). VWR shall make said electric vehicle charging stations
23 available to VWR employees and/or customers.

24 2. VWR shall maintain the following features of the Project until June 11, 2022 (10
25 years after the Project became operational), unless VWR ceases to own and operate the Project in
26 its present form and for its present function prior to that time:

27 a. The emergency generator for the Project shall be powered by natural gas and
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- include a catalytic converter.
- b. Ninety percent of the truck carriers contracted to service the Project by VWR shall be Environmental Protection Agency SmartWay partners, provided however, that temporary variances from this percentage due to circumstances not created by VWR shall not be a violation of this order.
 - c. The Project shall utilize energy efficient interior lighting, *i.e.*, light-emitting diodes (“LED”), and T5 and T8 fluorescent lamps, provided, however, that this order shall not prohibit VWR from incorporating new or different lighting technology that is at least as efficient.
 - d. The Project shall utilize energy efficient exterior lighting, *i.e.*, LED, and T5 and T8 fluorescent lamps, provided, however, that this order shall not prohibit VWR from incorporating new or different lighting technology that is at least as efficient.
 - e. The air conditioning system for the management offices at the Project shall use non-chlorofluorocarbon refrigerant.
 - f. Cooling for the main warehouse space at the Project shall be provided through evaporative coolers rather than air conditioners, provided, however, that this order shall not prohibit VWR from incorporating new or different cooling technology that is at least as efficient.
 - g. The warehouse space at the Project shall incorporate automated airflow and ventilation systems designed to minimize need for supplemental heating and cooling within the warehouse space.
 - h. Forklifts and interior vehicles at the Project shall be electric powered.
 - i. The Project shall use a building automation system to control and optimize the efficiency of its mechanical systems, including lighting, HVAC, exhaust dampers, fans, and ventilation louvers
 - j. Interior lights shall incorporate motion sensors that turn them off when not in use.

- 1 k. The Project shall incorporate a light colored “cool roof” membrane to reduce
2 surface temperature, heat island effect, and heat transfer to the interior of the
3 structure.
- 4 l. The landscape design and irrigation system shall be in compliance with LEED
5 Silver certification standards to reduce water consumption.
- 6 m. The warehouse shall incorporate water-efficient building design with water
7 efficient fixtures and appliances meeting LEED Silver certification standards.
- 8 n. The Project shall have an operational recycling program covering paper,
9 corrugated cardboard, glass, plastics and metals.
- 10 o. A bicycle rack shall be provided at the Project for employees who wish to
11 bicycle commute.
- 12 p. Five (5) premium car/vanpool spaces shall be provided at the Project.

13 3. Notwithstanding the provisions of paragraph 2, above, this order shall not prohibit
14 VWR from incorporating new or different technology at its facility instead of the specific
15 technology specified in paragraph 2, provided that is no less efficient than the technology
16 specified.

17 4. VWR need not take further action to comply with San Joaquin Valley Air
18 Pollution Control District Rule 9510, as incorporated into the California State Implementation
19 Plan under the Clean Air Act (42 U.S.C. Section 7604(a)).

20 5. VWR need not take further action to comply with Visalia Municipal Code Section
21 17.28.040A.

22 6. VWR shall pay no civil penalties.

23 7. Nothing in this judgment shall prohibit VWR from selling, transferring,
24 demolishing, rebuilding, or repurposing the Project, in whole or in part, or the real property upon
25 which it sits.

26 8. Except as may otherwise be provided by written agreement, each party shall bear
27 their own fees and costs.

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9. This judgment shall be entered by the clerk of the court forthwith. The Clerk is directed to close this action.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

IT IS SO ORDERED.

Dated: September 11, 2013

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

EXHIBIT E

Recording requested by and when recorded please return to:

[Grantee's name & address]

(Space above this line reserved for Recorder's use)

DEED OF AGRICULTURAL CONSERVATION EASEMENT

This Deed of Agricultural Conservation Easement is granted on this ____ of _____ 2012, by [Landowner's name], [Ownership status], having an address at [Landowner's address] ("Landowner"), to [Grantee's name], a California nonprofit public benefit corporation, having an address at [Grantee's address] ("Grantee"), for the purpose of forever conserving the agricultural productive capacity and open space character of the subject property.

RECITALS

A. The Landowner is the sole owner in fee simple of the [farm/rangeland] property ("Property") legally described in Exhibit A ("Legal Description") and generally depicted in Exhibit B ("Vicinity Map"), attached to and made a part of this Agricultural Conservation Easement ("Easement"). The Property consists of approximately [acres] acres of land and is commonly known as the "[Farm/Ranch name]," together with buildings and other improvements, is located in [County name] County, California, and is identified by assessor's parcel number(s) [parcel numbers]. The existing buildings and improvements on the Property are shown within the Building Envelope as depicted in Exhibit C ("Building Envelope and Existing Improvements"), also attached to and made a part of this Easement. Except as shown in Exhibit C, the Property is open farmland, whose soils have been classified as [prime farmland, farmland of statewide importance, etc.] by the U.S. Department of Agriculture's Natural Resources Conservation Service, and by the California Department of Conservation's Farmland Mapping and Monitoring Program, because this land has the soil quality, growing season, and water supply needed for sustained agricultural production.

B. The agricultural and other characteristics of the Property, its current use and state of improvement, are documented and described in a Baseline Documentation Report ("Baseline Report"), prepared by the Grantee with the cooperation of the Landowner and incorporated herein by this reference. The Landowner and the Grantee acknowledge that the Baseline Report is complete and accurate as of the date of this Easement. Both the Landowner and the Grantee shall retain duplicate original copies of the Baseline Report. The Baseline Report may be used to establish whether or not a change in the use or condition of the Property has occurred, but its existence shall not preclude the use of other evidence to establish the condition of the Property as of the date of this Easement.

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C. The Department of Conservation’s California Farmland Conservancy Program (hereinafter alternatively referred to as the “Department” or “Department of Conservation”) has made a grant of funds to the Grantee to support the acquisition of this Agricultural Conservation Easement. The Department’s funds represent a substantial investment by the people of the State of California in the long-term conservation of valuable agricultural land and the retention of agricultural land in perpetuity. The Property and this Easement have met the California Farmland Conservancy Program’s mandatory eligibility criteria and certain selection criteria and have multiple natural resource conservation objectives. The rights vested herein in the State of California arise out of the State’s statutory role in fostering the conservation of agricultural land in California and its role as fiduciary for the public investment represented by the Department’s funds.

D. The Landowner grants this Easement for valuable consideration to the Grantee for the purpose of assuring that, under the Grantee’s perpetual granteeship, the agricultural productive capacity and open space character of the Property will be conserved and maintained forever, and that uses of the land that are inconsistent with these conservation purposes will be prevented or corrected. The parties agree, however, that the current agricultural use of, and improvements to, the Property are consistent with the conservation purposes of this Easement.

E. The conservation purposes of this Easement are recognized by, and the grant of this Easement will serve, the following clearly delineated governmental conservation policies:

The Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. section 4201 et seq., whose purpose is “to minimize the extent to which Federal programs and policies contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government and private programs and policies to protect farmland;”

California Civil Code at Part 2, Chapter 4, (commencing with section 815), which defines and authorizes perpetual conservation easements;

California Constitution Article XIII, section 8, California Revenue and Taxation Code sections 421.5 and 422.5, and California Civil Code section 815.1, under which this Agricultural Conservation Easement is an enforceable restriction, requiring that the Property’s tax valuation be consistent with restriction of its use for purposes of food and fiber production and conservation of natural resources;

Section 10200 et seq. of the California Public Resources Code, which creates the California Farmland Conservancy Program within the Department;

85 Section 51220 of the California Government Code, which declares a public
86 interest in the preservation of agricultural lands, by providing that “agricultural
87 lands have a definitive public value as open space” and “that the discouragement of
88 premature and unnecessary conversion of agricultural land to urban uses is a matter
89 of public interest”;

90
91 California Food and Agriculture Code Section 821 states that one of the major
92 principles of the State's agricultural policy is “to sustain the long-term productivity
93 of the State's farms by conserving and protecting the soil, water, and air, which are
94 agriculture's basic resources;”

95
96 The California General Plan law section 65300 et seq. and Section 65400 et seq.
97 of the California Government Code, and the [*County name*] County General Plan,
98 as updated on [*Update date*], which includes as one of its goals to protect
99 farmlands designated as prime, of statewide importance, unique, or of local
100 importance from conversion to and encroachment of non-agricultural uses; and,

101
102 Resolution No. [*Resolution number*], approved by the Board of Supervisors of
103 [*County name*] County on the [*day*] of [*month*], [*year*], which expresses support
104 for the acquisition of this Easement and finds that the acquisition is consistent
105 with the County’s General Plan and the Resolution’s findings. (NOTE: If the
106 Property lies within the Sphere of Influence of an incorporated city, both the city
107 and county must pass resolutions of support.)

108
109 F. The Grantee is a California nonprofit organization within the meaning of
110 California Public Resources Code section 10221 and California Civil Code section 815.3
111 and is a tax exempt and “qualified conservation organization” within the meaning of
112 Sections 501(c)(3) and 170(b)(1)(A)(iv) as defined by the United States Internal Revenue
113 Code. Grantee, as certified by a resolution of Grantee's Board of Trustees, accepts the
114 responsibility of enforcing the terms of this Easement and upholding its conservation
115 purposes forever.

116
117 GRANT OF AGRICULTURAL CONSERVATION EASEMENT

118
119 Now, therefore, for the reasons given, and in consideration of their mutual
120 promises and covenants, terms, conditions and restrictions contained herein, and other
121 good and valuable consideration, the receipt and adequacy of which are hereby
122 acknowledged, the Landowner voluntarily grants and conveys to the Grantee, and the
123 Grantee voluntarily accepts, a perpetual conservation easement, as defined by Section
124 815.1 and 815.2 of the California Civil Code and California Public Resources Code
125 section 10211, and of the nature and character described in this Easement for the purpose
126 described below, and agree as follows:

127
128 1. *Conservation Purpose.*

129
130 The conservation purpose (“Conservation Purpose” or “Purpose”) of this Easement is to

131 enable the Property to remain in productive agricultural use in perpetuity by preventing
132 and correcting uses of the Property prohibited by the provisions of this Easement. To the
133 extent that the preservation of the open space character and [*scenic, habitat, natural, or*
134 *historic, etc.*] values of the Property are consistent with such use, it is within the Purpose
135 of this Easement to protect those values.

136
137 *2. Right to Use Property for Agricultural Purposes.*
138

139 The Landowner retains the right to use the Property for agricultural purposes, or to permit
140 others to use the Property for agricultural purposes, in accordance with applicable law and
141 this Easement.

142
143 *3. Prohibited Uses.*
144

145 The Landowner shall not perform, nor knowingly allow others to perform, any act on or
146 affecting the Property that is inconsistent with this Easement. Any use or activity that
147 would diminish or impair the agricultural productive capacity and open space character
148 [*or scenic, habitat, natural, historic etc. values*] of the Property, or that would cause
149 significant soil degradation or erosion, restrict agricultural husbandry practices, or that is
150 otherwise inconsistent with the Conservation Purpose is prohibited (“Prohibited Use”).
151 “Husbandry practices” means agricultural activities, such as those specified in Section
152 3482.5(e) of the California Civil Code, conducted or maintained for commercial purposes
153 in a manner consistent with proper and accepted customs and standards, as established
154 and followed by similar agricultural operations in the same locality. This Easement
155 authorizes the Grantee to enforce these covenants in the manner described herein.
156 However, unless otherwise specified, nothing in this Easement shall require the
157 Landowner to take any action to restore the condition of the Property after any Act of
158 God or other event over which it had no control. The Landowner understands that
159 nothing in this Easement relieves it of any obligation or restriction on the use of the
160 Property imposed by law.

161
162 *4. Permission of the Grantee.*
163

164 Where the Landowner is expressly required to obtain the Grantee’s permission for a
165 proposed use hereunder, said permission (a) shall not be unreasonably delayed or
166 withheld by the Grantee, (b) shall be sought and given in writing, with copies of all
167 documents to be provided to the Department, and (c) shall in all cases be obtained by the
168 Landowner prior to the Landowner's undertaking of the proposed use. The Grantee shall
169 grant permission to the Landowner only where the Grantee, acting in the Grantee's sole
170 reasonable discretion and in good faith, determines that the proposed use is not a
171 “Prohibited Use” per Section 3.

172
173 *5. Construction or Placement of Buildings and Other Improvements.*
174

175 The Landowner may undertake construction, erection, installation, or placement of
176 buildings, structures, or other improvements on the Property only as provided in

177 subsections (a) through (d) below. All other construction, erection, installation, or
178 placement of buildings, structures, or other improvements on the Property is prohibited.
179 Before undertaking any construction, erection, installation or placement that requires
180 permission, the Landowner shall notify the Grantee and obtain prior written permission
181 from the Grantee.

182
183 For purposes of this section, the term “improvements” shall not refer to, and specifically
184 excludes, crops, plants, trees, vines, or other living improvements planted for agricultural
185 purposes, nor shall it refer to irrigation improvements necessary or desirable to irrigate
186 the Property for agricultural purposes, all of which may be made without permission of
187 the Grantee.

188
189 (a) Fences – Existing fences may be repaired and replaced without permission of
190 the Grantee. New fences may be built anywhere on the Property for purposes of
191 reasonable and customary agricultural management, and for security of farm
192 produce, livestock, equipment, and improvements on the Property, without
193 permission of the Grantee.

194
195 (b) Agricultural Structures and Improvements – Existing agricultural structures
196 and improvements as shown in Exhibit C and more fully described in the Baseline
197 Report, may be repaired, reasonably enlarged, and replaced at their current
198 locations within the Building envelope for agricultural purposes without
199 permission from the Grantee. New buildings and other structures and
200 improvements to be used solely for agricultural production on the Property or sale
201 of farm products predominantly grown or raised on the Property, including barns
202 and equipment sheds, but not including any dwelling or farm labor housing, may
203 be built on the Property within the Building Envelope depicted in Exhibit B,
204 without permission of the Grantee. All permissible new agricultural structures
205 may be repaired, reasonably enlarged, and replaced without permission of the
206 Grantee. Any other agricultural production or marketing-related structures may
207 be constructed only with permission of the Grantee pursuant to Section 4.

208
209 (c) Residential Dwellings – The single-family dwelling shown in Exhibit C may
210 be repaired, enlarged or replaced at the current location entirely within the
211 Building Envelope shown in Exhibit C without permission of the Grantee. Said
212 single-family dwelling shall not exceed three thousand square feet (3,000 sq. ft.)
213 of living area. No other residential structures may be constructed or placed on the
214 Property except for agricultural employee housing per Section 5(d).

215
216 *(NOTE: With approval of the funder(s), this section may need to be modified*
217 *depending on the circumstances of the property and other factors)*

218
219 (d) Agricultural Employee Housing – The agricultural employee house shown in
220 Exhibit C may be repaired, enlarged or replaced at the current location entirely
221 within the Building Envelope shown in Exhibit C without permission of the
222 Grantee. No additional agricultural employee housing may be constructed or

223 placed on the Property without permission of the Grantee. Grantee may only
224 grant permission pursuant to Section 4 and only if the Landowner can
225 demonstrate to the Grantee's satisfaction that such additional agricultural
226 employee housing is reasonable and necessary for the agricultural operation of the
227 Property. The aggregate living area of agricultural employee housing shall not
228 exceed two thousand five hundred square feet (2,500 sq ft.). All agricultural
229 employee housing must be located entirely within the Building Envelope shown
230 in Exhibit C.

231

232 *(NOTE: With approval of the funder(s), this section may need to be modified*
233 *depending on the circumstances of the property and other factors)*

234

235 (e) Utilities and Septic Systems. Wires, lines, pipes, cables or other facilities
236 providing electrical, gas, water, sewer, communications, energy generation, or
237 other utility services solely to serve the improvements permitted herein or to
238 transmit power generated on the Property may be installed, maintained, repaired,
239 removed, relocated and replaced. In addition, septic or other underground
240 sanitary systems serving the improvements permitted herein may be installed,
241 maintained, repaired, replaced, relocated or improved, but must be located within
242 the Building Envelope. Power generation and transmission facilities primarily for
243 agricultural and other permitted uses on the Property may be constructed within
244 the Building Envelope. Power generated in excess of requirements on the
245 Property may be sold to appropriate public utilities. Notwithstanding the
246 foregoing, commercial power generation, collection or transmission facilities,
247 including wind or solar farms outside of Building Envelope, and the conveyance
248 of any rights-of-way over, under or on the Property for any such purpose, are
249 prohibited.

250

251 6. *No Subdivision.*

252

253 The division, subdivision, defacto subdivision, or partition of the Property, including
254 transfer of development rights, whether by physical, legal, or any other process, is
255 prohibited.

256

257 The Landowner and Grantee acknowledge and understand that the Property consists of
258 [number] legal parcel(s), and that no additional, separate legal parcels currently exist
259 within the Property that may be recognized by a certificate of compliance or conditional
260 certificate of compliance pursuant to California Government Code section 66499.35
261 based on previous patent or deed conveyances, subdivisions, or surveys. The Landowner
262 will not apply for or otherwise seek recognition of additional legal parcels within the
263 Property based on certificates of compliance or any other authority. The Landowner shall
264 continue to maintain the legal parcels comprising the Property, and all interests therein,
265 under common ownership, as though a single legal parcel.

266

267 Lot line adjustment may be permitted only with the written approval of the Grantee
268 pursuant to Section 4, in conjunction with the approval of the local jurisdiction, and for

269 purposes of maintaining, enhancing or expanding agricultural practices or productivity on
270 the Property.

271

272 *7. Extinguishment of Development Rights.*

273

274 The Landowner hereby grants to the Grantee all development rights except as specifically
275 reserved in this Easement, that were previously, are now or hereafter allocated to,
276 implied, reserved, appurtenant to, or inherent in the Property, and the parties agree that
277 such rights are released, terminated, and extinguished, and may not be used on or
278 transferred by either party to any portion of the Property as it now or later may be
279 bounded or described, or to any other property adjacent or otherwise, or used for the
280 purpose of calculating permissible lot yield of the Property or any other property. This
281 Easement shall not create any development rights.

282

283 *8. Mining.*

284

285 The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other
286 mineral substance, using any method that disturbs the surface of the land, is prohibited.

287

288 *(NOTE: With approval of the funder(s), this section may need to be modified depending*
289 *on the circumstances of the property and other factors)*

290

291 *9. Paving and Road Construction.*

292

293 Other than existing roads shown within the Building Envelope as identified in the Baseline
294 Report, no portion of the Property presently unpaved shall be paved or otherwise covered
295 with concrete, asphalt, or any other impervious paving material, unless such measures are
296 required by air quality laws or regulations applicable to the Property. Except as otherwise
297 permitted herein, no road for access or other purposes shall be constructed without the
298 permission of the Grantee pursuant to Section 4. Notwithstanding the foregoing,
299 construction of unpaved farm roads, as necessary or desirable by agricultural operations,
300 is permitted without permission from the Grantee. The Landowner shall notify the
301 Grantee of any significant net relocation or addition of unpaved farm roads.

302

303 *10. Trash and Storage.*

304

305 The dumping or accumulation on the Property of any kind of trash, refuse, vehicle bodies
306 or parts, or "Hazardous Materials," as defined in Section 25 is prohibited. Farm-related
307 trash and refuse produced on the Property may be temporarily stored on the Property
308 subject to all applicable laws. The storage of agricultural products and byproducts
309 produced on the Property and materials reasonably required for agricultural production
310 on the Property, including Hazardous Materials, is permitted as long as it is done in
311 accordance with all applicable government laws and regulations.

312

313

314 11. *Commercial Signs.*

315

316 Commercial signs (including billboards) unrelated to permitted activities conducted on
317 the Property are prohibited.

318

319 12. *Recreational Uses; Motorized Vehicle Use Off Roadways*

320

321 Resort structures, athletic fields, golf courses, non-residential swimming pools, public or
322 commercial airstrips, commercial equestrian facilities, public or commercial helicopter
323 pads, and any other non-agricultural recreational structures or facilities are prohibited on
324 the Property. Recreational structures or improvements for the personal use of the
325 Landowner and its guests (e.g. swimming pool, tennis court) are permitted only within
326 the Building Envelope. The use of motorized vehicles off roadways and outside of the
327 Building Envelope is prohibited except where used for agricultural production, property
328 maintenance and security, or for the purpose of monitoring this Easement.

329

330 13. *Water Rights.*

331

332 The Landowner shall retain and reserve all ground water, and all appurtenant,
333 prescriptive, contractual or other water rights appurtenant to the Property at the time this
334 Easement becomes effective. The Landowner shall not permanently transfer, encumber,
335 lease, sell, or otherwise separate such quantity of water or water rights from title to the
336 Property itself. Permanent separation of water or water rights is prohibited. All water
337 shall be retained in [*County name*] County for agricultural production and used in
338 conjunction with the improvements permitted by Section 5 of this Easement only. Water
339 may be distributed to a contiguous property or other property owned or leased by the
340 Landowner on an annual basis for agricultural production only. Any temporary
341 distribution of water shall not impair the long-term agricultural productive capacity or
342 open space character of the Property.

343

344 14. *Rights Retained by the Landowner.*

345

346 Subject to Section 7 and to interpretation under Section 22, as owner of the Property, the
347 Landowner reserves all interests in the Property not transferred, conveyed, restricted,
348 prohibited or extinguished by this Easement. These ownership rights include, but are not
349 limited to, the right to sell, lease, or otherwise transfer the Property to anyone the
350 Landowner chooses, as well as the right to privacy, the right to exclude any member of
351 the public from trespassing on the Property, and any other rights consistent with the
352 Purpose of this Easement. Nothing contained herein shall be construed as a grant to the
353 general public of any right to enter upon any part of the Property.

354

355 Nothing in this Easement relieves the Landowner of any obligation or restriction on the
356 use of the Property imposed by law.

357

358

359 15. *Responsibilities of the Landowner and the Grantee Not Affected.*

360
361 Other than as specified herein, this Easement is not intended to impose any legal or other
362 responsibility on the Grantee, or in any way to affect any existing obligation of the
363 Landowner as owner of the Property. Among other things, this shall apply to:

364
365 (a) Taxes – The Landowner shall be solely responsible for payment of all taxes
366 and assessments levied against the Property. If the Grantee ever pays any taxes or
367 assessments on the Property, or if the Grantee pays levies on the Landowner’s
368 interest in order to protect Grantee’s interests in the Property, the Landowner will
369 reimburse the Grantee for the same. It is intended that this Easement constitute an
370 enforceable restriction within the meaning of Article XIII, Section 8 of the
371 California Constitution and that this Easement qualify as an enforceable
372 restriction under the provisions of California Revenue and Taxation Code
373 Sections 402.1(a)(8) and 423.

374
375 (b) Upkeep and Maintenance – The Landowner shall be solely responsible for the
376 upkeep and maintenance of the Property, to the extent it may be required by law.
377 The Grantee shall have no obligation for the upkeep or maintenance of the
378 Property. If the Grantee acts to maintain the Property in order to protect the
379 Grantee’s interest in the Property, the Landowner will reimburse the Grantee for
380 any such costs.

381
382 (c) Liability and Indemnification – In view of the Grantee’s and the Department
383 of Conservation’s negative rights, limited access to the land, and lack of active
384 involvement in the day-to-day management activities on the Property, the
385 Landowner shall indemnify, protect, defend and holds harmless the Grantee, the
386 Department of Conservation, their officers, directors, members, employees,
387 contractors, legal representatives, agents, successors and assigns (collectively,
388 “Agents and Assigns”) from and against all liabilities, costs, losses, orders, liens,
389 penalties, claims, demands, damages, expenses, or causes of action or cases,
390 including without limitation reasonable attorneys’ fees, arising out of or in any
391 way connected with or relating to the Property or the Easement. The Landowner
392 shall be solely liable for injury or the death of any person, or physical damage to
393 any property, or any other costs or liabilities resulting from any act, omission,
394 condition, or other matter related to or occurring on or about the Property,
395 regardless of cause, unless due to the negligence or willful misconduct of the
396 Grantee, the Department of Conservation, and/or their respective Agents and
397 Assigns. The Grantee shall be named as an additional insured on Landowner’s
398 general liability insurance policy.

399
400 Neither the Grantee, the Department of Conservation, nor their Agents and
401 Assigns shall have responsibility for the operation of the Property, monitoring of
402 hazardous conditions on it, or the protection of the Landowner, the public or any
403 third parties from risks relating to conditions on the Property. Without limiting
404 the foregoing, neither the Grantee, the Department, nor their respective Agents

405 and Assigns shall be liable to the Landowner or other person or entity in
406 connection with consents given or withheld, or in connection with any entry upon
407 the Property occurring pursuant to this Easement, or on account of any claim,
408 liability, damage or expense suffered or incurred by or threatened against the
409 Landowner or any other person or entity, except as the claim, liability, damage, or
410 expense is the result of the gross negligence or intentional misconduct of the
411 Grantee, the Department, and/or their respective Agents and Assigns.
412

413 *16. Monitoring.*

414
415 The Grantee shall manage its responsibilities as holder of this Easement in order to
416 uphold the Purpose of this Easement. The Grantee's responsibilities include, but are not
417 limited to, annual monitoring, such additional monitoring as circumstances may require,
418 record keeping, and enforcement of this Easement, for the purpose of preserving the
419 Property's agricultural productive capacity and open space character in perpetuity.
420 Failure of the Grantee to carry out these responsibilities shall not impair the validity of
421 this Easement or limit its enforceability in any way. With reasonable advance notice
422 (except in the event of an emergency circumstance or prevention of a threatened breach),
423 Grantee shall have the right to enter upon, inspect, observe, monitor and evaluate the
424 Property to identify the current condition of, and uses and practices on the Property and
425 to determine whether the condition, uses and practices are consistent with this Easement.
426

427 Grantee shall indemnify, defend with counsel of Landowner's choice, and hold
428 Landowner harmless from, all expense, loss, liability, damages and claims, including
429 Landowner's attorneys' fees, if necessary, arising out of Grantee's entry on the Property,
430 unless caused by a violation of this Easement by Landowner or by Landowner's
431 negligence or willful misconduct.
432

433 The Grantee shall report to the Department of Conservation by June 30 of each year after
434 the annual monitoring visit, describing method of monitoring, condition of the Property,
435 stating whether any violations were found during the period, describing any corrective
436 actions taken, the resolution of any violation, and any transfer of interest in the Property.
437 Failure to do so shall not impair the validity of this Easement or limit its enforceability in
438 any way.
439

440 *17. Enforcement.*

441
442 The Grantee may take all actions that it deems necessary to ensure compliance with the
443 terms, conditions, covenants, and purposes of this Easement. The Grantee shall have the
444 right to prevent and correct violations of the terms, conditions, covenants, and purposes
445 of this Easement. If the Grantee finds what it believes is a violation or potential
446 violation, it may at its discretion take appropriate legal action to ensure compliance with
447 the terms, conditions, covenants, and purposes of this Easement and shall have the right
448 to correct violations and prevent the threat of violations. Except when an ongoing or
449 imminent violation could irreversibly diminish or impair the agricultural productive
450 capacity and open space character of the Property, the Grantee shall give the Landowner

451 written notice of the violation or potential violation, and thirty (30) days to correct it,
452 before filing any legal action.

453

454 If a court with jurisdiction determines that a violation may exist, has occurred, or is about
455 to occur, the Grantee may obtain an injunction, specific performance, or any other
456 appropriate equitable or legal remedy, including (i) money damages, including damages
457 for the loss of the agricultural conservation values protected by this Easement, (ii)
458 restoration of the Property to its condition existing prior to such violation, and (iii) an
459 award for all of the Grantee's expenses incurred in stopping and correcting the violation,
460 including but not limited to reasonable attorney's fees. The failure of the Grantee to
461 discover a violation or potential violation, or to take immediate legal action to prevent or
462 correct a violation or potential violation known to the Grantee, shall not bar the Grantee
463 from taking subsequent legal action. The Grantee's remedies under this section shall be
464 cumulative and shall be in addition to all remedies now or hereafter existing at law or in
465 equity.

466

467 Without limiting the Landowner's liability therefor, the Grantee shall apply damages
468 recovered to the cost of undertaking any corrective action on the Property. Should the
469 restoration of lost values be impossible or impractical for whatever reason, the Grantee
470 shall apply any and all damages recovered to furthering its mission, with primary
471 emphasis on agricultural conservation easement acquisition and enforcement.

472

473 In the event the Grantee fails to enforce any term, condition, covenant or purpose of this
474 Easement, as determined by the Director of the Department of Conservation, the Director
475 of the Department and his or her successors and assigns shall have the right to enforce the
476 Easement after giving notice to the Grantee and the Landowner and providing a
477 reasonable opportunity under the circumstances for the Grantee to enforce any term,
478 condition, covenant, or purpose of the Easement. In the event that the Director of the
479 Department determines that the Grantee has failed to enforce any of the terms,
480 conditions, covenants, or purposes of the Easement, the Director of the Department and
481 his or her successors and assigns shall be entitled to exercise the same right to enter the
482 Property granted to the Grantee, including right of immediate entry in the event of an
483 emergency or suspected emergency where the Director of the Department or his or her
484 successor or assign determines that immediate entry is required to prevent, terminate or
485 mitigate a violation of this Easement.

486

487 Failure or refusal to exercise any rights under the terms of this Easement by the Grantee
488 in the event of a violation by the Landowner of any term herein shall not constitute a
489 waiver or forfeiture of the Grantee's right to enforce any term, condition, covenant, or
490 purpose of this Easement.

491

492 18. *Transfer of Easement.*

493

494 This Easement may only be assigned or transferred to a private nonprofit organization
495 that, at the time of transfer, is a "qualified organization" under Section 170(h) of the
496 United States Internal Revenue Code and meets the requirements of Section 815.3(a) of

497 the California Civil Code and has similar purposes to preserve agricultural lands and
498 open space. If no such private nonprofit organization exists or is willing to assume the
499 responsibilities imposed by this Easement, then this Easement may be transferred to any
500 public agency authorized to hold interests in real property as provided in Section 815.3(b)
501 of the California Civil Code. Such an assignment or transfer may proceed only if the
502 organization or agency expressly agrees to assume the responsibility imposed on the
503 Grantee by the terms of this Easement and is expressly willing and able to hold this
504 Easement for the Purpose for which it was created. All assignment and assumption
505 agreements transferring the Easement shall be duly recorded in <County name> County.
506

507 If the Grantee should desire to assign or transfer this Easement, the Grantee must obtain
508 written permission from the Landowner and the Department of Conservation, which
509 permission shall not be unreasonably withheld.
510

511 If the Grantee or its successors ever ceases to exist or no longer qualifies under Section
512 170(h) of the U.S. Internal Revenue Code, or applicable state law, the Department of
513 Conservation, in consultation with the Landowner, shall identify and select an
514 appropriate private or public entity to whom this Easement shall be transferred.
515

516 *19. Perpetual Duration and No Merger of Title.*
517

518 Pursuant to California Civil Code at Part 2, Chapter 4, (commencing with section 815),
519 which defines and authorizes perpetual conservation easements; this Easement shall run
520 with the land in perpetuity. Every provision of this Easement that applies to the
521 Landowner or the Grantee shall also apply to their respective agents, heirs, executors,
522 administrators, assigns, and all other successors as their interests may appear.
523

524 No merger of title, estate or interest shall be deemed effected by any previous,
525 contemporaneous, or subsequent deed, grant, or assignment of an interest or estate in the
526 Property, or any portion thereof, to the Grantee, or its successors or assigns. It is the
527 express intent of the parties that this Easement not be extinguished by, merged into,
528 modified, or otherwise deemed affected by any other interest or estate in the Property
529 now or hereafter held by the Grantee or its successors or assigns.
530

531 *20. Transfer of Property Interest.*
532

533 Any time the Property itself, or any interest in it, is transferred by the Landowner to any
534 third party, the Landowner shall notify the Grantee and the Department of Conservation
535 in writing at least thirty (30) days prior to the transfer of the Property or interest, and the
536 document of conveyance shall expressly incorporate by reference this Easement. Any
537 document conveying a lease of the Property shall expressly incorporate by reference this
538 Easement. Failure of the Landowner to do so shall not impair the validity of this
539 Easement or limit its enforceability in any way.
540
541

542 21. *Amendment of Easement.*

543

544 This Easement may be amended only with the written consent of the Landowner, the
545 Grantee, and the Director of the Department of Conservation. Any such amendment shall
546 be consistent with the Purpose of this Easement and with the Grantee's easement
547 amendment policies, and shall comply with all applicable laws, including Section 170(h)
548 of the Internal Revenue Code, or any regulations promulgated in accordance with that
549 section, and with Section 815 et seq. of the California Civil Code, and the California
550 Farmland Conservancy Program Act as codified in Section 10200 et seq. of the California
551 Public Resources Code, and any regulations promulgated thereunder. No amendment
552 shall diminish or affect the perpetual duration or the Purpose of this Easement, nor the
553 status or rights of the Grantee under the terms of this Easement.

554

555 This Easement and any amendment to it shall be recorded in [*County name*] County.
556 Copies of any amendments to this Easement shall be provided to the Department of
557 Conservation within 30 days of recordation.

558

559

560 22. *Termination of Easement.*

561 *(NOTE: Landowners may waive the administrative termination provision defined in*
562 *Public Resources Code sections 10270-77, in which case Scenario A shall be used below,*
563 *with potential easement termination shall be governed solely by judicial termination*
564 *proceedings. Otherwise, Scenario B on page 15 shall be used.)*

565

566 ***[Scenario A: Landowner's Administrative Termination Rights Waived]***

567

568 (a) It is the intention of the parties that the Conservation Purpose of this Easement
569 shall be carried out forever as provided in the Section 10211 of the Public
570 Resources Code and Section 815 et seq. of the Civil Code. Accordingly,
571 Landowner hereby waives on behalf of the Landowner and the Landowner's
572 successors and assigns all rights at law or inequity to request a termination of this
573 Easement pursuant to Public Resources Code Sections 10270 et seq.

574

575 Waiver of Right to Request Administrative Termination:

576

577 Landowner's Initials: _____ [*and* _____]

578

579 (b) Other than pursuant to eminent domain or purchase in lieu of eminent
580 domain, no other voluntary or involuntary sale, exchange, conversion, or
581 conveyance of any kind of all or part of the Property, or of any interest in it, shall
582 limit or terminate the provisions of this Easement. This Easement can only be
583 terminated or extinguished, whether in whole or in part, by judicial proceedings in
584 a court of competent jurisdiction. The fact that the land is not in agricultural use
585 is not reason for termination of this Easement.

586

587 Termination of the Easement through condemnation is subject to the requirements

588 of Section 10261 of the Public Resources Code, the eminent domain laws of the
589 State of California, federal law, and this Easement. The Property may not be
590 taken by eminent domain or in lieu of eminent domain if the planned use is more
591 than seven (7) years in the future (California Code of Civil Procedure section
592 1240.220). Grantee shall be paid by the condemnor the value of the Easement at
593 the time of condemnation (Public Resources Code section 10261(a)(2)). Purchase
594 in lieu of condemnation, or settlement of an eminent domain proceeding, shall
595 occur pursuant to applicable laws and procedures, including but not limited to
596 California Government Code sections 7267.1 and 7267.2, and shall require
597 approval of the Grantee, the Director of the Department, and the [match funder].
598 Grantee shall have an opportunity to accompany the appraiser for the condemning
599 agency when the appraiser goes on the Property with Landowner. Should this
600 Easement be condemned or otherwise terminated on any portion of the Property,
601 the balance of the Property shall remain subject to this Easement. In this event,
602 all relevant related documents shall be updated and re-recorded by the Grantee to
603 reflect the modified easement area. Encumbrances junior to this Easement shall
604 remain subordinate to the Easement as amended.
605

606 (c) In the event the Landowner is notified that a public entity intends or proposes
607 to acquire the Easement Area in whole or in part by eminent domain, the
608 Landowner shall provide the Grantee, the Department, and the [match funder]
609 with a copy of the notification within five (5) business days of having received
610 such notification. In the event the Landowner intends to seek termination of the
611 easement pursuant to initiation of a judicial proceeding which is not based on
612 eminent domain, the Landowner shall notify the Grantee, the Department and the
613 [match funder] of such intent no later than sixty (60) days before initiating such
614 proceedings. No inaction or silence by the Grantee, the Department, or the
615 [match funder] shall be construed as abandonment of the Easement.
616

617 (d) The grant of this Easement gives rise to a property right immediately vested in
618 the Grantee. For the purpose of determining the amount to be paid by the
619 Landowner in a repurchase of the Easement pursuant to judicial proceedings, and
620 for the purpose of allocating proceeds from a sale or other disposition of the
621 Property at the time of termination, the Easement and the Grantee's property right
622 therein shall have a value equal to the difference between the current fair market
623 value of the Property as if unencumbered by this Easement and the current fair
624 market value of the Property encumbered by this Easement, each as determined
625 on or about the date of termination. The values shall be determined by an
626 appraisal performed by an appraiser jointly selected by the Landowner and the
627 Grantee. The Landowner shall pay the cost of the appraisal, and it is subject to
628 approval by the Department and the [match funder]. Nothing herein shall prevent
629 the Landowner, the Grantee, the Department, or the [match funder] from having
630 an appraisal prepared at its own expense.
631

632 (e) Upon approval of termination of this Easement or any portion thereof, the
633 Landowner shall reimburse the State of California, Department of Conservation

634 California Farmland Conservancy Program Fund and *[match funder]*, the amount
635 equal to the value of the Easement that is terminated. If the entire Easement is
636 terminated, the amount required to be paid in connection with the Landowner's
637 repurchase shall be distributed as follows: (i) to the State of California,
638 Department of Conservation, California Farmland Conservancy Program Fund,
639 ?%; and (ii) to the *[match funder]*, ?%, representing the proportion of easement
640 value originally contributed by these agencies for the purchase of this Easement.
641 If only a portion of the Easement is so terminated, the reimbursement shall be
642 pro-rated. This Easement shall not be deemed terminated under a judicial
643 termination proceeding until such payment is received by the State of California,
644 Department of Conservation California Farmland Conservancy Program Fund, the
645 *[match funder]* and Grantee *[if any bargain sale occurred]*. Grantee, in using any
646 funds received from the termination of this Easement, shall use the funds in a
647 manner consistent with the Purpose of this Easement.

648
649 *(NOTE: Additional language IRS language may need to be used for landowners*
650 *seeking IRS recognition of a charitable donation)*

651
652 (f) If the Grantee obtains payment on a claim under a title insurance policy
653 insuring this Easement, payment shall be distributed as set forth in Section 22(e).

654
655 ***[Scenario B: Landowner's Administrative Termination Rights NOT Waived]***

656
657 (a) Other than pursuant to eminent domain or purchase in lieu of eminent domain,
658 no other voluntary or involuntary sale, exchange, conversion, or conveyance of
659 any kind of all or part of the Property, or of any interest in it, shall limit or
660 terminate the provisions of this Easement. This Easement can only be terminated
661 or extinguished, whether in whole or in part, by judicial proceedings in a court of
662 competent jurisdiction or by administrative termination pursuant to Section
663 10270-10277 of the Public Resources Code. The fact that the land is not in
664 agricultural use is not reason for termination of this Easement.

665
666 Termination of the Easement through condemnation is subject to the requirements
667 of Section 10261 of the Public Resources Code, the eminent domain laws of the
668 State of California, federal law, and this Easement. The Property may not be
669 taken by eminent domain or in lieu of eminent domain if the planned use is more
670 than seven (7) years in the future (California Code of Civil Procedure section
671 1240.220). Grantee shall be paid by the condemnor the value of the Easement at
672 the time of condemnation (Public Resources Code section 10261(a)(2)). Purchase
673 in lieu of condemnation, or settlement of an eminent domain proceeding, shall
674 occur pursuant to applicable laws and procedures, including but not limited to
675 California Government Code sections 7267.1 and 7267.2, and shall require
676 approval of the Grantee, the Director of the Department, and the *[match funder]*.
677 Grantee shall have an opportunity to accompany the appraiser for the condemning
678 agency when the appraiser goes on the Property with Landowner. Should this
679 Easement be condemned or otherwise terminated on any portion of the Property,

680 the balance of the Property shall remain subject to this Easement. In this event,
681 all relevant related documents shall be updated and re-recorded by the Grantee to
682 reflect the modified easement area. Encumbrances junior to this Easement shall
683 remain subordinate to the Easement as amended.

684
685 (b) In the event the Landowner is notified that a public entity intends or proposes
686 to acquire the Easement Area in whole or in part by eminent domain, the
687 Landowner shall provide the Grantee, the Department, and the [match funder]
688 with a copy of the notification within five (5) business days of having received
689 such notification. In the event the Landowner intends to seek termination of the
690 easement pursuant to administrative termination or judicial proceeding that is not
691 based on eminent domain, the Landowner shall notify the Grantee, the
692 Department and the [match funder] of such intent no later than sixty (60) days
693 before initiating such proceedings. No inaction or silence by the Grantee, the
694 Department, or the [match funder] shall be construed as abandonment of the
695 Easement.

696
697 (c) The grant of this Easement gives rise to a property right immediately vested in
698 the Grantee. For the purpose of determining the amount to be paid by the
699 Landowner in a repurchase of the Easement at the time of a administrative
700 termination or pursuant to judicial proceedings, and for the purpose of allocating
701 proceeds from a sale or other disposition of the Property at the time of
702 termination, the Easement and the Grantee's property right therein shall have a
703 value equal to the difference between the current fair market value of the Property
704 as if unencumbered by this Easement and the current fair market value of the
705 Property encumbered by this Easement, each as determined on or about the date
706 of termination. The values shall be determined by an appraisal performed by an
707 appraiser jointly selected by the Landowner and the Grantee. The Landowner
708 shall pay the cost of the appraisal, and it is subject to approval by the Department
709 and the [match funder]. Nothing herein shall prevent the Landowner, the Grantee,
710 the Department, or the [match funder] from having an appraisal prepared at its
711 own expense.

712
713 (d) Upon approval of termination of this Easement or any portion thereof, the
714 Landowner shall reimburse the State of California, Department of Conservation
715 California Farmland Conservancy Program Fund and [match funder], the amount
716 equal to the value of the Easement that is terminated. If the entire Easement is
717 terminated, the amount required to be paid in connection with the Landowner's
718 repurchase shall be distributed as follows: (i) to the State of California,
719 Department of Conservation, California Farmland Conservancy Program Fund,
720 ?%; and (ii) to the [match funder], ?%, representing the proportion of easement
721 value originally contributed by these agencies for the purchase of this Easement.
722 If only a portion of the Easement is so terminated, the reimbursement shall be
723 pro-rated. This Easement shall not be deemed terminated under a judicial
724 termination proceeding until such payment is received by the State of California,
725 Department of Conservation California Farmland Conservancy Program Fund, the

726 [match funder] and Grantee [if any bargain sale occurred]. Grantee, in using any
727 funds received from the termination of this Easement, shall use the funds in a
728 manner consistent with the Purpose of this Easement.

729
730 (NOTE: Additional language IRS language may need to be used for landowners
731 seeking IRS recognition of a charitable donation)

732
733 (s) If the Grantee obtains payment on a claim under a title insurance policy
734 insuring this Easement, payment shall be distributed as set forth in Section 22(d).

735
736 23. Interpretation.

737
738 (a) This Easement shall be interpreted under the laws of the State of California,
739 resolving any ambiguities and questions of the validity of specific provisions so as
740 to give maximum effect to its conservation purposes.

741
742 (b) References to specific authorities in this Easement shall be to the statute, rule,
743 regulation, ordinance, or other legal provision that is in effect at the time this
744 Easement becomes effective.

745
746 (c) No provision of this Easement shall constitute governmental approval of any
747 improvements, construction or other activities that may be permitted under this
748 Easement.

749
750 24. Notices.

751
752 Any notices to the Landowner and the Grantee required by this Easement shall be in
753 writing and shall be personally delivered or sent by First-Class Mail to the following
754 addresses, unless a party has been notified by the other of a change of address:

755
756 To the Landowner:

757
758 _____
759 _____
760 _____

761
762 To the Grantee:

763
764 _____
765 _____
766 _____

767
768 Any notices required by this Easement to be sent to the Department shall be in writing
769 and shall be personally delivered or sent by first class mail, at the following address,
770 unless a party has been notified by the Department of a change of address:

771

772 To the Department of Conservation:

773

774 Department of Conservation

775 801 K Street, MS 18-01

776 Sacramento, CA 95814

777 Attn: California Farmland Conservancy Program

778

779 25. *The Landowner's Environmental Warranty.*

780

781 (a) Nothing in this Easement shall be construed as giving rise to any right or
782 ability in the Grantee or the Department of Conservation to exercise physical or
783 management control over the day-to-day operations of the Property, or any of the
784 Landowner's activities on the Property, or otherwise to become an "owner" or
785 "operator" with respect to the Property as those words are defined and used in
786 environmental laws, including the Comprehensive Environmental Response,
787 Compensation, and Liability Act of 1980 ("CERCLA"), as amended or any
788 corresponding state and local statute or ordinance.

789

790 (b) The Landowner warrants that it has no actual knowledge of a release or
791 threatened release of any Hazardous Materials on, at, beneath or from the
792 Property. Moreover the Landowner hereby promises to defend and indemnify the
793 Grantee and the Department of Conservation against all litigation, claims,
794 demands, penalties and damages, including reasonable attorneys' fees, arising
795 from or connected with the release or threatened release of any Hazardous
796 Materials on, at, beneath or from the Property, or arising from or connected with a
797 violation of any Environmental Laws. The Landowner's indemnification
798 obligation shall not be affected by any authorizations provided by the Grantee to
799 the Landowner with respect to the Property or any restoration activities carried
800 out by the Grantee at the Property; provided, however, that the Grantee shall be
801 responsible for any Hazardous Materials contributed after this date to the Property
802 by the Grantee.

803

804 (c) The Landowner warrants that it shall remain in compliance with, all applicable
805 Environmental Laws. The Landowner warrants that there are no notices by any
806 governmental authority of any violation or alleged violation of, non-compliance
807 or alleged non-compliance with or any liability under any Environmental Law
808 relating to the operations or conditions of the Property.

809

810 (d) "Environmental Law" or "Environmental Laws" means any and all Federal,
811 state, local or municipal laws, rules, orders, regulations, statutes, ordinances,
812 codes, guidelines, policies or requirements of any governmental authority
813 regulating or imposing standards of liability or standards of conduct (including
814 common law) concerning air, water, solid waste, Hazardous Materials, worker
815 and community right-to-know, hazard communication, noise, radioactive
816 material, resource protection, subdivision, inland wetlands and watercourses,
817 health protection and similar environmental health, safety, building and land use

818 as may now or at any time hereafter be in effect.

819

820 (e) "Hazardous Materials" means any petroleum, petroleum products, fuel oil,
821 waste oils, explosives, reactive materials, ignitable materials, corrosive materials,
822 hazardous chemicals, hazardous wastes, hazardous substances, extremely
823 hazardous substances, toxic substances, toxic chemicals, radioactive materials,
824 infectious materials and any other element, compound, mixture, solution or
825 substance which may pose a present or potential hazard to human health or the
826 environment or any other material defined and regulated by Environmental Laws.

827

828 (f) If at any time after the effective date of this Easement there occurs a release,
829 discharge or other incident in, on, or about the Property of any substance now or
830 hereafter defined, listed, or otherwise classified pursuant to any federal, state, or
831 local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise
832 contaminating to the air, water, or soil, or in any way harmful or threatening to
833 human health or the environment, the Landowner agrees to take any steps that are
834 required of the Landowner with respect thereto under federal, state, or local law
835 necessary to ensure its containment and remediation, including any cleanup.

836

837 26. *The Landowner's Title Warranty; No Prior Conservation Easements.*

838

839 The Landowner represents and warrants that it owns the entire fee simple interest in the
840 Property, including the entire mineral estate, and hereby promises to defend this
841 Easement against all claims that may be made against it. Any and all financial liens or
842 financial encumbrances with priority over this Easement existing as of the date of the
843 recording of this Easement have been subordinated. Exhibit C (Prior Encumbrances) sets
844 forth all prior encumbrances. The Landowner represents and warrants that the Property
845 is not subject to any other conservation easement whatsoever.

846

847 27. *Granting Subsequent Easements, Interests in Land, or Use Restrictions.*

848

849 With permission of the Grantee pursuant to Section 4, the Landowner may grant
850 subsequent easements, including conservation easements, interests in land, or use
851 restrictions on the Property. Under no circumstances shall the Grantee approve the
852 granting of subsequent easements, interests in land, or use restrictions that might diminish
853 or impair the agricultural productive capacity or open space character of the Property.
854 The Grantee's written approval shall be obtained at least thirty (30) days in advance of
855 the Landowner's execution of any proposed subsequent easement, interests in land, or use
856 restriction on the Property, and such subsequent easements, interests in land, and use
857 restrictions shall make reference to and be subordinate to this Easement. The Grantee
858 shall notify the Department immediately upon receipt of request by the Landowner to
859 grant a subsequent easement, interest in land, or use restriction on the Property. The
860 Grantee shall notify the Department in the event that it approves the grant of any
861 subsequent easement, interest in land, or use restriction on the Property.

862

863 28. *Severability.*

864

865 If any term, provision, covenant, condition, or restriction of this Easement is held by a
866 court of competent jurisdiction to be unlawful, invalid, void, unenforceable, or not
867 effective the remainder of this Easement shall remain in full force and effect and shall in
868 no way be affected, impaired, or invalidated.

869

870 29. *Entire Agreement.*

871

872 This Easement is the final and complete expression of the agreement between the parties
873 with respect to the subject matter contained herein. Any and all prior or
874 contemporaneous agreements with respect to this subject matter, written or oral, are
875 merged into and superseded by this written instrument.

876

877 30. *Acceptance.*

878

879 As attested by the signature of its [*Position title*] affixed hereto, as authorized by
880 Grantee's Board of Directors/Trustees, in exchange for consideration, the Grantee hereby
881 accepts without reservation the rights and responsibilities conveyed by this Deed of
882 Agricultural Conservation Easement.

883

884 To Have and To Hold, this Deed of Agricultural Conservation Easement unto the
885 Grantee, its successors and assigns, forever.

886

887 In Witness Whereof, the Landowner and the Grantee, intending to legally bind
888 themselves, have set their hands on the date first written above.

889

890 LANDOWNER

891

892 [*Landowner's Name*].

893

894 By: _____

895

896 Name: _____

897

898 Title: _____

899

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901
902
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GRANTEE

[*Grantee's Name*],
a California nonprofit public benefit corporation

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENTS

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State of California) ss
County of)

On _____ before me, _____, personally appeared
_____, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name is subscribed to the within instrument and acknowledged to
me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Notary Public

State of California) ss
County of)

On _____ before me, _____, personally appeared
_____, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name is subscribed to the within instrument and acknowledged to
me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
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I certify under PENALTY of PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Notary Public

959 Exhibit A (Legal Description) Attached
960 Exhibit B (Vicinity Map) Attached
961 Exhibit C (Building Envelope and Existing Improvements) Attached
962 Exhibit D (Prior Encumbrances) Attached
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Exhibit A
(Legal Description)

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Exhibit B
(Vicinity Map)

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Exhibit C
(Building Envelope and Existing Improvements)

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Exhibit D
(Prior Encumbrances)

EXHIBIT F

News & Events: [Join Riverside Land Conservancy, Mission Inn Foundation and Museum and Friends of Mt. R...](#)



[Click' Here Subscribe to our New](#)

Conservation Easements

The Riverside Land Conservancy is increasingly making use of conservation easements as a conservation tool. A conservation easement (or conservation restriction) is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation value. It allows landowners to continue to own and use their land and to sell it or pass it on to heirs. Future owners continue to be bound by the easement's terms. Currently, RLC holds conservation easements on 801 acres in western Riverside and San Bernardino Counties including a conservation easement on the 150 acre Colton Dehii sands flower-loving fly Conservation Bank. RLC is in active negotiations to accept an additional 375 acres of conservation easements on sensitive open space and natural habitat areas.



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Riverside Land Conservancy

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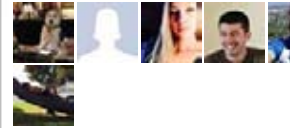


Riverside Land Conservancy

Or come to meet John Muir.



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Facebook social plugin



Riverside Land Conservancy
4075 Mission Inn Avenue, Riverside, CA 92501
Phone: (951) 788-0670
[Send Us An Email](#)
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DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

464 WEST 4th STREET, 6th Floor MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

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MAR 20 2014

CITY OF MORENO VALLEY
Planning Division

March 17, 2014

Jeff Bradshaw
City of Moreno Valley
Planning Department
14177 Frederick Street
P.O. Box 88055
Moreno Valley, CA 92552ProLogis Eucalyptus Industrial Park (formerly ProLogis Park Moreno Valley Eucalyptus Project)
SCH # 2008021002

Mr. Bradshaw,

We have completed our review for above named project located south of State Route 60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel. The proposed project consists of construction of a warehouse facility with six individual warehouses of varying sizes with a total of 2,244,638 square feet on 122.8 acres. The project includes construction of parking and driving areas, detention basins, erosion protection and bridge over Quincy Channel, offsite road and utility improvements, and landscaping along the perimeter and roadway frontages.

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

We recommend the following to be provided:

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

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Mr. Bradshaw
March 17, 2014
Page 2

Sincerely,



DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

Darisa Vargas

From: George Hague <gbhague@gmail.com>
Sent: Wednesday, March 19, 2014 10:02 PM
To: Chris Ormsby
Cc: John Terell; Jeffrey Bradshaw
Subject: SAN JACINTO VALLEY: Audubon booklet shows many species | Local News | PE.com

<http://www.pe.com/local-news/columns/cassie-macduff-headlines/20140317-san-jacinto-valley-audubon-booklet-shows-many-species.ece>

Good afternoon/evening Planning Commissioners,

The booklet I gave you at your last meeting is the subject of the below article. If you use the above link you will be able to see at least one picture that goes with the below. I hope you read both the article and the text of the booklet. The public has paid more than \$80,000,000 in tax dollars for this wonderful area known as the San Jacinto Wildlife Area. If you wish to have a guided visit to the area, Google the Friends of the Northern San Jacinto Valley and read their latest newsletter which will provide you a list of walks during the next two months which are some of the best times to visit.

Take care,

George Hague

SAN JACINTO VALLEY: Audubon booklet shows many species

An Audubon photo booklet, “Birds of the San Jacinto Valley,” shows myriad species that share the wildlife area. Audubon put out the book to highlight the area’s importance.

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BY CASSIE MACDUFF
March 17, 2014; 08:20 PM

When a friend gave me a free booklet about the birds of the San Jacinto Wildlife Area, I was stunned by the variety and beauty of the species that could be found so close to Riverside.

The booklet, published by the San Bernardino Valley Audubon Society, contains 86 color photos taken by Audubon members at the wildlife area and neighboring Lake Perris.

A vermilion flycatcher, a cinnamon teal duck, a snowy egret, Northern Harriers, bald eagles, a white-tailed kite poised to pounce on its prey, and an amazing variety of shorebirds with bills long and longer, all grace the booklet.

I had heard of the wildlife area, but had never seen it. Now I was determined to visit it and view the burgeoning avian population for myself.

I couldn't have picked a better time of year.

When I arrived last Tuesday morning, the rocky slopes surrounding the valley were turning green from the recent rain. And the warm spring weather was bringing out flocks and pairs of birds by the dozens.

A group of birders from Oceanside was just setting up. They let me look through their scope at a flock of ibis on a distant pond.

The area's former manager, Tom Paulek, and his wife, Susan Nash, showed me around, identifying the birds and explaining their significance.

The shallow ponds, flooded with reclaimed water from the Eastern Municipal Water District, attract all kinds of wading birds that skim the surface or probe the mud for insects, worms and grubs.

Some that we saw that day are rare in the inland area.

Long-billed curlews, their downward-curving bills almost as long as their bodies, were tiptoeing through the waters and pecking at invisible food sources.

American avocets with up-turned bills, and stilts with long red legs under petite black-and-white bodies, plied the same waters but at different depths, feeding on different bugs. Two kinds of egrets stood quietly and stared into the water, watching for prey.

At one point, a golden eagle swooped by.

By far, the highlight of the morning was seeing a pair of great horned owls.

I spotted one soaring over a newly plowed field, circling low then disappearing behind a stand of trees. As we came closer, a second owl flew out of the trees to a nearby limb, perching high and watching at us.

Wildlife advocates like Paulek and Nash are concerned that the water district will raise the discounted price the wildlife area has been paying since 1987.

The district already has said it plans to cut the area's annual water allocation from 4,500 acre-feet to 2,200 acre-feet. That's been enough to flood the ponds part of the year, but it won't be enough to expand the wildlife area as planned, Paulek and Nash said.

Audubon put out the booklet to highlight the importance of the area to birds migrating between Alaska and South America. The ponds attract shorebirds and ducks, which in turn, along with rodents in the fields, attract raptors — more than 20 species, according to the Audubon booklet.

The authors say the area is threatened by proposed developments to the north and south:

World Logistics Center, a 40 million square-foot warehouse complex, is proposed at the north end of the wildlife area in Moreno Valley.

The Villages of Lakeview, with more than 11,000 homes on 2,800 acres, was successfully challenged in court, sending the environmental report back for revisions. But the proposal is expected to return with the revisions.

Audubon members are worried surrounding development will eventually crowd out many of the species.

“You can’t just preserve the wildlife area alone and expect to maintain the numbers and diversity of birds,” said Dave Goodward, a naturalist and retired science teacher who wrote much of the booklet.

“The farmers’ fields are very important for a lot of birds to forage in, to look for food,” he said. If the agricultural land is developed, some species will no longer be able to find food, he said.

Environmentalists aren’t the only ones concerned.

Elmer Lackey of the wildlife area’s Little Ramona Duck Club said his group is “100 percent against” the projects.

“I think it’ll kill us,” he said. “It will affect our duck club. It will dry up this valley.”

If homes are built nearby, Lackey said, eventually residents will complain about the shooting. That’s what happened when the Irvine Co. was allowed to build next to the Irvine Duck Club, he said: A homeowner sued; the hunting club was shut down.

The Audubon Society sent copies of the San Jacinto Valley bird booklet to members of the Moreno Valley City Council and Riverside County Board of Supervisors, who will decide on the projects.

I called several to find out what they thought.

Supervisor Marion Ashley, whose district includes the area, said the birds are really important, and the wildlife area is core to Riverside County’s multi-species habitat plan.

“The main thing is to protect the birds we have and, if anything, grow them,” Ashley said. Any development will have to be consistent with the habitat plan, he said.

“It’s all part of the fabric of life,” he said. “I really appreciate (Audubon) doing the booklet. It will bring the board’s awareness of the importance of the birds and wildlife.”

Moreno Valley Councilman Richard Stewart didn’t remember seeing the booklet but said he is very familiar with the issues, adding, “We can’t stop development on thousands of acres of... just because there’s a wildlife area near it and Lake Perris.”

To see the booklet for yourself, log onto sbvas.net and scroll down to “Birds of the San Jacinto Valley.” That will take you to the conservation page. Then click on the booklet link to open it.

Contact Cassie MacDuff at 951-368-9470 or cmacduff@PE.com

Key facts

San Jacinto Wildlife Area: Established in 1979 by the state Department of Fish and Wildlife to make up for wetlands and riparian habitat lost to the state water project. Consists of 19,000 acres east of Lake Perris. Attracts thousands of migrating ducks, shore birds, raptors and other species that co-exist on the flooded ponds and dry fields.

Villages of Lakeview: Proposed 2,800-acre, 11,350-home development south of wildlife area on unincorporated county land. Court struck down environmental report last summer. Project being revised.

World Logistics Center: Proposed 40 million square foot, distribution center complex north of the wildlife area in Moreno Valley. Environmental report being revised, may come to planning commission later this year.

Eastern Municipal Water District: Proposed to cut the wildlife area's allocation from 4,500 acre-feet of treated wastewater annually to 2,200 acre-feet. The water, which can't be used for drinking, is used to create ponds and wetlands as shelter, feeding grounds and breeding grounds for many species of birds and waterfowl.

Darisa Vargas

From: George Hague <gbhague@gmail.com>
Sent: Sunday, March 09, 2014 11:05 PM
To: Jeffrey Bradshaw
Cc: Chris Ormsby; John Terell
Subject: Prologis Planning Commission letter

<http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20140307-moreno-valley-warehouse-project-subject-of-hearing.ece>

Article: Planning Commission meeting on Prologis warehouse with 2,000 trucks per day (Press-Enterprise 3-7-2014)

Dictionary

review |ri'vyoō|noun1 a formal assessment or examination of something with the possibility or intention of instituting change if necessary : *a comprehensive review of defense policy | all areas of the company will come under review.* • a critical appraisal of a book, play, movie, exhibition, etc., published in a newspaper or magazine.

Good afternoon/evening Planning Commissioner

re: Prologis Eucalyptus Industrial Park Final EIR

On page three of the Staff Report it reads that "the Planning Commission **reviewed** and considered the information contained in the Final EIR". This means as defined from the dictionary above you have conducted a formal assessment, examination and critical appraisal of the Final EIR. Read the first paragraph of page three of the Final EIR to know what you must read prior to voting. This specifically includes the Draft EIR and all the comment letters written on the document as well as the Statement of Overriding Consideration, Staff Reports and several other important sections. When you vote on this project you are affirming you are aware of all aspects of this project and believe it is worth all the impacts which can not be mitigated. It is important that in your review that you read pages 77-115 of exhibit A.

This project will not just make its 2,000 daily toxic diesel trucks (mentioned in the above link) go from SR-60 to/from the project by way of Redlands Blvd or Moreno Beach. A significant number of their trucks will head south to Alessandro Blvd as you can read on pages 256-260 of Appendix A. You can read how little their fair share is to improve these intersections which means it will take many years before full improvements will take place. They stop their impacts to Alessandro Blvd at Nason Street, because of the City's use of only a five mile radius for a projects's traffic impacts. The Sierra Club and some judges have stated such a limited range is not enough to show the true impacts of a project. Many of these trucks will use Alessandro Blvd all the way to/from the I-215 and in some cases going through the City of Riverside. Pages 111 - 115 will explain more about these five mile traffic impacts which may not, as stated, be fully mitigated until 2035. They continue to avoid doing the proper analysis which would include the 41,600,000 sq ft World Logistic Center with its more than 70,000 additional Daily trips added to our City and surrounding infrastructure. Two years ago in March of 2012 agencies/groups and individuals were writing comments about the WLC's Notice of Preparation and the City knew about the WLC in 2011 -- the Prologis Draft EIR didn't come out until July 2012. This makes their traffic analysis invalid and they cannot just say that we thought about our project before the WLC formalized theirs. The fact that the existing traffic data is three years old

(2011) also makes it an invalid analysis. They also do not address impacts to the 1-215, I-10, or SR-91 which 2,000 daily diesel trucks and many other project related vehicles will impact -- in addition to many of City's surface streets.

Based on the Staff's recommendation you are suppose to believe the following quote about another toxic and traffic clogging warehouse added to our City and vote yes "c) Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project **OVERRIDE** and make infeasible any alternatives to the proposed Project OR future mitigation measures beyond those incorporated into the proposed Project." (Page 130 Appendix A) Within everything you are suppose to read prior to voting they mention it is possible to approve a portion of the project and also allow the Auto Mall to expand. This shows an alternative is possible and invalidates the above quote.

The Sierra Club believes that the above is just one of a number of reasons to vote no or tell them to go back and redo their EIR to allow you to have valid data prior to voting. You represent the residents of Moreno Valley and your are our voices. I do not know many residents who would accept all of the Statement of Overriding Considerations for this project which displaces land zoned for homes and will make it impossible for other nearby lands also zoned for homes to be built. This is because it is recommended that sensitive receptors like homes should be 1,500 yards away from warehouses and their toxic diesel trucks. Will all current homes be 1,500 yards away from Prologis or even 1000 yards?

Take care,

George HagueSierra ClubMoreno Valley GroupConservation Chair

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: aesthetics (individually and cumulative), agricultural resources (individually and cumulative), air quality (individually and cumulative), cumulative population and housing, and transportation. In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the Project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein. (Page 77 of Exhibit A of Prologis Read pages 77-115)

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Agricultural Impacts—Conversion of State Designated Farmland; 2. Agricultural Impacts—Conversion to a Non-Agricultural Use; and
- a. Cumulative Agricultural Impacts 3. Air Quality Impact—Construction Air Pollutant Emissions;
4. Air Quality Impact—Operational Air Pollutant Emissions; and Cumulative Air Pollutant Emissions.
5. Climate Change and GHG Emissions
6. Transportation—Existing and Cumulative Impacts to State Freeway Segments and Freeway Merge/Diverge Areas
(Pages 126-127 of Exhibit A)

April 24, 2024

To: Moreno Valley Planning Commission

re: ProLogis Excalyptus Warehouse Project

The developer states that even though a recent court case allows you to require Ag Mitigation which will also serve as a for foraging, they are unable to find an Ag mitigation bank in Riverside Co. I believe there will be an Ag mitigation program by occupancy of the project and you could require mitigation at that time. The state does have such programs and the developer could use those - even if the county doesn't have an Ag mitigation program.

Even though ^{the developer} ~~you~~ believes ^{they} ~~you~~ do not need to include the World Logistic Center (WLC) in their cumulative impacts, it is our opinion that the WLC was a foreseeable project based on newspaper articles and conversations in the community.

Caltrans wants a mitigation Bank. Will you require this project to participate in such. I am sure all in the room would appreciate anything you can do to mitigate noise on SR-60.

The WLC will cast a cancer plume over basically all of Moreno Valley - this project as you heard will add to it

This project is being honest - to a point with traffic impacts. Moreno Beach south will be impacted - including a new housing housing tract being build now near the substation. The environmental document also has impacts at Alessandro Blvd at Nason - but not further west because of the city's 5 mile limit which isn't far enough to address full impacts of its traffic.

The city's General Plan is now internally inconsistent with all the changes since its adoption and this project only increases that problem.

George Hague
Sierra Club

Page 2 of 2

Johnson & Sedlack

A T T O R N E Y S at L A W

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April 24, 2014

VIA US MAIL AND EMAIL

Planning Commission
c/o Jane Halstead, City Clerk
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
janeh@moval.org

RE: Comments on Prologis Eucalyptus Industrial Park Project (PA07-0081 et al)

Greetings:

On behalf of the Sierra Club, Moreno Valley Group, and Residents for a Livable Moreno Valley, I hereby submit these comments on, and in opposition to, the Prologis Eucalyptus Industrial Park Project, Public Hearing Item 1. I hereby incorporate all comments previously submitted, and ask that the Planning Commission considered those prior comments as those set forth in full herein.

The FEIR has been updated to incorporate an August 31, 2012 letter from Lozeau Drury, LLP. The changes made and responses to comments in the updated FEIR illustrate, rather than resolve, defects of the EIR. For example, response to comment 12 at page 222 fails to address any of the proposed mitigation to further reduce GHG impacts where such effects are many times SCAQMD's proposed quantitative threshold. The addition of MM 4.6.6.1A provides for testing onsite for contamination by agricultural chemicals which should be done in the EIR prior to consideration by the City of Project approval due to the farming which occurred after the Phase 1 assessment and the risk of pesticides onsite not previously addressed. Air quality and health risk impacts are also shown to be understated, yet receive only brief responses in the FEIR. The responses to comments ignore/overlook whole portions of the comments made; for example, the responses made to Letter D-4B and D-4C fail to address the very important issues raised therein. Overall, the responses for this letter does not evidence good faith, reasoned analysis, or resolve the substantial concerns raised.

More importantly, this minor update to the FEIR does not address or resolve the many significant flaws raised in the other comments on the EIR and made previously, which demand the EIR and

its studies be significantly modified, updated, and recirculated prior to consideration of this Project for approval. The City should determine not to approve the Project and not to certify this defective EIR.

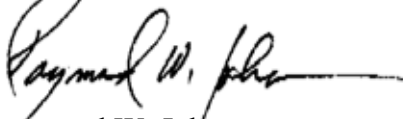
It is apparent that this Project is good only for the developer and bad for the environment and people of Moreno Valley. The Project requires City approval of ten applications for development including a General Plan Amendment and Zone Change, undermining future planning for development in the City. The existing General Plan designation and zoning for the project site consists of a balanced collection of land uses to meet a specific need of the City, which this Project would entirely obliterate. (i.e. by converting for Project development land presently designated in the General Plan R15, R5, and R2; Zoning BP, BPX, R15, R5, RA-2, and PAKO-land)

The Project will also result in, as disclosed in the EIR, significant and unmitigated impacts to aesthetics, agricultural resources, air quality, population and housing, and transportation. In addition, many commenters cited a lack of evaluation, disclosure, and adequate mitigation regarding numerous other impacts, including health risks, air quality, GHGs, biology, etc. Given the harm to the community and region expected to be caused by the Project, and the failures of the EIR prepared for the Project, Project denial is well supported. At a minimum, the EIR and its technical studies must be significantly updated and recirculated before this Project is even considered for approval by the City.

Additionally, Caltrans sent a letter to the City dated March 17, 2014 recommending that the City of Moreno Valley coordinate a state sponsored program of collecting transportation mitigation fees from development projects to make improvements to the State Highway System. I concur that such a fee program is essential to ensuring that all feasible traffic mitigation is adopted for this Project and others like it in the City. The City should take Caltrans' request to heart and work with the State in developing a mitigation fee program for highway impacts *prior to* making any approval relative to this Project. Until such a program is adopted, the City ignores its obligations to adopt all feasible mitigation for traffic impacts for this Project and others.

For these reasons and those previously set forth in comments provided on this Project, I respectfully request that you deny the Project and recommend denial of this Project to the City Council.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK



T 510.836.4200
F 510.836.4205

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Oakland, Ca 94607

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richard@lozeaudrury.com

Via Electronic Mail and Hand-Delivery

April 23, 2014

Jeff Bradshaw
Associate Planner
City of Moreno Valley, Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley, CA 92553
Email: jeffreyb@moval.org

RE: Comment on Final Environmental Impact Report for ProLogis Eucalyptus Industrial Park (State Clearinghouse No. 2008021002)

Dear Mr. Bradshaw:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County (collectively "LIUNA Local 1184") regarding the Final Environmental Impact Report ("FEIR") prepared for the ProLogis Eucalyptus Industrial Park, State Clearinghouse No. 2008021002 ("Project").

LIUNA Local 1184 appreciates the Planning Commission's decision to delay its consideration of the FEIR until staff and the EIR consultant reviewed and prepared responses to our comments of August 2012. Unfortunately, it appears the brief delay was not sufficient time for staff to adequately review and consider those comments as many of the concerns expressed about the DEIR still remain in regard to the FEIR. In addition, LIUNA Local 1184 is particularly concerned that the Commission's staff is proposing not to address the significant new information of the proposed nearby World Logistics Center which, when combined with the ProLogis project, the two projects alone will emit as much greenhouse gasses per year in 2020 as the City has established as its total GHG emission target for that year. In other words, the two projects together will emit as much GHGs as the entire City and will cause the City to emit twice as many GHGs as its announced goal as of 2020. Obviously, this is significant new information regarding a serious significant impact of the ProLogis Project's cumulative GHG emissions that must be addressed in a recirculated EIR for public review. These and other concerns are elaborated upon in the following comments.

In addition, LIUNA Local 1184 has had its consultants who prepared comments in 2012 review the staff's responses to comments. Matthew Hagemann, P.G., C.Hg. and Anders Sutherland, of SWAPE Consulting and Dr. James Clark, Ph.D., have reviewed the FEIR and prepared detailed comments regarding numerous technical shortcomings and omissions in the responses. SWAPE Comments (attached as Exhibit A); Clark Comments (attached as Exhibit B). Although this comment will highlight some of those technical comments below, the Commission should review each of the concerns raised in those expert comments.

LIUNA Local 1184 requests that the Planning Commission not certify the EIR at this time but request staff to reconsider the analyses and require additional mitigation measures in order to address the Project's significant air quality impacts, GHG emissions, health risks, farmland conversion, and hazardous material risks that the Project as proposed will cause in the City of Moreno Valley.

A. The FEIR's Failure To Tackle The Project's Massive GHG Emissions is an Abuse of Discretion.

The total GHG emissions that the City claims it will achieve by 2020 are 798,693 metric tons of CO₂ equivalent per year for the entire City. *See* World Logistics Center DEIR, p. 4.7-9 (excerpts attached as Exhibit C). Yet the Prologis Project alone is projected to emit 79,000 metric tons of CO₂e per year at full build-out – a full ten percent of the City's target. The FEIR basically relies upon a wish and a prayer that a number of air quality mitigations will miraculously reduce the Project by about 70,000 tons of GHGs per year down to 10,000 tons per year, the South Coast Air Quality Management District's ("SCAQMD") threshold of significance for GHG emissions. *See* FEIR, PDF p. 111 ("The mitigation measures discussed in the project-level impact analysis of GHG emissions indicated the measures would substantially reduce the project's emissions of greenhouse gases..."). No effort to rationally quantify or describe a reviewable basis for concluding that the smattering of air quality mitigations will come anywhere close to reducing the Project's GHG emissions by that level is provided or discussed. Moreover, when combined with the nearby World Logistics Center's GHG emissions of about 700,000 metric tons of CO₂ equivalents per year, the City has essentially abandoned any GHG reduction strategy, instead taking steps to almost double its projected GHG emissions.

1. There is no substantial evidence to support the FEIR's remarkable assertion that the air quality mitigations applied to the Project will reduce GHG emissions by 70,000 tons per year.

It is not sufficient under CEQA for the City to pick a few air quality mitigations of unknown efficacy and then simply assume that they will miraculously reduce the Project's 79,000 metric tons of GHG emissions down to less than 10,000 metric tons. As SWAPE explains in its comments, there is nothing precluding the City from estimating quantitative reductions by any claimed mitigations and providing the public, this Commission, and the City Council with a rational means to evaluate whether the currently optimistic predictions have any basis in reality. SWAPE Comments, pp. 2-3. The FEIR must do more than make exaggerated

claims of mitigation effectiveness. *See Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832. In *Oroville*, the court held that failing to calculate existing air emissions at the project site, and “failing to quantitatively or qualitatively ascertain or estimate the effect of the Project’s mitigation measures on those emissions,” amounted to misapplication of the threshold-of-significance standard. *Id.* at 842-843. Claiming to rely on a qualitative assessment, the City instead applies bald assumptions, assuming that the air quality mitigations will have a dramatic effect on reducing GHG emissions from the project all the way down to a level of insignificance, *i.e.* less than 10,000 metric tons per year. No rational discussion relying on explicable estimates, whether qualitative or quantitative, is provided to explain this unlikely result for this Project that will include upwards of 5,800 vehicle trips per day. *See Clark & Associates Comments*, p. 3 (attached as Exhibit B).

The FEIR all but admits the randomness of its GHG emission discussion, responding at one point to the Sierra Club’s comments that “it is not possible to determine with certainty whether the project’s emissions of greenhouse gases will be cumulatively considerable, within the meaning of CEQA Guidelines Sections 15065(a)(3) and 15130.” FEIR, p. 109. A hundred pages later, that uncertainty appears to have vanished, the FEIR restating its two rationales for discounting the Project’s 79,000 metric tons of GHGs per year. First, the EIR attempts to find solace in the claim that “the project’s impacts alone would not cause or significantly contribute to global climate change...” FEIR, p. 222. This statement is entirely arbitrary given the SCAQMD’s significance threshold of 10,000 metric tons per year. 79,000 metric tons per year is obviously very large compared to the threshold. And nothing in the EIR explains how or which mitigation measures will reduce the Project’s GHG emissions to this level. The second rationale set forth in the EIR is that “the project has no substantial effect on consumption of fuels or other energy resources, especially fossil fuels that contribute to GHG emissions when consumed.” *Id.* How a project that will generate upwards of 5,000 vehicle trips per day would have no substantial effect on consumption of fuels is not further elucidated in the EIR. What these two rationales mean in the end is that the world is already suffering from global warming and because this project’s GHG contribution is small compared to the overall problem, there is no need to grapple with it in any meaningful way. Of course, as *Oroville* recognized, that capitulation renders the SCAQMD’s expert threshold, which is a rational quantification of the point where a project’s GHG emissions are significant and cumulatively considerable, a meaningless number.

2. The Proposed World Logistics Center and its massive GHG emissions is significant new information that must be addressed in the cumulative impact analysis.

The EIR’s mishandling of the Project’s large GHG emissions is exacerbated to a frightening level by the FEIR’s refusal to account for the massive World Logistics Center project (“WLC”). WLC is expected to emit about 700,000 metric tons of GHGs per year from within the City. WLC and Prologis together all but scuttle the City’s GHG reduction target. The FEIR, responding to comments about the WLC’s cumulative impacts on traffic states that, because the WLC project was not proposed at the time of the Notice of Preparation (“NOP”) for the Prologis

Project (in 2008), the EIR need not include WLC's impacts in its baseline. The City claims that the baseline traffic for the previous development proposed for the WLC site was actually higher at the time of the NOP. This response, in addition to steadfastly refusing to provide the City and its residents a realistic assessment of the Project's cumulative impacts, overlooks the City's responsibility to address significant new information that arises after a DEIR is released but prior to certification of the FEIR. Alternatively, it is simply unreasonable for the City to not adjust its baseline to reflect the impacts of the WLC project, especially given the long delay between the Project's 2008 NOP and the FEIR now six years later.

The CEQA Guidelines require recirculation of an EIR when significant new information, such as the processing of a nearby project that will drastically increase the City's GHG contributions inconsistent with its GHG reduction targets, as well as NOx and PM emissions. Section 15088.5 provides:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

...

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

14 CCR 15088.5. The processing of the WLC is significant new information requiring recirculation. It is plain that the WLC's emission of 700,000 metric tons of GHG per year would largely erase the City's GHG reduction target in 2020 and the additional Prologis GHG emissions will have a more profound cumulative impact on the City's GHG contributions than are evident without considering the WLC project. Likewise, because the DEIR was so basically inadequate and conclusory in asserting without any meaningful estimates that air quality mitigations uncoupled from any detailed information regarding their effectiveness at reducing GHG emissions would reduce the Prologis Project's GHG emissions by 70,000 metric tons per

year, the addition of WLC's 700,000 metric tons of GHG per year makes it imperative that the City revisit and recirculate the EIR's GHG analysis before the City further dooms its supposed GHG reduction targets.

The need to address this new information and/or adjust the baseline for GHGs is also supported by the fact that, unlike traffic levels purportedly included in the baseline, the GHG emissions for WLC increase any conceivable GHG emissions that may have been estimated for that project's location at the time of the WLC project's NOP by at least 60 percent, possibly more. *See* World Logistics EIR, p. 6-16 & Table 6.F (665,321 metric tons of GHG for WLC as compared to zero at site with no project or 228,719 metric tons if built out consistent with previous General Plan) (*see* Exhibit C). This massive addition of GHG emissions to the baseline is new information that must be addressed and recirculated or, alternatively, added to the Project's baseline in order to make sure the City's EIR remains realistic.

3. The substantial evidence in the record establishes that the Project will have a significant impact on GHG emissions, including the sheer volume of its GHG emissions and its adverse impact on the City's ever achieving its GHG reduction targets.

The FEIR confirms that the City has not gathered in any estimate of actual reductions of GHG emissions by any of the mitigation measures it purports will address those emissions. Hence, it is clear that there is no substantial evidence in the record to show that the Project will emit 10,000 metric tons or less per year of CO₂ equivalents. As a result, the EIR cannot substantiate a conclusion that the Project's GHG emissions will result in less than significant impacts and, instead, must conclude that these emissions will result in significant impacts. The EIR must include additional feasible mitigations to address these GHG impacts, including electrified loading docks, mandating the installation of solar panels (rather than the mere possibility of solar panels), on-site industrial solar power storage, additional pollution control equipment on trucks utilizing the facility, and, where other feasible project specific mitigations are exhausted, the use of offset credits through recognized programs. SWAPE describes several mitigation measures in its comments as well as the availability of offset credits. SWAPE Comments, pp. 3-4.

Mitigation measures, including for a project's GHG emissions, must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). Especially given the uncertainty claimed by the City in measuring GHG reductions from various mitigation measures, the EIR must include a monitoring and verification process to confirm reductions in the Project's overall GHG emissions and include contingencies, *i.e.* additional mitigations including more offsets, if the measures do not achieve expected GHG reductions.

Lastly, because the evidence does not support a finding of no significant impact from the Project's GHG emissions, the City must acknowledge that significant impact and make a finding of overriding considerations that is supported by a showing that all feasible mitigation measures have been required. CEQA Guidelines §§ 15126.4, 15091, 15092(b)(2); Pub. Res. Code § 21002.

B. The EIR Significantly Underestimates the Project's Air Pollution Emissions From Mobile Sources.

The EIR makes a significant error in its air pollution emissions analysis by failing to rely upon substantial evidence regarding the veracity of the estimated truck trips for the Project. According to the review of Dr. James Clark, the EIR relies on an uncorroborated estimate of the Project's daily truck trips of 1.96 daily truck trips per 1,000 square feet. As Dr. Clark explains, "[i]n order to avoid underestimating the number of trips associated with large warehouse/distribution center operations without rail service, the SCAQMD staff recommended that lead agencies utilize a rate of 2.59 trips per TSF [thousand square feet] for large warehouse air quality analyses on a project specific basis." Clark Comments, p. 3. By using a value that is significantly reduced from SCAQMD's recommended value for the CalEEMod model, the EIR significantly understates the Project's air emissions:

Based upon the trip generation rate of 2.59, the total number of trips associated with Project would increase from 4,400 to 5,813 trips per day. The net result is that the air quality analysis performed by the Proponent greatly underestimates the emissions from mobile sources by at least one-third during the operational phase of the Project. Those impacts are likely to lead to a significant impact that will be unmitigated and unaccounted for in the FEIR. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of the Moreno Valley are unknown.

Clark Comments, p. 4. Because the EIR fails to disclose the full extent of the Project's air pollution impacts, it should be revised to include an accurate discussion of those impacts and recirculated along with any necessary additional mitigation measures.

C. The EIR Does Not Include Additional Feasible Mitigation Measures to Further Reduce the Project's Significant Impacts From its Emissions of NO_x and PM₁₀ and, Without Requiring Additional Measures, the City Cannot Adopt a Statement of Overriding Considerations.

An agency may adopt a statement of overriding considerations only *after* it has imposed all feasible mitigation measures to reduce a project's impact to less than significant levels. CEQA Guidelines §§ 15126.4, 15091. CEQA prohibits agencies from approving projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts. Pub. Res. Code § 21002. As explained in CEQA Guidelines section 15092(b)(2), an agency is prohibited from approving a project unless it has "[e]liminated or

substantially lessened all significant effects on the environment where feasible.” The EIR states that the Project’s direct and cumulative emissions of NO_x and ROG_s will remain significant after the identified mitigation measures are implemented. *See* DEIR, pp. 1-22, 1-28. As a result, the EIR must require all feasible mitigations to reduce these impacts. As explained by SWAPE, additional mitigation measures are available that are not included by the City. The measures include requiring electrified loading docks for all refrigeration units and the use of fuel cell trucks to reduce NO_x emissions. SWAPE Comments, pp. 4-5. SCAQMD also provided a list of feasible mitigations that must be mandated for the Project. *See* FEIR, Letter B-3, pp. 3-4.

In addition, whether or not to implement several key measures included in the EIR is left to the future discretion of the City. *See, e.g.* DEIR, p. 1-22 (Mitigation Measure 4.3.6.5B) (“Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features *may include* (but are not limited to) the following...” (emphasis added)). The list of measures included in Mitigation Measure 4.3.6.5B should be mandatory and enforceable in order to be consistent with the CEQA Guidelines.

LIUNA Local 1184 appreciates the change in the FEIR to make the energy efficiency requirement set forth in Measure 4.3.6.5A mandatory rather than voluntary. However, a number of the requirements embedded within the mandatory efficiency standard should also be adjusted to be mandatory requirements or otherwise clarified. For example, there is a requirement that lease/purchase documents shall identify that tenants are merely encouraged to promote a list of air pollution reduction measures. *See* DEIR, 1-27 – 1-28, Table 1.C; FEIR, pp. 58-59, 61-62. The FEIR should be revised to make these feasible tenant/purchaser measures mandatory as well.

Measure 4.3.6.5A also includes a vague requirement to “[i]ncorporate energy efficient space heating and cooling equipment.” This measure should be clarified to require that cooling for the main warehouse spaces at the Project shall be provided through evaporative coolers rather than air conditioners, or use new or different cooling technology that is at least as efficient. In addition, the mitigation should require the warehouse spaces to incorporate automated airflow and ventilation systems designed to minimize need for supplemental heating and cooling within the warehouse spaces. These measures are feasible, having been applied at other warehouse facilities. *See Coalition for Clean Air v. VWR Int’l LLC*, Consent Decree, attached as Exhibit D.

Currently, Measure 4.3.6.5A requires that “[a]ll buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.” FEIR, p. 197. This mitigation measure should be revised to require that photovoltaic, or comparable renewable energy sources, be actually installed on all buildings sufficient to provide all of the energy needs of the Project and, if feasible, surplus energy to help offset the Project’s remaining pollution emissions. Given the size of the buildings’ roofs, this measure is feasible and would reduce or help offset the Project’s emissions of both ROG_s, NO_x, and GHG_s.

Additionally, Mitigation Measure 4.3.6.5B currently appears inconsistent with Mitigation Measure 4.3.6.5A. Unlike Measure 4.3.6.5A, Measure 4.3.6.5B does not increase the improvement over energy efficiency standards to 20 percent as was proposed in the DEIR and which applies to the related Measure 4.3.6.5A. FEIR, pp. 194-201. In order to apply all feasible measures, Measure 4.3.6.5B's list of measures should be made mandatory (replace "may" with "shall") and the measure to exceed statewide energy efficiency requirements by 10 percent restored to a 20 percent exceedance. FEIR, pp. 194-96. In addition, a requirement that the Project use building automation systems to control and optimize the efficiency of its mechanical systems, including lighting, HVAC, exhaust dampers, fans, and ventilation louvers should be added to Measure 4.3.6.5B's list.

Until each of the above mitigation measures as well as those measures identified by SCAQMD are incorporated as enforceable measures into the Project approval, the City will not be in a position to make a finding of overriding considerations for the Project's NOx, ROG, and GHG emissions.

D. The EIR Does Not Include Additional Feasible Mitigation Measures to Further Reduce the Project's Significant Impacts From its Particulate Matter Emissions During Construction and, Without Requiring Additional Measures, the City Cannot Adopt a Statement of Overriding Considerations.

An additional feasible mitigation measure that also would assist in assuring that the Project's air quality pollution mitigations during construction are enforceable is a measure to require monitoring of dust plumes. SWAPE identifies "[m]onitoring for opacity for all construction activities, including grading, not just for "screening" and "turf overseeding" activities" as an additional feasible measure. Without such a measure, it is not clear how the implementation or effectiveness of many of the air pollution control measures during construction will be documented or enforced. SWAPE lays out the following monitoring requirement:

Opacity monitoring should be conducted by qualified personnel using a Ringelmann chart. Monitoring with use of the Ringelmann Chart should be required when construction is occurring when wind speeds exceed 15 miles an hour, as gauged by a wind meter installed at the Project site. When a 20% opacity (Ringelmann 1) standard is exceeded, construction activities should cease until wind speeds drop to below 15 miles per hour. A log should be kept at the Project site to document when wind speeds exceed 15 miles per hour and the Ringelmann readings recorded during those periods, along with actions taken to comply when Ringelmann readings exceed the 20% opacity threshold.

SWAPE Comments, p. 4. Because this mitigation is feasible, would help to prevent any oversight of other mitigation measures, and would further reduce actual excessive emissions of PM10 at the Project site, it must be included in the mitigation requirements for construction-related air pollution.

E. The EIR Fails to Disclose the Project's Serious Cancer Risks to Neighbors and Workers.

a. The Project has significant air quality and health risk impacts because it will expose nearby residents to cancer risks of 22 cancers in one million for adults and 33 excess cancers in a million for children.

The EIR states that nearby residents and on-site workers will not be exposed to any significant health risks by the Project's construction. DEIR, p. 4.3-14. However, the EIR dramatically understates the health risks that will result from the Project's construction phase because the health risk assessment it relies upon assumes construction will only occur for four months rather than the 11.5 months reported in the EIR. SWAPE Comments, pp. 6-10. See DEIR, p. 4.3-13. This is despite the EIR's acknowledgement that "[a]lthough construction of the structures uses different types of equipment on site than during grading periods, similarities do exist in terms of equipment exhaust emissions and fugitive dust emissions." DEIR, p. 4.3-23. SWAPE prepared a screening-level HRA for construction-related DPM air quality impacts using the emissions and phasing data from the EIR and covering the full construction period. As SWAPE concludes, its risk assessment for nearby residences "shows that the adult exposure resulted in an additional 22 cancers in one million while the child exposure resulted in 33 excess cancers in a million. For both adult and child exposure parameters, the CEQA significance threshold of ten in one million excess cancer risk was exceeded during the construction period." SWAPE Comments, p. 9. In contrast to SWAPE's analysis, which fully discloses all of its inputs and models, "no modeling files or cancer risk calculations for the construction impacts analysis were provided in the DEIR or the FEIR" for the EIR's health risk assessment. *Id.*, pp. 9-10. Hence, the substantial evidence available to the Commission and others indicates that cancer risks to the Project's neighbors are significant. This must be acknowledged in the EIR and additional mitigations required. As SWAPE concludes:

An updated HRA should be prepared that incorporates all emissions from construction equipment over the entire duration of Project construction, and addresses the potential for significant air quality impacts to nearby sensitive receptors. Our analysis has demonstrated that by utilizing appropriate U.S. EPA and OEHHA exposure assessment methodologies, excess cancer risks consequent of Project construction have the potential to exceed CEQA thresholds of significance even under mitigated construction scenarios.

SWAPE Comments, p. 10.

b. The Project relied on a flawed health risk assessment in concluding that health risks to workers for the life of the Project would be insignificant.

The EIR also underestimates health risk impacts to workers to be employed at the Project site. SWAPE Comments, pp. 10-11. First, the Project's worker health risk assessment assumes

that trucks will be 87.5 percent diesel, explaining in its response to SCAQMD that the City believed such a number was appropriate because “[i]t is pure guesswork to predict how the diesel emissions will change over this period.” FEIR, p. 66. Acknowledging uncertainty of future actions does not warrant then selecting a number based on the acknowledged guesswork. Rather than use the conditions that the City knows exist currently to prepare a reasonable estimate of future worker health risks, they made a guess that trucks using the Project would be 87.5 percent diesel. That number, by the FEIR’s own admission, is not supported by substantial evidence. Likewise, SWAPE notes that the EIR suggests that a health risk assessment was prepared assuming operations were concentrated in 12-hours of each day rather than 24-hours. No such calculation was made in the health risk assessment for 12-hour days at the Project. SWAPE Comments, p. 11. A revised HRA for workers must be prepared and reviewed to determine if any changes to the EIR should be made prior to the Commission and City taking action on the EIR.

F. The EIR Continues to Fail to Require Feasible Mitigations to the Project’s Destruction of Farmland, Including Requiring the Applicant to Locate and Purchase an Equivalent or More Acreage of Farmland Conservation Easements Outside of the City and Western Riverside County.

In response to LIUNA’s comments noting the absence of any measures to mitigate the Project’s destruction of 82.55 acres of Prime Farmland and 36.4 acres of Farmland of Local Importance, the City continues to claim that it is excused from mitigating this impact simply because it intends to eventually destroy all remaining farmland within the City and because there is no program established by either the City or the County of Riverside for those governmental entities to manage conservation easement or land purchases for mitigation. *See* FEIR, p. 218. Neither of these excuses relieves the City and the Project Applicant from having to mitigate the Project’s significant impacts on farmland. Farmland conservation easements are feasible within Riverside County. The State of California has a program to facilitate such easements, providing grants and easement template applicable anywhere in the State of California, including Riverside County. *See* Exhibit E. There is no need for the City or County to create some bureaucratic program in order for the City to require the Project applicant to mitigate the 119-acres of farmland by purchasing easements or farmland of equivalent quality somewhere in Riverside or even other nearby counties. Private organizations also exist to facilitate the creation of farmland easements, including one located in Riverside County – the Riverside Land Conservancy. *See* Exhibit F.

The City claims that a 2010 Court of Appeal decision – *Building Industry Association of Central California v. County of Stanislaus* (2010) 190 Cal.App.4th 582 – conditioned the use of conservation easements as CEQA mitigation on the presence of a city- or county-wide program. FEIR, p. 218 (“That case concluded that it is appropriate to mitigate at a 1:1 ratio for the loss of prime agricultural land through the acquisition of an offsite agricultural easement if such a program is established by a county or regional governmental entity”). No such rule is found in the case. Instead, the pertinent rule is that the Court of Appeal upheld a requirement included in Stanislaus County’s General Plan requiring either 1:1 mitigation of developed

farmland based primarily on private purchases of farmland conservation easements. *See* 190 Cal.App.4th at 601 (“Under the FMP, although the developer is required to arrange for the granting of a conservation easement in order to obtain a development approval, most likely by a purchase, *no particular landowner* is required to grant the conservation easement”) (emphasis added). The case was not even a CEQA case so it certainly did not preclude mitigation under CEQA of destroyed farmland through a conservation easement unless some governmental program was in place. Nor is there any reason to restrict mitigation farmland to western Riverside County, given the county-wide and indeed statewide problem of farmland conversion. In short, there is no reason the applicant cannot take the steps necessary to purchase one or more farmland conservation easements for farmland of similar quality to that being destroyed by the Project somewhere in Riverside County or other nearby counties in southern California. Because the Project’s destruction of farmland is significant and unavoidable, the City must incorporate all feasible mitigation measures. Requiring the applicant to obtain farmland conservation easements for comparable quality farmland in other areas is plainly feasible and must be included.

G. Additional Details for Sampling Soils for Residual Pesticides Should be Required.

The FEIR has added a mitigation measure to require additional soil sampling prior to issuance of a grading permit. FEIR, p. 222. LIUNA Local 1184 believes that, because the additional information will not be available prior to the certification of the EIR, this change does not cure the baseline concerns raised in their previous comment letter. In addition, unless additional details are added to the mitigation, it amounts to improper deferred mitigation. SWAPE recommends the following additional details:

The mitigation measure (MM 4.6.6.1A) should be revised to include specifics on the number of samples to be collected, the chemical analytes, and to provide for documentation of the sampling and analysis of the results prior to FEIR certification. The mitigation measure should also include a commitment to compare sampling results to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels and California Human Health Screening Levels, and to mitigate any exceedances of the screening levels through further evaluation of health risks and the removal of any contaminated soil that may pose a risk to human health.

SWAPE Comments, p. 2. LIUNA Local 1184 request that the EIR’s mitigation be changed to address these details.

VI. CONCLUSION

For the foregoing reasons, as well as each of the comments raised in LIUNA Local 1184’s DEIR comments, LIUNA Local 1184 recommends that the Commission continue the matter for future consideration pending completion of a supplemental EIR addressing the above

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concerns. Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Lozeau". The signature is fluid and cursive, with a large initial "M" and a stylized "L".

Michael Lozeau
Lozeau Drury LLP
Attorneys for LIUNA Local Union No. 1184

EXHIBIT A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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April 21, 2014

Richard Drury
Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Comments on the Final Environmental Impact Report, Prologis Eucalyptus Industrial Park Project, Riverside County, California

Dear Mr. Drury:

We have reviewed the April 2, 2014 Revised Final Environmental Impact Report (FEIR) for the Prologis Eucalyptus Industrial Park Project ("Project"). We have found the FEIR fails to adequately address comments we made in an August 30, 2012 letter on the July 2012 Draft Environmental Impact Report (DEIR). The comments we made focused on issues related to hazardous waste, greenhouse gas emissions and air quality. The FEIR should not be certified until these concerns are adequately addressed.

Hazards and Hazardous Materials

Baseline Conditions Remain Undisclosed

Comments we made on the July 2012 Draft Environmental Impact Report (DEIR) focused on the inadequacy of ten year-old Phase I Environmental Site Assessments (ESAs) to represent conditions at the Project site that may pose risks to workers and the neighboring public. We also noted that the Phase I ESAs that had been completed did not cover the entire Project site and that potential residual pesticide risks had not been satisfactorily addressed.

In response to concerns we expressed about the potential for residual pesticides to be present (Comment 9), the FEIR adds a mitigation measure (MM 4.6.6.1A) to sample for agricultural chemicals prior to issuance of a grading permit. While we applaud the addition of this needed mitigation measure, it does not go far enough in that it does not specify the manner in which the samples will be collected (namely, the number of samples, the depths and the chemical analytes) and the sampling is not to occur until after certification of the project (and prior to grading).

The mitigation measure (MM 4.6.6.1A) should be revised to include specifics on the number of samples to be collected, the chemical analytes, and to provide for documentation of the sampling and analysis of the results prior to FEIR certification. The mitigation measure should also include a commitment to compare sampling results to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels¹ and California Human Health Screening Levels,² and to mitigate any exceedances of the screening levels through further evaluation of health risks and the removal of any contaminated soil that may pose a risk to human health.

The FEIR should also provide the closure documentation we requested in DEIR comments for a 13,400 gallon underground storage tank (UST) that was reportedly removed from the Project site in 2004. As we requested, the documentation should be produced to disclose if closure for the UST removal was granted by the County.

Greenhouse Gas Emissions

In DEIR comments (Comment 12), we expressed concern that estimates of the Project's operational greenhouse gas (GHG) emissions, following mitigation, were not quantified. We commented that the need to show the efficacy of the mitigation was necessary because pre-mitigation operational GHG emissions were well above any applicable South Coast Air Quality Management District thresholds. The Response to Comment 12 states:

This comment states that the EIR did not show the GHG emissions with mitigation. The reductions with mitigation were not calculated because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts.

The mitigation in the DEIR, for which emissions reductions were not quantified, included:

- Establishment of a Transportation Management Association (TMA) to encourage and coordinate carpooling among building occupants (p. 1-26).
- Green building and maintenance provisions (MMs 4.13.6.1A, 4.13.6.1B, 4.13.6.1C)

Other measures identified in the DEIR to reduce GHG emissions include recommended actions within the Transportation, Electricity and Natural Gas, Green Buildings, and Water sectors. Again, no effort was made to quantify the reductions in GHG emissions from the incorporation of these measures.

It is simply not good enough for the Responses to assert, qualitatively, that mitigation measures and recommended actions will reduce GHG emissions from 79,000 MTCO₂e/yr to below 10,000 MTCO₂e/yr, the applicable South Coast Air Quality Management District (SCAQMD) threshold. Without quantifying the reductions, there is absolutely no basis to say that reductions will be below the applicable threshold.

Likewise, it is non-responsive to state that mitigation could not be quantified "because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts" (Response to Comment 12). Numerous means to quantify GHG mitigation emissions reductions are available,

¹ <http://www.epa.gov/region9/superfund/prg/>

² <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

including methods as published in an August 2010 guidance document published by the California Air Pollution Control Officers Association (CAPCOA), entitled “Quantifying Greenhouse Gas Mitigation Measures”.³ The CAPCOA document has numerous separate methodologies to quantify GHG mitigation emission reductions for activities related to the project, and for the mitigation measures identified for the Project. The reductions cited below, from the CAPCOA guidance document, are for operational activities relevant to the Project:

Transportation

- Use of electrified loading docks to reduce the need for diesel auxiliary engines to run in order to keep refrigerated transportation units temperature controlled to achieve a 26-71% reduction in GHG emissions;
- Use of electric or hybrid vehicles to achieve a 0.4-20% reduction in GHG emissions; and
- Use of alternative fueled vehicles (reductions vary).

Water Use

- Install low-flow water fixtures (as identified in MM 4.13.6.1A) to achieve a 17-31% reduction in GHG emissions;
- Design water-efficient landscapes (as identified in MM 4.13.6.1C) to achieve up to 70% in GHG emissions reductions; and
- Use reclaimed water for up to 81% GHG emissions reductions.

The need to quantify GHG reductions is critical to show that the Project’s emissions will meet the SCAQMD threshold of 10,000 MTCO₂e/yr. The examples from the CAPCOA guidance, as cited above, are just a few of those measures that can be quantified to estimate GHG emissions reductions, demonstrating that Response to Comment 12 is inadequate when it states mitigation could not be quantified “because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts.”

The FEIR should not be certified until GHG mitigation measures are quantified to demonstrate estimates that are below the SCAQMD threshold of 10,000 MTCO₂e/yr. If the threshold is not met, additional mitigation or use of credits (offsets) would be necessary, consistent with other Southern California projects where the SCAQMD threshold was exceeded, after mitigation.⁴

If emissions reductions estimates do not demonstrate that the threshold is met, additional measures should be undertaken, to include credits for all GHG emissions generated above the threshold of 10,000 MTCO₂e per year. To ensure GHG emissions reductions are real and verifiable, a GHG reporting and reduction plan should be submitted to the SCAQMD and the City detailing the measures to be implemented to achieve the required reductions. Credits should comply with

³ <http://capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

⁴ http://www.hermosabch.org/ftp/oil_docs/_ALL%20DEIR.pdf

- SCAQMD Regulation XXVII protocol;⁵
- CAPCOA GHG Rx program;⁶ and
- Those verified by the Climate Action Reserve or the American Carbon Registry.

Air Quality

Mitigation of Criteria Air Pollutants is Inadequate

The Responses fail to address to the concerns we expressed about the need to employ all available mitigation to address what the FEIR identifies as significant emissions of criteria air pollutants from construction and operation. The specific response to the comment we made on this issue (Letter D-4C, Response to Comment 5) stated:

For a detailed response on comparing construction emissions to daily construction thresholds, see the Responses to Comments D-4A-13 and D-4A-14 in the previous Letter D-4A from Lozeau Drury. For a detailed response on operational impacts of the project, see the Response to Comment D-4A-16 in the previous Letter D-4A from Lozeau Drury.

Responses to Comments D-4A-13, D-4A-14 and D-4A-16 have nothing to do with the issue of the inadequacy of mitigation measures to reduce construction emissions of NOx and ROG and operational emissions of ROG, NOx, and PM10 to less-than-significant levels. Some responses to other comments did address the need for additional mitigation (see Responses 1-12, Comment Letter B-3 and Responses 49-60, Comment Letter D-3) but we find these measures do not incorporate all measures that are feasible to reduce criteria air pollutant emissions.

Applicable Construction Mitigation Measures

- Monitoring for opacity for all construction activities, including grading, not just for “screening” and “turf overseeding” activities (as cited in the Air Quality Measure 4.3.6.2M Best Available Control Measures for Fugitive Dust). Opacity monitoring should be conducted by qualified personnel using a Ringelmann chart. Monitoring with use of the Ringelmann Chart should be required when construction is occurring when wind speeds exceed 15 miles an hour, as gauged by a wind meter installed at the Project site. When a 20% opacity (Ringelmann 1) standard is exceeded, construction activities should cease until wind speeds drop to below 15 miles per hour. A log should be kept at the Project site to document when wind speeds exceed 15 miles per hour and the Ringelmann readings recorded during those periods, along with actions taken to comply when Ringelmann readings exceed the 20% opacity threshold.

Applicable Operation Mitigation Measures

⁵ http://www.aqmd.gov/rules/reg/reg27_tofc.html

⁶ <http://www.capcoa.org/>

- Use of electrified loading docks for all refrigeration units;
- Use fuel cell trucks that use hydrogen produced primarily from natural gas show only slightly lower net PM emissions (11 percent) relative to new diesel trucks, largely due to the steam reformation process to produce hydrogen from natural gas; NOx emissions are reduced 84 percent in total and GHGs are cut in half. Greater use of renewable hydrogen or improved hydrogen production methods could cut fuel cell emissions relative to conventional technology.⁷

Cumulative Impacts have not been Adequately Addressed

We commented that the DEIR identified 13 proposed projects within five miles of the Project but failed to identify a construction schedule for the projects. The Responses (Comment D-4A-19) did not provide this schedule and simply states:

The EIR includes a complete cumulative air quality impacts analysis that satisfies all CEQA requirements and that includes the conclusion that the long-term cumulative air quality impacts would be significant and avoidable.

The FEIR does not go far enough to address concerns about emissions of criteria air pollutants. For example, to meet air quality standards required by 2023, NOx emissions must be reduced by approximately two thirds beyond existing rules and regulations. The largest source of NOx emissions in the SCAQMD are heavy duty trucks. Without meeting air quality standards, the Southern California area faces federally mandated sanctions, including possible loss of transportation funding.

Other major projects in Moreno Valley, which involve significant trucking operations, include the WestRidge Commerce Center Project (which will be built adjacent to the proposed Project), the VIP Moreno Valley Project and the March Business Center. Along with the Project, these projects may be constructed simultaneously, highlighting the need for an estimate of the combined emissions of these projects.

Although the FEIR states that cumulative impacts are significant, additional measures are available to mitigate cumulative impacts on air quality. Perhaps most important is to quantify the emissions that will stem from the construction of other projects and, using those emissions estimates, identify how the construction of the projects might be staged to reduce temporal impacts. The US EPA has commented on the benefit of this approach to prevent violations of air quality standards.⁸

The FEIR should not be certified until cumulative emissions data from all projects have been compiled, by month, for construction in a six-mile radius that would overlap with the Project. From use of this data, a phased construction schedule, for projects that will undergo construction concurrently, should be derived so that violations of local, state or federal air quality regulations will not result. Consistent

⁷ http://www.ucsusa.org/assets/documents/clean_vehicles/Moving-California-Forward-Executive-Summary.pdf p.

2

⁸ U.S. Environmental Protection Agency, Comments on the Alta East Wind Project, September 27, 2012 <http://www.epa.gov/region9/nepa/letters/blm/ca/alta-east-wind-project-kern-county-deis.pdf>, p. 2

with US EPA's recommendations, the Project should be scheduled for constructed in light of the other planned construction activities to ensure air quality standards are not exceeded.

Diesel Particulate Matter Emissions have not been Evaluated and Addressed Adequately

Emissions of diesel particulate matter (DPM) associated with activities occurring on the Project site both during construction and operations have not been adequately characterized in estimating risks to human health. We have re-reviewed the DEIR documents, the 2012 LSA Air Quality Analysis (AQA) report, and the FEIR Responses to Comments and determined that impacts of DPM emissions on human health should be reevaluated before certification of the FEIR. Our evaluation has shown that construction of the Project has the potential to result in DPM exposures at nearby residences that exceed CEQA significance thresholds, and DPM exposure to workers on-site during operations warrants additional investigation by the Lead Agency.

Construction of the Project Will Result in Significant Air Quality Impacts

The Project location is situated just south of the Moreno Valley Freeway (SR60), with residential neighborhoods located within 50 feet to the southeast and 200 feet to the north of the Project boundary. The 2012 LSA AQA relied upon several inaccurate assumptions in preparing the Health Risk Assessment (HRA) for off-site residential exposure that accompanied the DEIR:

"The anticipated level of diesel-powered equipment use will, on average for the entire construction period, emit approximately 6.0 lbs/day of diesel exhaust particulate. A screening health risk assessment was performed using this emission rate and assuming the mobile equipment operates for 22 days per month and 4 months continuously at this high rate. This is considered conservative even though the total construction period will be longer than 4 months due to the extreme variation from day to day of heavy-duty construction equipment usage. **All of these values are deliberately higher than expected so that the risk levels will not be underestimated.**⁹ [*emphasis added*]

This statement contradicts itself in saying that even though average daily emissions of DPM were assumed to be 6 pounds, the duration of construction utilized for the exposure model was actually less than half of the total anticipated length. Therefore, it is impossible that all values are deliberately higher than expected, as LSA admits that the Project construction will in fact take longer than 4 months. By a simple calculation, the total pounds of DPM emissions evaluated in the HRA for construction-related activities is: $\frac{6 \text{ lbs}}{\text{day}} \times \frac{22 \text{ days}}{\text{month}} \times \frac{4 \text{ months}}{\text{Project}} = 528 \text{ lbs DPM}$ from construction. We believe that this represents a significant underestimate of actual construction-related DPM emissions, as the total length of Project construction is approximately 11.5 months. We have prepared a revised estimate that more accurately represents the exposures that nearby residents will be subjected to during Project construction.

⁹ LSA Associates, Inc., 2012. Air Quality Analysis, Eucalyptus Industrial Park, City of Moreno Valley, California. March 2012. Page 43.

We extracted only the estimates of mitigated on-site daily construction exhaust emissions provided in the CalEEMod output files (shown in the table below from the FEIR¹⁰), and multiplied the daily emissions estimates for each phase by the number of days given in AQA Table E: Construction Schedule, also shown below. The total pounds of construction-related DPM emissions was calculated to be 934.37 pounds, or 177% of the emissions that LSA incorporated into their HRA for off-site residential exposure. The HRA and FEIR should be revised to include more accurate estimates of total construction-related DPM emissions, as well as the appropriate exposure duration for nearby sensitive receptors in the residential communities.

Construction Phase	Onsite Pollutant Emissions, lbs/day							
	ROG	NO _x	CO	SO ₂	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Site Preparation	10.43	84.72	47.82	0.07	7.05	4.27	3.87	4.27
Grading	12.5	103.9	55.13	0.1	3.38	5.01	1.29	5.01
Building Construction	5.63	37.37	23.73	0.04	0	2.54	0	2.54
Architectural Coating	342.39	2.96	1.94	0	0	0.27	0	0.27
Paving	7.91	33.81	20.89	0.03	0	2.93	0	2.93

Table E: Construction Schedule

Phase Name	Phase Start Date	Phase End Date	Number of Days
Site Preparation	9/1/2012	9/26/2012	18
Grading	9/27/2012	11/27/2012	44
Building Construction	11/28/2012	8/16/2013	188
Architectural Coating	1/17/2013	8/16/2013	152
Paving	6/1/2013	8/16/2013	55

Source: Project Plans

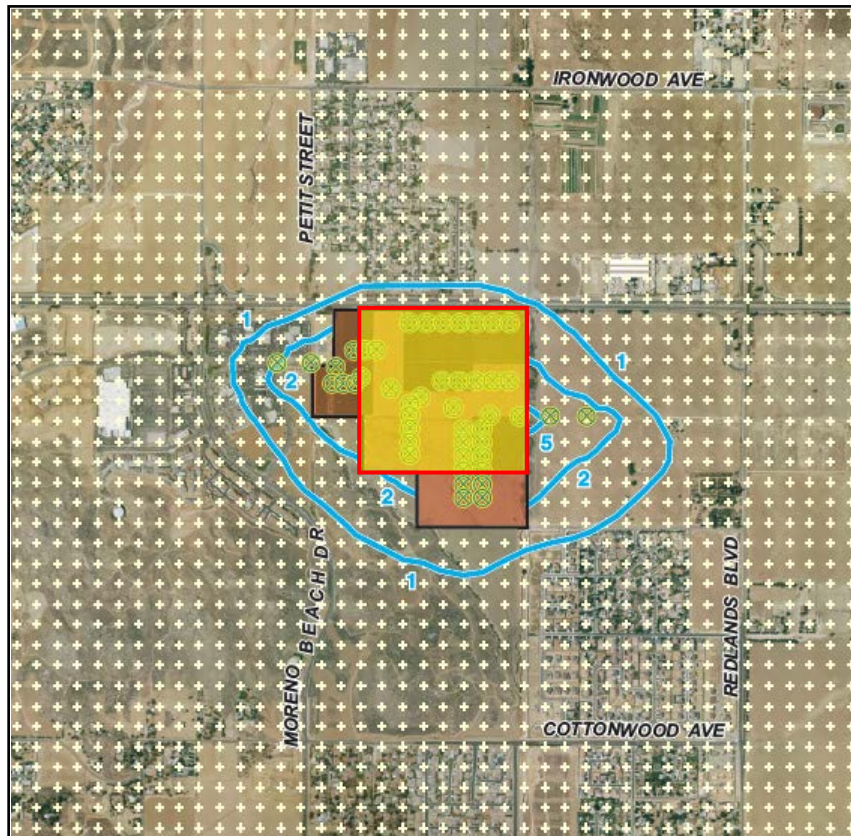
We have prepared our own screening-level HRA for construction-related DPM air quality impacts using the emissions and phasing data from the above tables. From the AQA appendices, we determined that diesel-fueled construction equipment would be operated for no more than 8 hours per day, and 5 days per week. The total number of construction days was 250 (weekdays between 9/1/2012 and 8/16/2013, or 18+44+188 as the last three phases of the Project in Table E overlap entirely). The emission rate derived for our screening model was therefore:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{934.37\ lbs \times 453.6\ \frac{grams}{lb}}{250\ days \times 8\ \frac{hours}{day} \times 3600\ \frac{seconds}{hour}} = 0.05886\ g/s$$

This value represents the average DPM emission rate during hours that construction activities are occurring for the entire Project

¹⁰ Response to Letter D-4A, Final EIR - Response to Comments, Prologis Eucalyptus Industrial Park, City of Moreno Valley. Page 223.

We used the EPA-recommended screening model AERSCREEN to evaluate off-site impacts to residential receptors during construction¹¹. As of 2011, AERSCREEN replaced SCREEN3 as the official screening model of the EPA due to its enhanced ability to simulate near-field dispersion from emissions sources. When detailed data pertaining to specific locations of emissions sources are unavailable, it is acceptable to model the average emission rate over the entire area of project construction. However, the Project boundary is geometrically complicated, and so our analysis focused on a subset of the Project site for screening-level modeling and HRA. The figure below depicts the portion of the site that was considered for the screening model. The yellow rectangle measures approximately 570 meters by 600 meters, with an area of approximately 84.51 acres.



The total Project boundary encompasses an area of 122.8 meters. For the purposes of our screening model, we multiplied the emission rate of 0.05886 g/s by the fraction $\frac{84.51}{122.8} = 0.6882$ to arrive at an average emission rate of 0.0405 g/s for the designated area over the course of Project construction. Due to lack of available information describing the anticipated sequencing of Project construction by area within the boundary, we assumed that averaging the emissions over the total duration was the best methodology to prepare this screening-level HRA.

The AERSCREEN model predicts the maximum single-hour concentration of a pollutant downwind of an emissions source. The maximum downwind concentration of DPM will be encountered during hours of

¹¹ U.S. Environmental Protection Agency Air Quality Modeling Group, C439-01 , MEMORANDUM: AERSCREEN Released as the EPA Recommended Screening Model, April 11, 2011.

construction equipment use, during which air quality impacts to sensitive receptors will also be highest. EPA screening methodology states that to estimate the maximum reasonable annualized concentration of an air pollutant, the maximum single-hour concentration can be multiplied by a scaling factor of 0.1¹². The maximum single-hour concentration of DPM produced by the AERSCREEN model during construction hours of the Project was 50.89 µg/m³ at 402 meters (1,319 feet) downwind. Residential receptors in the community to the southeast of the Project boundary are situated at this downwind distance.

The following table provides our estimations for a screening-level HRA for excess cancer risk at downwind residential receptors. The maximum single-hour concentration was multiplied by 0.1 to represent a maximum reasonable estimate of the annualized DPM concentration from construction. 80th percentile breathing rates were obtained from OEHHA guidance on HRA, as utilized in the LSA AQA¹³. Instead of incorporating the 4-month exposure considered by LSA, we utilized an 11.5 month exposure duration based on anticipated start and end dates of Project construction given in the tables presented above.

402-Meter Downwind Exposure

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration in Air	µg/m ³	5.09	5.09
DBR	Daily Breathing Rate	L/kg-day	302	452
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	0.95	0.95
AT	Averaging Time	days	25550	25550
	Inhaled Dose		2.0E-05	3.0E-05
	Cancer Risk		2.20E-05	3.29E-05

The table shows that the adult exposure resulted in an additional 22 cancers in one million while the child exposure resulted in 33 excess cancers in a million. For both adult and child exposure parameters, the CEQA significance threshold of ten in one million excess cancer risk was exceeded during the construction period. The maximum calculated inhalation cancer risk estimate provided in Table Q of the AQA report was 0.53 in one million at approximately 50-56 feet downwind. However, there is no modeling files or cancer risk calculations for the construction impacts analysis were provided in the DEIR

¹² U.S. Environmental Protection Agency Office of Air Quality Planning and Standards, Screening Procedures for Estimating the Air Quality Impacts of Stationary Sources, Revised, , October 1992.

¹³ Office of Environmental Health Hazard Assessment, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, Air Toxics Hot Spots Program Risk Assessment Guidelines, August 2003.

or the FEIR. In fact, the 2012 LSA AQA report references a November 2011 Traffic Impact Study as the source of the information, however this report does not mention cancer risk a single time¹⁴.

There is a considerable discrepancy between the 0.53 in one million calculated by LSA and the 22 in one million calculated in our analysis. An updated HRA should be prepared that incorporates all emissions from construction equipment over the entire duration of Project construction, and addresses the potential for significant air quality impacts to nearby sensitive receptors. Our analysis has demonstrated that by utilizing appropriate U.S. EPA and OEHHA exposure assessment methodologies, excess cancer risks consequent of Project construction have the potential to exceed CEQA thresholds of significance even under mitigated construction scenarios.

A Health Risk Assessment for On-Site Workers Should be Prepared Using Appropriate Parameters

Neither the FEIR, the DEIR, nor the AQA provides a detailed description of the methodologies utilized in arriving at the on-site worker excess cancer risk reported to be 1.5 in one million in Table 4.3.F of the DEIR. Response to Comment 13 of Letter D-2 addresses the lack of available data that made the assessment of operational DPM exposure to workers difficult in making a reference to the AQA:

Due to lack of data, precise evaluation of vehicle exhaust impacts is not feasible; however, based on the limited amount of TAC from vehicle exhaust associated with the project operations in relation to background levels, the impact is not expected to be significant.

This conclusion relied upon several inappropriate assumptions, and a revision to the on-site worker HRA should be prepared. An example of an appropriate HRA for on-site workers can be found in the ENVIRON HHRA for the proposed Stanford University Medical Center¹⁵, which clearly demonstrates that evaluation of vehicle exhaust impacts is indeed feasible.

The fleet of trucks that will be passing through the facility on a daily basis is expected to include 1,246 heavy-duty trailer trucks. In Response to Comment 21 of Letter B-3 the Lead Agency defends its assumption that the heavy-duty trailer trucks will be 87.5% diesel based on fuel use percentages from the URBEMIS model. However, the SCAQMD website clearly states that, "Emissions calculated using URBEMIS are now outdated and SCAQMD staff recommends all projects now evaluate emissions with CalEEMod if they use software for their analysis."¹⁶ Furthermore, the SCAQMD Comment Letter directly asserts that the fleet should be assumed 100% diesel.¹⁷ The FEIR admits that adjusting the fuel use of the fleet will increase the carcinogenic health risks to workers during Project operations (Comment 21, Response to Letter B-3), and this adjustment should be made in a revised iteration of the worker HRA.

¹⁴ LSA Associates, Inc., Draft Traffic Study, Eucalyptus Industrial Park, City of Moreno Valley, California, April 24, 2012.

¹⁵ ENVIRON, Human Health Risk Assessment, Construction and Incremental Operational Emissions, Proposed Stanford University Medical Center, Facilities Renewal and Replacement Project, Palo Alto, California, February 22, 2010.

¹⁶ SCAQMD, Air Quality Modeling. <http://www.aqmd.gov/ceqa/models.html>.

¹⁷ Comment 21, Letter B-3: South Coast Air Quality Management District, Final EIR - Response to Comments, ProLogis Eucalyptus Industrial Park, City of Moreno Valley, p. 54.

Additionally, the methodology by which daily operational emissions associated with the heavy-duty truck fleet were quantified is unclear. In the AQA, page 44 clearly states that, "Deliveries are assumed to occur 24 hours per day and 7 days per week." This was confirmed by reviewing the HRA emission worksheet in Appendix C to the AQA. However, the FEIR claims that, "Modeling the actual number of trucks that are planned to operate over 24 hours as if they operated over 12 hours results in much higher hourly emissions. Thus, the HRA is protective of human health in case there is a change in the project operations to only operate 12 hours per day" (Comment 19, Response to Letter B-3). There is no evidence to suggest that the HRA utilized an emission rate assumed over 12 hours per day instead of 24.

A revised iteration of the HRA during Project operations should be prepared prior to FEIR certification to clearly identify how the emissions generated by truck idling and movement were quantified. Incorporation of the SCAQMD comments regarding the use of a 100% diesel-fueled fleet, as well as the increased idle time per truck of fifteen minutes per trip instead of five, will unquestionably increase the estimates of emissions from Project operations. Adjustment of these parameters will provide a more accurate characterization of air quality impacts to on-site workers during Project operations, as current assumptions may have resulted in underestimated exposures.

Sincerely,

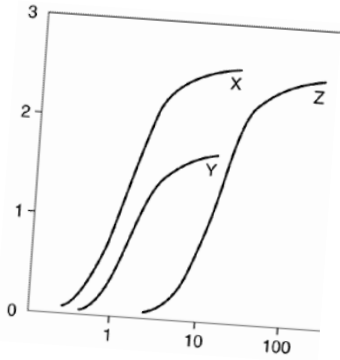


Matt Hagemann, P.G., C.Hg.



Anders Sutherland

EXHIBIT B



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April 22, 2014

Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Attn: Mr. Richard Drury

Subject: Comment Letter on the Final Environmental Impact Report for the Prologis Eucalyptus Industrial Park, SCH No. 2008021002

Dear Mr. Drury:

At the request of Lozeau | Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Final Environmental Impact Report¹ (FEIR) for the Prologis Eucalyptus Industrial Park (hereafter called the Project), SCH No. 2008021002 and its appendices. The proposed project site is located in the eastern portion of the City of Moreno Valley, in Riverside County, California. The 122.8-acre project site is located south of State Route 60 (SR-60) east of the Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel. According to the FEIR the proposed project would result in the construction and operation of a warehouse facility, consisting of approximately 2,244,638 square feet (sq ft).

¹ LSA. 2014. Final Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared February 12, 2014 and revised April 2, 2014

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description

This FEIR was issued prematurely without considering the serious flaws in the Proponent's analysis of the project by failing to accurately characterize truck traffic at the site

The air quality impacts from the traffic associated with an approximately 2,250,000 square foot facility are significant. The most significant factor used to quantify air quality impacts from project traffic is the vehicle trip rate, or the number of vehicle trips per day. A vehicle trip is one round trip (one trip segment to a site and one trip segment away from a site). In the case of the proposed Project, the primary concern will be the number of truck trips per day.

In the analysis of this Project, the Proponent estimates the vehicle trip rate used a truck trip rate of 1.96 trips per 1,000 square feet of land use to estimate operational air quality impacts instead of the default Cal EEMod land use model trip rate of 2.59 (an underestimation of operational emissions by 32%).

According to SCAQMD², for CEQA purposes, the volume of truck traffic predicted to serve a new large warehouse project has historically been derived using the ITE Trip Generation manual's general rate for warehouse projects (land use type 150), which is 4.96 trips per 1,000

² As reported in Appendix E, p. 10, Technical Source Documentation for the CalEEMod, prepared for the CAPCOA by Environ International Corporation and the California Air Districts, July 2013, available at : <http://www.aqmd.gov/caleemod/doc/AppendixE.pdf>

square feet (TSF). This is the same source of traffic data used in the URBEMIS air quality model.³ This value is from the 7th Edition of the ITE Trip Generation manual, published in 2003. Several developers of high-cube warehouses in recent years have questioned the validity of this value for modern warehousing operations and commissioned local studies to investigate these trip rates⁴. As a result, in the most recent version of the ITE Trip Generation manual (8th Edition, 2008), additional data has been included to provide a new high-cube warehouse (land use type 152) trip rate of 1.44 trips/TSF⁵.

This greatly reduced trip rate has been criticized in California. In order to avoid underestimating the number of trips associated with large warehouse/distribution center operations without rail service, the SCAQMD staff recommended that lead agencies utilize a rate of 2.59 trips per TSF for large warehouse air quality analyses on a project specific basis⁶. According to SCAQMD and based on a review of warehouse studies and operations, this value provides a reasonable default rate for individual new warehouses in the absence of more project-specific data.⁷ This trip rate has been accepted by CAPCOA and incorporated into the CalEEMod model.

Another way to illustrate how the DEIR greatly underestimates truck traffic associated with the Project is to review the estimated number of daily truck trips per 1,000 square feet of warehouse. As described above, the DEIR estimates 1.96 daily truck trips per 1,000 square feet.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

The results of utilizing the CalEEMOD method for estimating the traffic impacts from the Project are substantial. Based upon the trip generation rate of 2.59, the total number of trips associated with Project would increase from 4,400 to 5,813 trips per day.

The net result is that the air quality analysis performed by the Proponent greatly underestimates the emissions from mobile sources by at least one-third during the operational phase of the Project. Those impacts are likely to lead to a significant impact that will be unmitigated and unaccounted for in the FEIR. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of the Moreno Valley are unknown.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project will result in significant adverse impacts that were not identified in the FEIR and that are not adequately mitigated. Many of the FEIR's conclusions that environmental impacts are not significant or less than significant with mitigation are unsupported or contradicted by the evidence. As a result, several analyses presented in the FEIR, including impacts on air quality, fail to identify or disclose the magnitude of significant adverse impacts. To protect air quality and public health the Proponent must prepare a revised FEIR for the Project.

Sincerely,



James Clark, Ph.D.

EXHIBIT C

4.7.1.4 Greenhouse Gas Inventories

The City of Moreno Valley estimated greenhouse gas emissions for the community for 2007 and 2010 and projected emissions for 2020 are shown in Table 4.7.B, which shows the reduced 2020 emissions are below the reduction target.

Table 4.7.B: City of Moreno Valley Projected Greenhouse Gas Emissions

Source Category	Moreno Valley Greenhouse Gas Emissions (MTCO ₂ e per year)			
	2007	2010	BAU 2020	Reduced 2020
Transportation	517,098	513,581	788,267	421,561
Energy	287,261	277,230	356,192	251,372
Area	69,390	69,437	84,665	73,046
Water and Wastewater	21,595	16,831	20,216	14,158
Solid Waste	44,294	43,633	49,203	38,000
Total	939,638	920,712	1,298,543	798,137
Reduction Target	—	—	798,693	798,693

Notes: MTCO₂e = metric tons of carbon dioxide equivalents BAU = business as usual
Source: Table 9, City of Moreno Valley Greenhouse Gas Analysis, 2012., MBA 2013

The existing WLC project site is largely vacant with scattered dry farming that generates minimal greenhouse gas emissions. For the purposes of this analysis, a zero baseline will be assumed to identify the “worst case” emissions (i.e., GHG emissions from the entire WLC project without removal of any existing GHG emissions).

4.7.2 Regulatory Setting

4.7.2.1 International Regulation of Climate Change

Intergovernmental Panel on Climate Change (IPCC). In 1988, the United Nations created the IPCC to provide independent scientific information regarding climate change to policymakers. The IPCC does not conduct research itself, but rather compiles information from a variety of sources into reports regarding climate change and its impacts. The IPCC has thereafter periodically released reports on climate change, and in 2007 released its Fourth Assessment Report which concluded most global climate change was the result of human activity, mainly the burning of fossil fuels (see Section 4.7.1.1).

United Nations Framework Convention on Climate Change. On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change (Convention). Under the Convention, governments gather and share information on greenhouse gas emissions, national policies, and best practices; launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

Kyoto Protocol. The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing greenhouse gas emissions at average of five per cent against 1990 levels over the five-year period 2008-2012. The Convention (discussed above) encouraged industrialized countries to stabilize emissions; however, the Protocol commits them to do so. Developed countries have contributed more emissions

**World Logistics Center Project
Draft Environmental Impact Report**

Table 4.7.I: Project Operational GHG Emissions (Year by Year with Mitigation)

Source	Emissions with Mitigation and Project Design Features (MTCO ₂ e/year)								
	2014	2015	2016	2017	2018	2019	2020	2021	2022
Vehicles	10,638	21,784	28,283	39,632	52,154	57,836	61,228	65,730	66,329
Trucks	51,111	107,099	141,204	199,737	269,134	304,600	328,592	358,109	366,971
Electricity	14,513	30,387	40,428	58,208	79,917	91,993	101,491	110,174	112,888
Natural gas	177	371	494	711	976	1,124	1,240	1,346	1,379
Water	299	626	833	1,199	1,646	1,895	2,090	2,269	2,325
Waste	12,812	26,826	35,690	51,385	70,550	81,211	89,595	97,261	99,657
Refrigerants	182	380	506	728	1,000	1,151	1,269	1,378	1,412
Construction	37,927	31,634	26,947	94,510	41,743	34,665	26,818	26,818	14,471
Sequestration	-14	-30	-40	-57	-79	-90	-100	-108	-111
Total	127,645	219,077	274,345	446,053	517,041	574,385	612,223	662,977	665,321
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Reduction summary: local vehicles = 3 percent; waste = 35 percent
Source: Michael Brandman Associates 2013.

-1635-

Item No. E.3

When compared with the proposed project, air quality impacts associated with the No Project/Existing General Plan Alternative would be correspondingly decreased in magnitude. Similar to the proposed project, the generation of these emissions would still result in a cumulative contribution of air pollutants in a nonattainment basin; therefore, impacts remain significant and unavoidable.

Table 6.E: No Project/Existing General Plan Alternative Operational Emissions

Source	Pollutant Emissions, lbs/day					
	CO	VOC	NO _x	SO _x	PM ₁₀	PM _{2.5}
Proposed Project ¹	3,466	729	3,059	21	1,685	153
No Project/Existing General Plan ²	4,853	1,114	1072	14	1,231	86
Net Change	+1,387	+385	-1,987	-7	-454	-67
SCAQMD thresholds	550	55	55	150	150	55
Alternative exceeds thresholds?	Yes	Yes	Yes	No	Yes	Yes

Source: MBA 2013

¹ MBA 2013 Air Quality Assessment for the proposed project

² From Moreno Highlands Specific Plan updated by MBA using CalEEMod software

Global Climate Change: GHG emissions associated with the No Project/Existing General Plan Alternative are correspondingly decreased as this alternative does not include a logistics warehouse component. In addition, the No Project/Existing General Plan Alternative would decrease the amount of water utilized and wastewater generated. As identified in Table 6.F, the No Project/Existing General Plan Alternative would generate 228,719 metric tons of total CO₂ equivalent¹ (mt CO₂e), which is approximately 60 percent less than what was identified for the proposed project.

Table 6.F: Comparison of Greenhouse Gas Emissions

Type of Development	Annual MTCO ₂ e Emissions	Change
Proposed Project	665,321	100%
No Project/No Build ¹	—	0%
No Project/Existing General Plan ²	228,719	35%
Alternative 1: Reduced Density	465,725	70%
Alternative 2: Mixed Use A	794,828	120%
Alternative 3: Mixed Use B	318,808	48%
Alternative Sites	665,321	100%

MTCO₂e is metric tons of carbon dioxide equivalents, which is a standard unit of measure for greenhouse gases.

¹ Estimated based on existing on-site rural residential uses.

² Based on approved Moreno Highland Specific Plan.

Source: MBA 2013 project air quality study, alternatives analysis (see Appendix D).

Hazards and Hazardous Materials: Development of the No Project/Existing General Plan Alternative would still result in the on-site handling of hazardous substances, both during project construction and operation. It is reasonable to assume that, like any current use, these substances would continue to be used in accordance with applicable local, State, and Federal standards. Impacts associated with the transport or use of hazardous materials or potential upsets or accidents would not be increased in magnitude because the intensity of development is still below what is envisioned under the proposed project. Therefore, it is not expected that increased quantities of hazardous materials would be present on site. With the adherence to existing hazardous materials regulations,

¹ Carbon dioxide equivalent (CO₂e) is an internationally accepted measure that expresses the amount of other greenhouse gases (e.g., methane and nitrous oxide) in terms of the amount of carbon dioxide (CO₂). The CO₂e measure is used as a way to measure the warming potential of a greenhouse gas as compared to CO₂, which has the highest global warming potential.

EXHIBIT D

1 DRINKER BIDDLE & REATH LLP
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2 adam.thurston@dbr.com
1800 Century Park East, Suite 1400
3 Los Angeles, California 90067
Telephone: (310) 203-4000
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5 Attorneys for Defendant and Real Party in Interest
VWR International, LLC
6

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 COALITION FOR CLEAN AIR, et al.,

11 Plaintiff,

12 v.

13 VWR INTERNATIONAL, LLC, et al.,

14 Defendant.
15
16

Case No. 1:12-CV-1569-LJO-BAM

CONSENT JUDGMENT

17
18 Pursuant to Rules 54 and 58 of the Federal Rules of Civil Procedure, the Court hereby
19 ORDERS, ADJUDGES AND DECREES as follows:

20 1. Defendant VWR International, LLC (“VWR”) shall install two (2) electric vehicle
21 charging stations at its warehousing and distribution facility located at 8711 West Riggin Avenue
22 in the City of Visalia (the “Project”). VWR shall make said electric vehicle charging stations
23 available to VWR employees and/or customers.

24 2. VWR shall maintain the following features of the Project until June 11, 2022 (10
25 years after the Project became operational), unless VWR ceases to own and operate the Project in
26 its present form and for its present function prior to that time:

27 a. The emergency generator for the Project shall be powered by natural gas and
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- include a catalytic converter.
- b. Ninety percent of the truck carriers contracted to service the Project by VWR shall be Environmental Protection Agency SmartWay partners, provided however, that temporary variances from this percentage due to circumstances not created by VWR shall not be a violation of this order.
- c. The Project shall utilize energy efficient interior lighting, *i.e.*, light-emitting diodes (“LED”), and T5 and T8 fluorescent lamps, provided, however, that this order shall not prohibit VWR from incorporating new or different lighting technology that is at least as efficient.
- d. The Project shall utilize energy efficient exterior lighting, *i.e.*, LED, and T5 and T8 fluorescent lamps, provided, however, that this order shall not prohibit VWR from incorporating new or different lighting technology that is at least as efficient.
- e. The air conditioning system for the management offices at the Project shall use non-chlorofluorocarbon refrigerant.
- f. Cooling for the main warehouse space at the Project shall be provided through evaporative coolers rather than air conditioners, provided, however, that this order shall not prohibit VWR from incorporating new or different cooling technology that is at least as efficient.
- g. The warehouse space at the Project shall incorporate automated airflow and ventilation systems designed to minimize need for supplemental heating and cooling within the warehouse space.
- h. Forklifts and interior vehicles at the Project shall be electric powered.
- i. The Project shall use a building automation system to control and optimize the efficiency of its mechanical systems, including lighting, HVAC, exhaust dampers, fans, and ventilation louvers
- j. Interior lights shall incorporate motion sensors that turn them off when not in use.

- 1 k. The Project shall incorporate a light colored “cool roof” membrane to reduce
- 2 surface temperature, heat island effect, and heat transfer to the interior of the
- 3 structure.
- 4 l. The landscape design and irrigation system shall be in compliance with LEED
- 5 Silver certification standards to reduce water consumption.
- 6 m. The warehouse shall incorporate water-efficient building design with water
- 7 efficient fixtures and appliances meeting LEED Silver certification standards.
- 8 n. The Project shall have an operational recycling program covering paper,
- 9 corrugated cardboard, glass, plastics and metals.
- 10 o. A bicycle rack shall be provided at the Project for employees who wish to
- 11 bicycle commute.
- 12 p. Five (5) premium car/vanpool spaces shall be provided at the Project.

13 3. Notwithstanding the provisions of paragraph 2, above, this order shall not prohibit
14 VWR from incorporating new or different technology at its facility instead of the specific
15 technology specified in paragraph 2, provided that is no less efficient than the technology
16 specified.

17 4. VWR need not take further action to comply with San Joaquin Valley Air
18 Pollution Control District Rule 9510, as incorporated into the California State Implementation
19 Plan under the Clean Air Act (42 U.S.C. Section 7604(a)).

20 5. VWR need not take further action to comply with Visalia Municipal Code Section
21 17.28.040A.

22 6. VWR shall pay no civil penalties.

23 7. Nothing in this judgment shall prohibit VWR from selling, transferring,
24 demolishing, rebuilding, or repurposing the Project, in whole or in part, or the real property upon
25 which it sits.

26 8. Except as may otherwise be provided by written agreement, each party shall bear
27 their own fees and costs.

28 / / /

1 9. This judgment shall be entered by the clerk of the court forthwith. The Clerk is
2 directed to close this action.

3 IT IS SO ORDERED, ADJUDGED, AND DECREED.

4

5

6 IT IS SO ORDERED.

7

Dated: September 11, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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EXHIBIT E

Recording requested by and when recorded please return to:

[Grantee's name & address]

(Space above this line reserved for Recorder's use)

DEED OF AGRICULTURAL CONSERVATION EASEMENT

This Deed of Agricultural Conservation Easement is granted on this ____ of _____ 2012, by [Landowner's name], [Ownership status], having an address at [Landowner's address] ("Landowner"), to [Grantee's name], a California nonprofit public benefit corporation, having an address at [Grantee's address] ("Grantee"), for the purpose of forever conserving the agricultural productive capacity and open space character of the subject property.

RECITALS

A. The Landowner is the sole owner in fee simple of the [farm/rangeland] property ("Property") legally described in Exhibit A ("Legal Description") and generally depicted in Exhibit B ("Vicinity Map"), attached to and made a part of this Agricultural Conservation Easement ("Easement"). The Property consists of approximately [acres] acres of land and is commonly known as the "[Farm/Ranch name]," together with buildings and other improvements, is located in [County name] County, California, and is identified by assessor's parcel number(s) [parcel numbers]. The existing buildings and improvements on the Property are shown within the Building Envelope as depicted in Exhibit C ("Building Envelope and Existing Improvements"), also attached to and made a part of this Easement. Except as shown in Exhibit C, the Property is open farmland, whose soils have been classified as [prime farmland, farmland of statewide importance, etc.] by the U.S. Department of Agriculture's Natural Resources Conservation Service, and by the California Department of Conservation's Farmland Mapping and Monitoring Program, because this land has the soil quality, growing season, and water supply needed for sustained agricultural production.

B. The agricultural and other characteristics of the Property, its current use and state of improvement, are documented and described in a Baseline Documentation Report ("Baseline Report"), prepared by the Grantee with the cooperation of the Landowner and incorporated herein by this reference. The Landowner and the Grantee acknowledge that the Baseline Report is complete and accurate as of the date of this Easement. Both the Landowner and the Grantee shall retain duplicate original copies of the Baseline Report. The Baseline Report may be used to establish whether or not a change in the use or condition of the Property has occurred, but its existence shall not preclude the use of other evidence to establish the condition of the Property as of the date of this Easement.

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C. The Department of Conservation’s California Farmland Conservancy Program (hereinafter alternatively referred to as the “Department” or “Department of Conservation”) has made a grant of funds to the Grantee to support the acquisition of this Agricultural Conservation Easement. The Department’s funds represent a substantial investment by the people of the State of California in the long-term conservation of valuable agricultural land and the retention of agricultural land in perpetuity. The Property and this Easement have met the California Farmland Conservancy Program’s mandatory eligibility criteria and certain selection criteria and have multiple natural resource conservation objectives. The rights vested herein in the State of California arise out of the State’s statutory role in fostering the conservation of agricultural land in California and its role as fiduciary for the public investment represented by the Department’s funds.

D. The Landowner grants this Easement for valuable consideration to the Grantee for the purpose of assuring that, under the Grantee’s perpetual granteeship, the agricultural productive capacity and open space character of the Property will be conserved and maintained forever, and that uses of the land that are inconsistent with these conservation purposes will be prevented or corrected. The parties agree, however, that the current agricultural use of, and improvements to, the Property are consistent with the conservation purposes of this Easement.

E. The conservation purposes of this Easement are recognized by, and the grant of this Easement will serve, the following clearly delineated governmental conservation policies:

The Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. section 4201 et seq., whose purpose is “to minimize the extent to which Federal programs and policies contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government and private programs and policies to protect farmland;”

California Civil Code at Part 2, Chapter 4, (commencing with section 815), which defines and authorizes perpetual conservation easements;

California Constitution Article XIII, section 8, California Revenue and Taxation Code sections 421.5 and 422.5, and California Civil Code section 815.1, under which this Agricultural Conservation Easement is an enforceable restriction, requiring that the Property’s tax valuation be consistent with restriction of its use for purposes of food and fiber production and conservation of natural resources;

Section 10200 et seq. of the California Public Resources Code, which creates the California Farmland Conservancy Program within the Department;

85 Section 51220 of the California Government Code, which declares a public
86 interest in the preservation of agricultural lands, by providing that “agricultural
87 lands have a definitive public value as open space” and “that the discouragement of
88 premature and unnecessary conversion of agricultural land to urban uses is a matter
89 of public interest”;

90
91 California Food and Agriculture Code Section 821 states that one of the major
92 principles of the State's agricultural policy is "to sustain the long-term productivity
93 of the State's farms by conserving and protecting the soil, water, and air, which are
94 agriculture's basic resources;"

95
96 The California General Plan law section 65300 et seq. and Section 65400 et seq.
97 of the California Government Code, and the [*County name*] County General Plan,
98 as updated on [*Update date*], which includes as one of its goals to protect
99 farmlands designated as prime, of statewide importance, unique, or of local
100 importance from conversion to and encroachment of non-agricultural uses; and,

101
102 Resolution No. [*Resolution number*], approved by the Board of Supervisors of
103 [*County name*] County on the [*day*] of [*month*], [*year*], which expresses support
104 for the acquisition of this Easement and finds that the acquisition is consistent
105 with the County’s General Plan and the Resolution’s findings. (NOTE: If the
106 Property lies within the Sphere of Influence of an incorporated city, both the city
107 and county must pass resolutions of support.)

108
109 F. The Grantee is a California nonprofit organization within the meaning of
110 California Public Resources Code section 10221 and California Civil Code section 815.3
111 and is a tax exempt and “qualified conservation organization” within the meaning of
112 Sections 501(c)(3) and 170(b)(1)(A)(iv) as defined by the United States Internal Revenue
113 Code. Grantee, as certified by a resolution of Grantee's Board of Trustees, accepts the
114 responsibility of enforcing the terms of this Easement and upholding its conservation
115 purposes forever.

116
117 GRANT OF AGRICULTURAL CONSERVATION EASEMENT

118
119 Now, therefore, for the reasons given, and in consideration of their mutual
120 promises and covenants, terms, conditions and restrictions contained herein, and other
121 good and valuable consideration, the receipt and adequacy of which are hereby
122 acknowledged, the Landowner voluntarily grants and conveys to the Grantee, and the
123 Grantee voluntarily accepts, a perpetual conservation easement, as defined by Section
124 815.1 and 815.2 of the California Civil Code and California Public Resources Code
125 section 10211, and of the nature and character described in this Easement for the purpose
126 described below, and agree as follows:

127
128 1. *Conservation Purpose.*

129
130 The conservation purpose (“Conservation Purpose” or “Purpose”) of this Easement is to

131 enable the Property to remain in productive agricultural use in perpetuity by preventing
132 and correcting uses of the Property prohibited by the provisions of this Easement. To the
133 extent that the preservation of the open space character and [*scenic, habitat, natural, or*
134 *historic, etc.*] values of the Property are consistent with such use, it is within the Purpose
135 of this Easement to protect those values.

136
137 *2. Right to Use Property for Agricultural Purposes.*
138

139 The Landowner retains the right to use the Property for agricultural purposes, or to permit
140 others to use the Property for agricultural purposes, in accordance with applicable law and
141 this Easement.

142
143 *3. Prohibited Uses.*
144

145 The Landowner shall not perform, nor knowingly allow others to perform, any act on or
146 affecting the Property that is inconsistent with this Easement. Any use or activity that
147 would diminish or impair the agricultural productive capacity and open space character
148 [*or scenic, habitat, natural, historic etc. values*] of the Property, or that would cause
149 significant soil degradation or erosion, restrict agricultural husbandry practices, or that is
150 otherwise inconsistent with the Conservation Purpose is prohibited (“Prohibited Use”).
151 “Husbandry practices” means agricultural activities, such as those specified in Section
152 3482.5(e) of the California Civil Code, conducted or maintained for commercial purposes
153 in a manner consistent with proper and accepted customs and standards, as established
154 and followed by similar agricultural operations in the same locality. This Easement
155 authorizes the Grantee to enforce these covenants in the manner described herein.
156 However, unless otherwise specified, nothing in this Easement shall require the
157 Landowner to take any action to restore the condition of the Property after any Act of
158 God or other event over which it had no control. The Landowner understands that
159 nothing in this Easement relieves it of any obligation or restriction on the use of the
160 Property imposed by law.

161
162 *4. Permission of the Grantee.*
163

164 Where the Landowner is expressly required to obtain the Grantee’s permission for a
165 proposed use hereunder, said permission (a) shall not be unreasonably delayed or
166 withheld by the Grantee, (b) shall be sought and given in writing, with copies of all
167 documents to be provided to the Department, and (c) shall in all cases be obtained by the
168 Landowner prior to the Landowner's undertaking of the proposed use. The Grantee shall
169 grant permission to the Landowner only where the Grantee, acting in the Grantee's sole
170 reasonable discretion and in good faith, determines that the proposed use is not a
171 “Prohibited Use” per Section 3.

172
173 *5. Construction or Placement of Buildings and Other Improvements.*
174

175 The Landowner may undertake construction, erection, installation, or placement of
176 buildings, structures, or other improvements on the Property only as provided in

177 subsections (a) through (d) below. All other construction, erection, installation, or
178 placement of buildings, structures, or other improvements on the Property is prohibited.
179 Before undertaking any construction, erection, installation or placement that requires
180 permission, the Landowner shall notify the Grantee and obtain prior written permission
181 from the Grantee.

182
183 For purposes of this section, the term “improvements” shall not refer to, and specifically
184 excludes, crops, plants, trees, vines, or other living improvements planted for agricultural
185 purposes, nor shall it refer to irrigation improvements necessary or desirable to irrigate
186 the Property for agricultural purposes, all of which may be made without permission of
187 the Grantee.

188
189 (a) Fences – Existing fences may be repaired and replaced without permission of
190 the Grantee. New fences may be built anywhere on the Property for purposes of
191 reasonable and customary agricultural management, and for security of farm
192 produce, livestock, equipment, and improvements on the Property, without
193 permission of the Grantee.

194
195 (b) Agricultural Structures and Improvements – Existing agricultural structures
196 and improvements as shown in Exhibit C and more fully described in the Baseline
197 Report, may be repaired, reasonably enlarged, and replaced at their current
198 locations within the Building envelope for agricultural purposes without
199 permission from the Grantee. New buildings and other structures and
200 improvements to be used solely for agricultural production on the Property or sale
201 of farm products predominantly grown or raised on the Property, including barns
202 and equipment sheds, but not including any dwelling or farm labor housing, may
203 be built on the Property within the Building Envelope depicted in Exhibit B,
204 without permission of the Grantee. All permissible new agricultural structures
205 may be repaired, reasonably enlarged, and replaced without permission of the
206 Grantee. Any other agricultural production or marketing-related structures may
207 be constructed only with permission of the Grantee pursuant to Section 4.

208
209 (c) Residential Dwellings – The single-family dwelling shown in Exhibit C may
210 be repaired, enlarged or replaced at the current location entirely within the
211 Building Envelope shown in Exhibit C without permission of the Grantee. Said
212 single-family dwelling shall not exceed three thousand square feet (3,000 sq. ft.)
213 of living area. No other residential structures may be constructed or placed on the
214 Property except for agricultural employee housing per Section 5(d).

215
216 *(NOTE: With approval of the funder(s), this section may need to be modified*
217 *depending on the circumstances of the property and other factors)*

218
219 (d) Agricultural Employee Housing – The agricultural employee house shown in
220 Exhibit C may be repaired, enlarged or replaced at the current location entirely
221 within the Building Envelope shown in Exhibit C without permission of the
222 Grantee. No additional agricultural employee housing may be constructed or

223 placed on the Property without permission of the Grantee. Grantee may only
224 grant permission pursuant to Section 4 and only if the Landowner can
225 demonstrate to the Grantee's satisfaction that such additional agricultural
226 employee housing is reasonable and necessary for the agricultural operation of the
227 Property. The aggregate living area of agricultural employee housing shall not
228 exceed two thousand five hundred square feet (2,500 sq ft.). All agricultural
229 employee housing must be located entirely within the Building Envelope shown
230 in Exhibit C.

231

232 *(NOTE: With approval of the funder(s), this section may need to be modified*
233 *depending on the circumstances of the property and other factors)*

234

235 (e) Utilities and Septic Systems. Wires, lines, pipes, cables or other facilities
236 providing electrical, gas, water, sewer, communications, energy generation, or
237 other utility services solely to serve the improvements permitted herein or to
238 transmit power generated on the Property may be installed, maintained, repaired,
239 removed, relocated and replaced. In addition, septic or other underground
240 sanitary systems serving the improvements permitted herein may be installed,
241 maintained, repaired, replaced, relocated or improved, but must be located within
242 the Building Envelope. Power generation and transmission facilities primarily for
243 agricultural and other permitted uses on the Property may be constructed within
244 the Building Envelope. Power generated in excess of requirements on the
245 Property may be sold to appropriate public utilities. Notwithstanding the
246 foregoing, commercial power generation, collection or transmission facilities,
247 including wind or solar farms outside of Building Envelope, and the conveyance
248 of any rights-of-way over, under or on the Property for any such purpose, are
249 prohibited.

250

251 *6. No Subdivision.*

252

253 The division, subdivision, defacto subdivision, or partition of the Property, including
254 transfer of development rights, whether by physical, legal, or any other process, is
255 prohibited.

256

257 The Landowner and Grantee acknowledge and understand that the Property consists of
258 [number] legal parcel(s), and that no additional, separate legal parcels currently exist
259 within the Property that may be recognized by a certificate of compliance or conditional
260 certificate of compliance pursuant to California Government Code section 66499.35
261 based on previous patent or deed conveyances, subdivisions, or surveys. The Landowner
262 will not apply for or otherwise seek recognition of additional legal parcels within the
263 Property based on certificates of compliance or any other authority. The Landowner shall
264 continue to maintain the legal parcels comprising the Property, and all interests therein,
265 under common ownership, as though a single legal parcel.

266

267 Lot line adjustment may be permitted only with the written approval of the Grantee
268 pursuant to Section 4, in conjunction with the approval of the local jurisdiction, and for

269 purposes of maintaining, enhancing or expanding agricultural practices or productivity on
270 the Property.

271

272 *7. Extinguishment of Development Rights.*

273

274 The Landowner hereby grants to the Grantee all development rights except as specifically
275 reserved in this Easement, that were previously, are now or hereafter allocated to,
276 implied, reserved, appurtenant to, or inherent in the Property, and the parties agree that
277 such rights are released, terminated, and extinguished, and may not be used on or
278 transferred by either party to any portion of the Property as it now or later may be
279 bounded or described, or to any other property adjacent or otherwise, or used for the
280 purpose of calculating permissible lot yield of the Property or any other property. This
281 Easement shall not create any development rights.

282

283 *8. Mining.*

284

285 The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other
286 mineral substance, using any method that disturbs the surface of the land, is prohibited.

287

288 *(NOTE: With approval of the funder(s), this section may need to be modified depending*
289 *on the circumstances of the property and other factors)*

290

291 *9. Paving and Road Construction.*

292

293 Other than existing roads shown within the Building Envelope as identified in the Baseline
294 Report, no portion of the Property presently unpaved shall be paved or otherwise covered
295 with concrete, asphalt, or any other impervious paving material, unless such measures are
296 required by air quality laws or regulations applicable to the Property. Except as otherwise
297 permitted herein, no road for access or other purposes shall be constructed without the
298 permission of the Grantee pursuant to Section 4. Notwithstanding the foregoing,
299 construction of unpaved farm roads, as necessary or desirable by agricultural operations,
300 is permitted without permission from the Grantee. The Landowner shall notify the
301 Grantee of any significant net relocation or addition of unpaved farm roads.

302

303 *10. Trash and Storage.*

304

305 The dumping or accumulation on the Property of any kind of trash, refuse, vehicle bodies
306 or parts, or "Hazardous Materials," as defined in Section 25 is prohibited. Farm-related
307 trash and refuse produced on the Property may be temporarily stored on the Property
308 subject to all applicable laws. The storage of agricultural products and byproducts
309 produced on the Property and materials reasonably required for agricultural production
310 on the Property, including Hazardous Materials, is permitted as long as it is done in
311 accordance with all applicable government laws and regulations.

312

313

314 11. *Commercial Signs.*

315

316 Commercial signs (including billboards) unrelated to permitted activities conducted on
317 the Property are prohibited.

318

319 12. *Recreational Uses; Motorized Vehicle Use Off Roadways*

320

321 Resort structures, athletic fields, golf courses, non-residential swimming pools, public or
322 commercial airstrips, commercial equestrian facilities, public or commercial helicopter
323 pads, and any other non-agricultural recreational structures or facilities are prohibited on
324 the Property. Recreational structures or improvements for the personal use of the
325 Landowner and its guests (e.g. swimming pool, tennis court) are permitted only within
326 the Building Envelope. The use of motorized vehicles off roadways and outside of the
327 Building Envelope is prohibited except where used for agricultural production, property
328 maintenance and security, or for the purpose of monitoring this Easement.

329

330 13. *Water Rights.*

331

332 The Landowner shall retain and reserve all ground water, and all appurtenant,
333 prescriptive, contractual or other water rights appurtenant to the Property at the time this
334 Easement becomes effective. The Landowner shall not permanently transfer, encumber,
335 lease, sell, or otherwise separate such quantity of water or water rights from title to the
336 Property itself. Permanent separation of water or water rights is prohibited. All water
337 shall be retained in [*County name*] County for agricultural production and used in
338 conjunction with the improvements permitted by Section 5 of this Easement only. Water
339 may be distributed to a contiguous property or other property owned or leased by the
340 Landowner on an annual basis for agricultural production only. Any temporary
341 distribution of water shall not impair the long-term agricultural productive capacity or
342 open space character of the Property.

343

344 14. *Rights Retained by the Landowner.*

345

346 Subject to Section 7 and to interpretation under Section 22, as owner of the Property, the
347 Landowner reserves all interests in the Property not transferred, conveyed, restricted,
348 prohibited or extinguished by this Easement. These ownership rights include, but are not
349 limited to, the right to sell, lease, or otherwise transfer the Property to anyone the
350 Landowner chooses, as well as the right to privacy, the right to exclude any member of
351 the public from trespassing on the Property, and any other rights consistent with the
352 Purpose of this Easement. Nothing contained herein shall be construed as a grant to the
353 general public of any right to enter upon any part of the Property.

354

355 Nothing in this Easement relieves the Landowner of any obligation or restriction on the
356 use of the Property imposed by law.

357

358

359 15. *Responsibilities of the Landowner and the Grantee Not Affected.*
360

361 Other than as specified herein, this Easement is not intended to impose any legal or other
362 responsibility on the Grantee, or in any way to affect any existing obligation of the
363 Landowner as owner of the Property. Among other things, this shall apply to:
364

365 (a) Taxes – The Landowner shall be solely responsible for payment of all taxes
366 and assessments levied against the Property. If the Grantee ever pays any taxes or
367 assessments on the Property, or if the Grantee pays levies on the Landowner’s
368 interest in order to protect Grantee’s interests in the Property, the Landowner will
369 reimburse the Grantee for the same. It is intended that this Easement constitute an
370 enforceable restriction within the meaning of Article XIII, Section 8 of the
371 California Constitution and that this Easement qualify as an enforceable
372 restriction under the provisions of California Revenue and Taxation Code
373 Sections 402.1(a)(8) and 423.
374

375 (b) Upkeep and Maintenance – The Landowner shall be solely responsible for the
376 upkeep and maintenance of the Property, to the extent it may be required by law.
377 The Grantee shall have no obligation for the upkeep or maintenance of the
378 Property. If the Grantee acts to maintain the Property in order to protect the
379 Grantee’s interest in the Property, the Landowner will reimburse the Grantee for
380 any such costs.
381

382 (c) Liability and Indemnification – In view of the Grantee’s and the Department
383 of Conservation’s negative rights, limited access to the land, and lack of active
384 involvement in the day-to-day management activities on the Property, the
385 Landowner shall indemnify, protect, defend and holds harmless the Grantee, the
386 Department of Conservation, their officers, directors, members, employees,
387 contractors, legal representatives, agents, successors and assigns (collectively,
388 “Agents and Assigns”) from and against all liabilities, costs, losses, orders, liens,
389 penalties, claims, demands, damages, expenses, or causes of action or cases,
390 including without limitation reasonable attorneys’ fees, arising out of or in any
391 way connected with or relating to the Property or the Easement. The Landowner
392 shall be solely liable for injury or the death of any person, or physical damage to
393 any property, or any other costs or liabilities resulting from any act, omission,
394 condition, or other matter related to or occurring on or about the Property,
395 regardless of cause, unless due to the negligence or willful misconduct of the
396 Grantee, the Department of Conservation, and/or their respective Agents and
397 Assigns. The Grantee shall be named as an additional insured on Landowner’s
398 general liability insurance policy.
399

400 Neither the Grantee, the Department of Conservation, nor their Agents and
401 Assigns shall have responsibility for the operation of the Property, monitoring of
402 hazardous conditions on it, or the protection of the Landowner, the public or any
403 third parties from risks relating to conditions on the Property. Without limiting
404 the foregoing, neither the Grantee, the Department, nor their respective Agents

405 and Assigns shall be liable to the Landowner or other person or entity in
406 connection with consents given or withheld, or in connection with any entry upon
407 the Property occurring pursuant to this Easement, or on account of any claim,
408 liability, damage or expense suffered or incurred by or threatened against the
409 Landowner or any other person or entity, except as the claim, liability, damage, or
410 expense is the result of the gross negligence or intentional misconduct of the
411 Grantee, the Department, and/or their respective Agents and Assigns.
412

413 16. *Monitoring.*

414
415 The Grantee shall manage its responsibilities as holder of this Easement in order to
416 uphold the Purpose of this Easement. The Grantee's responsibilities include, but are not
417 limited to, annual monitoring, such additional monitoring as circumstances may require,
418 record keeping, and enforcement of this Easement, for the purpose of preserving the
419 Property's agricultural productive capacity and open space character in perpetuity.
420 Failure of the Grantee to carry out these responsibilities shall not impair the validity of
421 this Easement or limit its enforceability in any way. With reasonable advance notice
422 (except in the event of an emergency circumstance or prevention of a threatened breach),
423 Grantee shall have the right to enter upon, inspect, observe, monitor and evaluate the
424 Property to identify the current condition of, and uses and practices on the Property and
425 to determine whether the condition, uses and practices are consistent with this Easement.
426

427 Grantee shall indemnify, defend with counsel of Landowner's choice, and hold
428 Landowner harmless from, all expense, loss, liability, damages and claims, including
429 Landowner's attorneys' fees, if necessary, arising out of Grantee's entry on the Property,
430 unless caused by a violation of this Easement by Landowner or by Landowner's
431 negligence or willful misconduct.
432

433 The Grantee shall report to the Department of Conservation by June 30 of each year after
434 the annual monitoring visit, describing method of monitoring, condition of the Property,
435 stating whether any violations were found during the period, describing any corrective
436 actions taken, the resolution of any violation, and any transfer of interest in the Property.
437 Failure to do so shall not impair the validity of this Easement or limit its enforceability in
438 any way.
439

440 17. *Enforcement.*

441
442 The Grantee may take all actions that it deems necessary to ensure compliance with the
443 terms, conditions, covenants, and purposes of this Easement. The Grantee shall have the
444 right to prevent and correct violations of the terms, conditions, covenants, and purposes
445 of this Easement. If the Grantee finds what it believes is a violation or potential
446 violation, it may at its discretion take appropriate legal action to ensure compliance with
447 the terms, conditions, covenants, and purposes of this Easement and shall have the right
448 to correct violations and prevent the threat of violations. Except when an ongoing or
449 imminent violation could irreversibly diminish or impair the agricultural productive
450 capacity and open space character of the Property, the Grantee shall give the Landowner

451 written notice of the violation or potential violation, and thirty (30) days to correct it,
452 before filing any legal action.

453

454 If a court with jurisdiction determines that a violation may exist, has occurred, or is about
455 to occur, the Grantee may obtain an injunction, specific performance, or any other
456 appropriate equitable or legal remedy, including (i) money damages, including damages
457 for the loss of the agricultural conservation values protected by this Easement, (ii)
458 restoration of the Property to its condition existing prior to such violation, and (iii) an
459 award for all of the Grantee's expenses incurred in stopping and correcting the violation,
460 including but not limited to reasonable attorney's fees. The failure of the Grantee to
461 discover a violation or potential violation, or to take immediate legal action to prevent or
462 correct a violation or potential violation known to the Grantee, shall not bar the Grantee
463 from taking subsequent legal action. The Grantee's remedies under this section shall be
464 cumulative and shall be in addition to all remedies now or hereafter existing at law or in
465 equity.

466

467 Without limiting the Landowner's liability therefor, the Grantee shall apply damages
468 recovered to the cost of undertaking any corrective action on the Property. Should the
469 restoration of lost values be impossible or impractical for whatever reason, the Grantee
470 shall apply any and all damages recovered to furthering its mission, with primary
471 emphasis on agricultural conservation easement acquisition and enforcement.

472

473 In the event the Grantee fails to enforce any term, condition, covenant or purpose of this
474 Easement, as determined by the Director of the Department of Conservation, the Director
475 of the Department and his or her successors and assigns shall have the right to enforce the
476 Easement after giving notice to the Grantee and the Landowner and providing a
477 reasonable opportunity under the circumstances for the Grantee to enforce any term,
478 condition, covenant, or purpose of the Easement. In the event that the Director of the
479 Department determines that the Grantee has failed to enforce any of the terms,
480 conditions, covenants, or purposes of the Easement, the Director of the Department and
481 his or her successors and assigns shall be entitled to exercise the same right to enter the
482 Property granted to the Grantee, including right of immediate entry in the event of an
483 emergency or suspected emergency where the Director of the Department or his or her
484 successor or assign determines that immediate entry is required to prevent, terminate or
485 mitigate a violation of this Easement.

486

487 Failure or refusal to exercise any rights under the terms of this Easement by the Grantee
488 in the event of a violation by the Landowner of any term herein shall not constitute a
489 waiver or forfeiture of the Grantee's right to enforce any term, condition, covenant, or
490 purpose of this Easement.

491

492 18. *Transfer of Easement.*

493

494 This Easement may only be assigned or transferred to a private nonprofit organization
495 that, at the time of transfer, is a "qualified organization" under Section 170(h) of the
496 United States Internal Revenue Code and meets the requirements of Section 815.3(a) of

497 the California Civil Code and has similar purposes to preserve agricultural lands and
498 open space. If no such private nonprofit organization exists or is willing to assume the
499 responsibilities imposed by this Easement, then this Easement may be transferred to any
500 public agency authorized to hold interests in real property as provided in Section 815.3(b)
501 of the California Civil Code. Such an assignment or transfer may proceed only if the
502 organization or agency expressly agrees to assume the responsibility imposed on the
503 Grantee by the terms of this Easement and is expressly willing and able to hold this
504 Easement for the Purpose for which it was created. All assignment and assumption
505 agreements transferring the Easement shall be duly recorded in <County name> County.

506
507 If the Grantee should desire to assign or transfer this Easement, the Grantee must obtain
508 written permission from the Landowner and the Department of Conservation, which
509 permission shall not be unreasonably withheld.

510
511 If the Grantee or its successors ever ceases to exist or no longer qualifies under Section
512 170(h) of the U.S. Internal Revenue Code, or applicable state law, the Department of
513 Conservation, in consultation with the Landowner, shall identify and select an
514 appropriate private or public entity to whom this Easement shall be transferred.

515
516 *19. Perpetual Duration and No Merger of Title.*

517
518 Pursuant to California Civil Code at Part 2, Chapter 4, (commencing with section 815),
519 which defines and authorizes perpetual conservation easements; this Easement shall run
520 with the land in perpetuity. Every provision of this Easement that applies to the
521 Landowner or the Grantee shall also apply to their respective agents, heirs, executors,
522 administrators, assigns, and all other successors as their interests may appear.

523
524 No merger of title, estate or interest shall be deemed effected by any previous,
525 contemporaneous, or subsequent deed, grant, or assignment of an interest or estate in the
526 Property, or any portion thereof, to the Grantee, or its successors or assigns. It is the
527 express intent of the parties that this Easement not be extinguished by, merged into,
528 modified, or otherwise deemed affected by any other interest or estate in the Property
529 now or hereafter held by the Grantee or its successors or assigns.

530
531 *20. Transfer of Property Interest.*

532
533 Any time the Property itself, or any interest in it, is transferred by the Landowner to any
534 third party, the Landowner shall notify the Grantee and the Department of Conservation
535 in writing at least thirty (30) days prior to the transfer of the Property or interest, and the
536 document of conveyance shall expressly incorporate by reference this Easement. Any
537 document conveying a lease of the Property shall expressly incorporate by reference this
538 Easement. Failure of the Landowner to do so shall not impair the validity of this
539 Easement or limit its enforceability in any way.

540
541

542 21. *Amendment of Easement.*

543

544 This Easement may be amended only with the written consent of the Landowner, the
545 Grantee, and the Director of the Department of Conservation. Any such amendment shall
546 be consistent with the Purpose of this Easement and with the Grantee's easement
547 amendment policies, and shall comply with all applicable laws, including Section 170(h)
548 of the Internal Revenue Code, or any regulations promulgated in accordance with that
549 section, and with Section 815 et seq. of the California Civil Code, and the California
550 Farmland Conservancy Program Act as codified in Section 10200 et seq. of the California
551 Public Resources Code, and any regulations promulgated thereunder. No amendment
552 shall diminish or affect the perpetual duration or the Purpose of this Easement, nor the
553 status or rights of the Grantee under the terms of this Easement.

554

555 This Easement and any amendment to it shall be recorded in [*County name*] County.
556 Copies of any amendments to this Easement shall be provided to the Department of
557 Conservation within 30 days of recordation.

558

559

560 22. *Termination of Easement.*

561 *(NOTE: Landowners may waive the administrative termination provision defined in*
562 *Public Resources Code sections 10270-77, in which case Scenario A shall be used below,*
563 *with potential easement termination shall be governed solely by judicial termination*
564 *proceedings. Otherwise, Scenario B on page 15 shall be used.)*

565

566 ***[Scenario A: Landowner's Administrative Termination Rights Waived]***

567

568 (a) It is the intention of the parties that the Conservation Purpose of this Easement
569 shall be carried out forever as provided in the Section 10211 of the Public
570 Resources Code and Section 815 et seq. of the Civil Code. Accordingly,
571 Landowner hereby waives on behalf of the Landowner and the Landowner's
572 successors and assigns all rights at law or inequity to request a termination of this
573 Easement pursuant to Public Resources Code Sections 10270 et seq.

574

575 Waiver of Right to Request Administrative Termination:

576

577 Landowner's Initials: _____ [*and* _____]

578

579 (b) Other than pursuant to eminent domain or purchase in lieu of eminent
580 domain, no other voluntary or involuntary sale, exchange, conversion, or
581 conveyance of any kind of all or part of the Property, or of any interest in it, shall
582 limit or terminate the provisions of this Easement. This Easement can only be
583 terminated or extinguished, whether in whole or in part, by judicial proceedings in
584 a court of competent jurisdiction. The fact that the land is not in agricultural use
585 is not reason for termination of this Easement.

586

587 Termination of the Easement through condemnation is subject to the requirements

588 of Section 10261 of the Public Resources Code, the eminent domain laws of the
589 State of California, federal law, and this Easement. The Property may not be
590 taken by eminent domain or in lieu of eminent domain if the planned use is more
591 than seven (7) years in the future (California Code of Civil Procedure section
592 1240.220). Grantee shall be paid by the condemnor the value of the Easement at
593 the time of condemnation (Public Resources Code section 10261(a)(2)). Purchase
594 in lieu of condemnation, or settlement of an eminent domain proceeding, shall
595 occur pursuant to applicable laws and procedures, including but not limited to
596 California Government Code sections 7267.1 and 7267.2, and shall require
597 approval of the Grantee, the Director of the Department, and the [match funder].
598 Grantee shall have an opportunity to accompany the appraiser for the condemning
599 agency when the appraiser goes on the Property with Landowner. Should this
600 Easement be condemned or otherwise terminated on any portion of the Property,
601 the balance of the Property shall remain subject to this Easement. In this event,
602 all relevant related documents shall be updated and re-recorded by the Grantee to
603 reflect the modified easement area. Encumbrances junior to this Easement shall
604 remain subordinate to the Easement as amended.
605

606 (c) In the event the Landowner is notified that a public entity intends or proposes
607 to acquire the Easement Area in whole or in part by eminent domain, the
608 Landowner shall provide the Grantee, the Department, and the [match funder]
609 with a copy of the notification within five (5) business days of having received
610 such notification. In the event the Landowner intends to seek termination of the
611 easement pursuant to initiation of a judicial proceeding which is not based on
612 eminent domain, the Landowner shall notify the Grantee, the Department and the
613 [match funder] of such intent no later than sixty (60) days before initiating such
614 proceedings. No inaction or silence by the Grantee, the Department, or the
615 [match funder] shall be construed as abandonment of the Easement.
616

617 (d) The grant of this Easement gives rise to a property right immediately vested in
618 the Grantee. For the purpose of determining the amount to be paid by the
619 Landowner in a repurchase of the Easement pursuant to judicial proceedings, and
620 for the purpose of allocating proceeds from a sale or other disposition of the
621 Property at the time of termination, the Easement and the Grantee's property right
622 therein shall have a value equal to the difference between the current fair market
623 value of the Property as if unencumbered by this Easement and the current fair
624 market value of the Property encumbered by this Easement, each as determined
625 on or about the date of termination. The values shall be determined by an
626 appraisal performed by an appraiser jointly selected by the Landowner and the
627 Grantee. The Landowner shall pay the cost of the appraisal, and it is subject to
628 approval by the Department and the [match funder]. Nothing herein shall prevent
629 the Landowner, the Grantee, the Department, or the [match funder] from having
630 an appraisal prepared at its own expense.
631

632 (e) Upon approval of termination of this Easement or any portion thereof, the
633 Landowner shall reimburse the State of California, Department of Conservation

634 California Farmland Conservancy Program Fund and *[match funder]*, the amount
635 equal to the value of the Easement that is terminated. If the entire Easement is
636 terminated, the amount required to be paid in connection with the Landowner's
637 repurchase shall be distributed as follows: (i) to the State of California,
638 Department of Conservation, California Farmland Conservancy Program Fund,
639 ?%; and (ii) to the *[match funder]*, ?%, representing the proportion of easement
640 value originally contributed by these agencies for the purchase of this Easement.
641 If only a portion of the Easement is so terminated, the reimbursement shall be
642 pro-rated. This Easement shall not be deemed terminated under a judicial
643 termination proceeding until such payment is received by the State of California,
644 Department of Conservation California Farmland Conservancy Program Fund, the
645 *[match funder]* and Grantee *[if any bargain sale occurred]*. Grantee, in using any
646 funds received from the termination of this Easement, shall use the funds in a
647 manner consistent with the Purpose of this Easement.

648

649 *(NOTE: Additional language IRS language may need to be used for landowners*
650 *seeking IRS recognition of a charitable donation)*

651

652 (f) If the Grantee obtains payment on a claim under a title insurance policy
653 insuring this Easement, payment shall be distributed as set forth in Section 22(e).

654

655 ***[Scenario B: Landowner's Administrative Termination Rights NOT Waived]***

656

657 (a) Other than pursuant to eminent domain or purchase in lieu of eminent domain,
658 no other voluntary or involuntary sale, exchange, conversion, or conveyance of
659 any kind of all or part of the Property, or of any interest in it, shall limit or
660 terminate the provisions of this Easement. This Easement can only be terminated
661 or extinguished, whether in whole or in part, by judicial proceedings in a court of
662 competent jurisdiction or by administrative termination pursuant to Section
663 10270-10277 of the Public Resources Code. The fact that the land is not in
664 agricultural use is not reason for termination of this Easement.

665

666 Termination of the Easement through condemnation is subject to the requirements
667 of Section 10261 of the Public Resources Code, the eminent domain laws of the
668 State of California, federal law, and this Easement. The Property may not be
669 taken by eminent domain or in lieu of eminent domain if the planned use is more
670 than seven (7) years in the future (California Code of Civil Procedure section
671 1240.220). Grantee shall be paid by the condemnor the value of the Easement at
672 the time of condemnation (Public Resources Code section 10261(a)(2)). Purchase
673 in lieu of condemnation, or settlement of an eminent domain proceeding, shall
674 occur pursuant to applicable laws and procedures, including but not limited to
675 California Government Code sections 7267.1 and 7267.2, and shall require
676 approval of the Grantee, the Director of the Department, and the *[match funder]*.
677 Grantee shall have an opportunity to accompany the appraiser for the condemning
678 agency when the appraiser goes on the Property with Landowner. Should this
679 Easement be condemned or otherwise terminated on any portion of the Property,

680 the balance of the Property shall remain subject to this Easement. In this event,
681 all relevant related documents shall be updated and re-recorded by the Grantee to
682 reflect the modified easement area. Encumbrances junior to this Easement shall
683 remain subordinate to the Easement as amended.

684
685 (b) In the event the Landowner is notified that a public entity intends or proposes
686 to acquire the Easement Area in whole or in part by eminent domain, the
687 Landowner shall provide the Grantee, the Department, and the [match funder]
688 with a copy of the notification within five (5) business days of having received
689 such notification. In the event the Landowner intends to seek termination of the
690 easement pursuant to administrative termination or judicial proceeding that is not
691 based on eminent domain, the Landowner shall notify the Grantee, the
692 Department and the [match funder] of such intent no later than sixty (60) days
693 before initiating such proceedings. No inaction or silence by the Grantee, the
694 Department, or the [match funder] shall be construed as abandonment of the
695 Easement.

696
697 (c) The grant of this Easement gives rise to a property right immediately vested in
698 the Grantee. For the purpose of determining the amount to be paid by the
699 Landowner in a repurchase of the Easement at the time of a administrative
700 termination or pursuant to judicial proceedings, and for the purpose of allocating
701 proceeds from a sale or other disposition of the Property at the time of
702 termination, the Easement and the Grantee's property right therein shall have a
703 value equal to the difference between the current fair market value of the Property
704 as if unencumbered by this Easement and the current fair market value of the
705 Property encumbered by this Easement, each as determined on or about the date
706 of termination. The values shall be determined by an appraisal performed by an
707 appraiser jointly selected by the Landowner and the Grantee. The Landowner
708 shall pay the cost of the appraisal, and it is subject to approval by the Department
709 and the [match funder]. Nothing herein shall prevent the Landowner, the Grantee,
710 the Department, or the [match funder] from having an appraisal prepared at its
711 own expense.

712
713 (d) Upon approval of termination of this Easement or any portion thereof, the
714 Landowner shall reimburse the State of California, Department of Conservation
715 California Farmland Conservancy Program Fund and [match funder], the amount
716 equal to the value of the Easement that is terminated. If the entire Easement is
717 terminated, the amount required to be paid in connection with the Landowner's
718 repurchase shall be distributed as follows: (i) to the State of California,
719 Department of Conservation, California Farmland Conservancy Program Fund,
720 ?%; and (ii) to the [match funder], ?%, representing the proportion of easement
721 value originally contributed by these agencies for the purchase of this Easement.
722 If only a portion of the Easement is so terminated, the reimbursement shall be
723 pro-rated. This Easement shall not be deemed terminated under a judicial
724 termination proceeding until such payment is received by the State of California,
725 Department of Conservation California Farmland Conservancy Program Fund, the

726 [match funder] and Grantee [if any bargain sale occurred]. Grantee, in using any
727 funds received from the termination of this Easement, shall use the funds in a
728 manner consistent with the Purpose of this Easement.

729
730 (NOTE: Additional language IRS language may need to be used for landowners
731 seeking IRS recognition of a charitable donation)

732
733 (s) If the Grantee obtains payment on a claim under a title insurance policy
734 insuring this Easement, payment shall be distributed as set forth in Section 22(d).

735
736 23. Interpretation.

737
738 (a) This Easement shall be interpreted under the laws of the State of California,
739 resolving any ambiguities and questions of the validity of specific provisions so as
740 to give maximum effect to its conservation purposes.

741
742 (b) References to specific authorities in this Easement shall be to the statute, rule,
743 regulation, ordinance, or other legal provision that is in effect at the time this
744 Easement becomes effective.

745
746 (c) No provision of this Easement shall constitute governmental approval of any
747 improvements, construction or other activities that may be permitted under this
748 Easement.

749
750 24. Notices.

751
752 Any notices to the Landowner and the Grantee required by this Easement shall be in
753 writing and shall be personally delivered or sent by First-Class Mail to the following
754 addresses, unless a party has been notified by the other of a change of address:

755
756 To the Landowner:

757
758 _____
759 _____
760 _____

761
762 To the Grantee:

763
764 _____
765 _____
766 _____

767
768 Any notices required by this Easement to be sent to the Department shall be in writing
769 and shall be personally delivered or sent by first class mail, at the following address,
770 unless a party has been notified by the Department of a change of address:

771

772 To the Department of Conservation:

773

774 Department of Conservation

775 801 K Street, MS 18-01

776 Sacramento, CA 95814

777 Attn: California Farmland Conservancy Program

778

779 25. *The Landowner's Environmental Warranty.*

780

781 (a) Nothing in this Easement shall be construed as giving rise to any right or
782 ability in the Grantee or the Department of Conservation to exercise physical or
783 management control over the day-to-day operations of the Property, or any of the
784 Landowner's activities on the Property, or otherwise to become an "owner" or
785 "operator" with respect to the Property as those words are defined and used in
786 environmental laws, including the Comprehensive Environmental Response,
787 Compensation, and Liability Act of 1980 ("CERCLA"), as amended or any
788 corresponding state and local statute or ordinance.

789

790 (b) The Landowner warrants that it has no actual knowledge of a release or
791 threatened release of any Hazardous Materials on, at, beneath or from the
792 Property. Moreover the Landowner hereby promises to defend and indemnify the
793 Grantee and the Department of Conservation against all litigation, claims,
794 demands, penalties and damages, including reasonable attorneys' fees, arising
795 from or connected with the release or threatened release of any Hazardous
796 Materials on, at, beneath or from the Property, or arising from or connected with a
797 violation of any Environmental Laws. The Landowner's indemnification
798 obligation shall not be affected by any authorizations provided by the Grantee to
799 the Landowner with respect to the Property or any restoration activities carried
800 out by the Grantee at the Property; provided, however, that the Grantee shall be
801 responsible for any Hazardous Materials contributed after this date to the Property
802 by the Grantee.

803

804 (c) The Landowner warrants that it shall remain in compliance with, all applicable
805 Environmental Laws. The Landowner warrants that there are no notices by any
806 governmental authority of any violation or alleged violation of, non-compliance
807 or alleged non-compliance with or any liability under any Environmental Law
808 relating to the operations or conditions of the Property.

809

810 (d) "Environmental Law" or "Environmental Laws" means any and all Federal,
811 state, local or municipal laws, rules, orders, regulations, statutes, ordinances,
812 codes, guidelines, policies or requirements of any governmental authority
813 regulating or imposing standards of liability or standards of conduct (including
814 common law) concerning air, water, solid waste, Hazardous Materials, worker
815 and community right-to-know, hazard communication, noise, radioactive
816 material, resource protection, subdivision, inland wetlands and watercourses,
817 health protection and similar environmental health, safety, building and land use

818 as may now or at any time hereafter be in effect.

819

820 (e) “Hazardous Materials” means any petroleum, petroleum products, fuel oil,
821 waste oils, explosives, reactive materials, ignitable materials, corrosive materials,
822 hazardous chemicals, hazardous wastes, hazardous substances, extremely
823 hazardous substances, toxic substances, toxic chemicals, radioactive materials,
824 infectious materials and any other element, compound, mixture, solution or
825 substance which may pose a present or potential hazard to human health or the
826 environment or any other material defined and regulated by Environmental Laws.

827

828 (f) If at any time after the effective date of this Easement there occurs a release,
829 discharge or other incident in, on, or about the Property of any substance now or
830 hereafter defined, listed, or otherwise classified pursuant to any federal, state, or
831 local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise
832 contaminating to the air, water, or soil, or in any way harmful or threatening to
833 human health or the environment, the Landowner agrees to take any steps that are
834 required of the Landowner with respect thereto under federal, state, or local law
835 necessary to ensure its containment and remediation, including any cleanup.

836

837 26. *The Landowner’s Title Warranty; No Prior Conservation Easements.*

838

839 The Landowner represents and warrants that it owns the entire fee simple interest in the
840 Property, including the entire mineral estate, and hereby promises to defend this
841 Easement against all claims that may be made against it. Any and all financial liens or
842 financial encumbrances with priority over this Easement existing as of the date of the
843 recording of this Easement have been subordinated. Exhibit C (Prior Encumbrances) sets
844 forth all prior encumbrances. The Landowner represents and warrants that the Property
845 is not subject to any other conservation easement whatsoever.

846

847 27. *Granting Subsequent Easements, Interests in Land, or Use Restrictions.*

848

849 With permission of the Grantee pursuant to Section 4, the Landowner may grant
850 subsequent easements, including conservation easements, interests in land, or use
851 restrictions on the Property. Under no circumstances shall the Grantee approve the
852 granting of subsequent easements, interests in land, or use restrictions that might diminish
853 or impair the agricultural productive capacity or open space character of the Property.
854 The Grantee’s written approval shall be obtained at least thirty (30) days in advance of
855 the Landowner’s execution of any proposed subsequent easement, interests in land, or use
856 restriction on the Property, and such subsequent easements, interests in land, and use
857 restrictions shall make reference to and be subordinate to this Easement. The Grantee
858 shall notify the Department immediately upon receipt of request by the Landowner to
859 grant a subsequent easement, interest in land, or use restriction on the Property. The
860 Grantee shall notify the Department in the event that it approves the grant of any
861 subsequent easement, interest in land, or use restriction on the Property.

862

863 28. *Severability.*

864

865 If any term, provision, covenant, condition, or restriction of this Easement is held by a
866 court of competent jurisdiction to be unlawful, invalid, void, unenforceable, or not
867 effective the remainder of this Easement shall remain in full force and effect and shall in
868 no way be affected, impaired, or invalidated.

869

870 29. *Entire Agreement.*

871

872 This Easement is the final and complete expression of the agreement between the parties
873 with respect to the subject matter contained herein. Any and all prior or
874 contemporaneous agreements with respect to this subject matter, written or oral, are
875 merged into and superseded by this written instrument.

876

877 30. *Acceptance.*

878

879 As attested by the signature of its [*Position title*] affixed hereto, as authorized by
880 Grantee's Board of Directors/Trustees, in exchange for consideration, the Grantee hereby
881 accepts without reservation the rights and responsibilities conveyed by this Deed of
882 Agricultural Conservation Easement.

883

884 To Have and To Hold, this Deed of Agricultural Conservation Easement unto the
885 Grantee, its successors and assigns, forever.

886

887 In Witness Whereof, the Landowner and the Grantee, intending to legally bind
888 themselves, have set their hands on the date first written above.

889

890 LANDOWNER

891

892 [*Landowner's Name*].

893

894 By: _____

895

896 Name: _____

897

898 Title: _____

899

900
901
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GRANTEE

[*Grantee's Name*],
a California nonprofit public benefit corporation

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENTS

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958

State of California) ss
County of)

On _____ before me, _____, personally appeared
_____, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name is subscribed to the within instrument and acknowledged to
me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Notary Public

State of California) ss
County of)

On _____ before me, _____, personally appeared
_____, who proved to me on the basis of satisfactory evidence to
be the person(s) whose name is subscribed to the within instrument and acknowledged to
me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Notary Public

959 Exhibit A (Legal Description) Attached
960 Exhibit B (Vicinity Map) Attached
961 Exhibit C (Building Envelope and Existing Improvements) Attached
962 Exhibit D (Prior Encumbrances) Attached
963
964

965
966
967
968
969
970

Exhibit A
(Legal Description)

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News & Events: [Join Riverside Land Conservancy, Mission Inn Foundation and Museum and Friends of Mt. R...](#)



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Conservation Easements

The Riverside Land Conservancy is increasingly making use of conservation easements as a conservation tool. A conservation easement (or conservation restriction) is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation value. It allows landowners to continue to own and use their land and to sell it or pass it on to heirs. Future owners continue to be bound by the easement's terms. Currently, RLC holds conservation easements on 801 acres in western Riverside and San Bernardino Counties including a conservation easement on the 150 acre Colton Dehii sands flower-loving fly Conservation Bank. RLC is in active negotiations to accept an additional 375 acres of conservation easements on sensitive open space and natural habitat areas.



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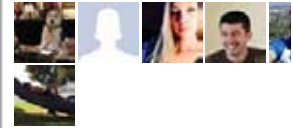


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WILL THE WORLD LOGISTIC CENTER TRUCK TRAFFIC IMPACT YOUR HOME OR NEIGHBORHOOD? SOUND WALLS MAY HELP LOWER SOUND LEVELS, BUT THEY DON'T STOP TOXIC DIESEL POLLUTION FROM ENTER YOUR YARDS AND NEIGHBORHOODS. Come to our Saturday April 13th Valley View HS meeting 10 a.m.-12 noon.

PLEASE READ

Locust Avenue between Moreno Beach Drive and Smiley Boulevard (54). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 3.5 dB increase raising the noise level up to 68.9 CNEL. There are three single-family homes along this roadway and they front onto the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

Moreno Beach Drive between Locust Avenue and Ironwood Avenue (56). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 3.3 dB increase raising the noise level up to 66.6 CNEL. There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most backup to the roadway. Currently there are no soundwalls along these homes. The walls would need to be 6 feet tall with respect to the rear yard. **Roughly 2,000 feet of six foot tall barrier** would need to be provided for mitigation for 15 of the 18 impacted homes (Exhibit 18). With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 62 CNEL in rear yard areas. Approximately 3 homes would remain unmitigated, because these homes front onto Moreno Beach.

Ironwood Avenue between Redlands Boulevard and Highland Boulevard (36). A significant noise increase is projected for all four study years on this roadway link. In 2035, the noise level will increase 5 dB to 63.6 CNEL. There are two single-family homes that front onto Ironwood Avenue. There are also two churches along this roadway, however, the churches are setback from the roadway far enough that no significant impacts will occur. Although the noise levels remain below the City's 65 CNEL standard, the noise levels will increase substantially above those without the project. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***This potentially significant impact feasibly cannot be mitigated.***

Redlands Boulevard from State Route 60 to San Timoteo Canyon Road (35, 42). The noise analysis shows significant noise increases along this roadway segment for the 2012, 2022, and 2035 cases. The increases in noise are around 2 dB with a resultant noise level in the 71 to 72 CNEL range. There are 28 homes along this roadway that would be affected. The single-family homes are scattered and generally front the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

San Timoteo Canyon Road from Alessandro Road to Live Oak Canyon Road to Redlands Boulevard (177, 179). The noise analysis shows a significant impact in the existing (2012) to existing plus project comparison. The noise increases by a little over 3 dB with resultant noise levels in the 65 to 66 CNEL range. There are four scattered residences along the roadway that would be impacted. As discussed above, homes that are scattered cannot be effectively mitigated with a soundwall. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

Theodore Street from State Route 60 to Highland Blvd (38). The noise analysis indicates that the project will cause a 2.9 dB increase in the year 2035 with a resulting noise level of 67.9 CNEL. There are 4 homes on Theodore Street that front onto the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. ***This potentially significant impact feasibly cannot be mitigated***

State Route 60 from Moreno Beach Drive to Redlands Boulevard (33). A significant increase is shown for the existing case and for 2035. It is not feasible to modify the existing residential block wall to lower the increase in project generated noise because block walls are designed for the height that they are built. It is also infeasible for the Lead Agency to demolish the existing walls on private property and build new ones of increased height so that the noise level increases are lowered. ***Therefore, this potentially significant impact feasibly cannot be mitigated.***

WILL THE WORLD LOGISTIC CENTER TRUCK TRAFFIC IMPACT YOUR HOME OR NEIGHBORHOOD? SOUND WALLS MAY HELP LOWER SOUND LEVELS, BUT THEY DON'T STOP TOXIC DIESEL POLLUTION FROM ENTER YOUR YARDS AND NEIGHBORHOODS. SOME EXISTING WALLS WILL BE TORN DOWN AND REPLACED. PLEASE READ

Cactus Avenue from Redlands Boulevard to Street D (Towards eastern end of Cactus Avenue)(50). A significant noise increase is project for all four case years. Currently there is no soundwall along these homes. The homes along Cactus Avenue are elevated above the roadway. A soundwall will need to be located at the top of the slope along the residents rear yards. At the top of slope the residents currently have wrought iron fencing. The wrought iron fencing would need to be replaced with a masonry wall or retrofitted with a glass barrier. The walls would need to be 6 feet tall with respect to the rear yard. Roughly 1,000 feet of barrier would need to be provided depending on where Street D intersects Cactus Avenue. With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 63 CNEL in rear yard areas. A new 6 foot high wall at the top of slope for the existing residences that are on the south side of Cactus Avenue between Street D and Redlands Boulevard is needed for mitigation. The 6 foot wall will need to extend roughly 1,000 feet. Prior to the opening of Street D, the soundwall should be in place.

Cactus Avenue West of Redlands Boulevard (32). This area shows noise increases ranging from 1.5 dB to 5.1 dB depending on the study year. Only the 2035 case results in a significant noise increase. Single-family residences back up to this street with rear yards facing Cactus Avenue. Soundwalls are located along the residences that are approximately 6 foot high. Rear yard areas are approximately 60 feet from the centerline of the roadway. In 2035, the noise levels projected for the yard area, including the effects of the soundwall, will be 64.8 CNEL which will be below the City standard of 65 CNEL. The significant impact is not creating noise levels above the noise standard, but rather creating a significant increase in noise levels above the ambient noise level that would not occur without the project. It will be necessary to modify the existing residential block wall, or to remove and replace the wall to lower the increase in project generated noise.

John F. Kennedy Drive South of Cactus Avenue (9). The homes along John F. Kennedy Drive south of Cactus Avenue will experience significant noise increases for all four study years. Similar to the area along Cactus Avenue, this noise increase will be due to cars and light trucks, and not heavy trucks. The homes along the west side of the roadway are generally lower than the adjacent roadway have a roughly 6 foot soundwall. The homes on the east side of the roadway do not have any soundwalls and are elevated with respect to the roadway. Rear yards areas on both sides of the street generally are in the range of 60 to 90 feet from the centerline of the roadway. Without any sound barrier exterior noise levels at the residences along John F. Kennedy Drive will be 67.9 CNEL. The homes on the west side of the roadway have soundwalls and slope conditions that will reduce noise levels 6 to 10 dB, putting these homes well under the City criteria. Homes on the west side of the street will not be impacted. Homes on the east side of the street do not have soundwalls, and there will be a significant impact unless adequately mitigated.

The homes on the east side of John F. Kennedy Drive are elevated with respect to the road. Their rear yard area sits above the roadway, so there is a slope going up to their yards. At the top of slope the residents have wrought iron fencing. The wrought iron fencing would need to be replaced with a masonry wall or retrofitted with a glass barrier. The walls would need to 6 feet tall with respect to the rear yard. Roughly 5,000 feet of barrier would need to be provided. With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 62.6 CNEL in rear yard areas. A new 6 foot high wall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive between Cactus Avenue and Bay Hill Drive will be needed for mitigation. The 6 foot wall will need to extend roughly 5,000 feet.

Perris Boulevard between John F. Kennedy Drive and Iris Avenue (303). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 1.7 dB increase raising the noise level to 72.2 CNEL for areas without a soundwall. This is a mixed area in terms of residential land use. There are 36 single-family homes along this roadway, some with a soundwall and some without. There is also a large multi-family development without a soundwall. Most of the homes either back up to the roadway or side-on to the roadway, making a soundwall feasible. Approximately half of the homes along this roadway do have a soundwall in place. For these homes, there would not be a significant noise impact since for the year 2035 the noise would increase by 1.7 dB going up to 66.2 CNEL.

The walls would need to be 6 feet tall with respect to the rear yard. Roughly 1,500 feet of barrier would need to be provided (Exhibit 19). With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 61 CNEL in rear yard areas. A new 6 foot high wall along the property line for the existing residences that are on Perris Boulevard between John F. Kennedy Drive and Iris Avenue is needed for mitigation (Exhibit 19). The 6 foot wall will need to extend roughly 2,000 feet. The impact is not anticipated to occur until sometime after 2022 and before 2035.

Redlands Boulevard from Dracaea Avenue to State Route 60 (12, 13). The noise analysis shows significant noise increases along this roadway segment for the 2012, 2022, and 2035 cases. There are scattered homes in this area that either face Redlands Boulevard (actually on Shubert Street) or are on Redlands Boulevard. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. *Therefore, this potentially significant*

Item No. E.3 *to be mitigated. SPREAD THE WORD- ABOUT THESE AND OTHER NOISE IMPACTS!!!*

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PROJECT MEMORANDUM

Date: June 10, 2014

To: Jeff Bradshaw, City of Moreno Valley

From: Kent Norton, LSA Associates

Project: ProLogis Eucalyptus Industrial Park FEIR

Subject: PC Comment Letters

On April 24, 2014, the City Planning Commission held a continued public hearing on the ProLogis Eucalyptus Industrial Park project, including the Final Environmental Impact Report (FEIR). Just prior to the meeting, the following three additional comment letters were received from: (1) the law firm of Johnson & Sedlack (J&S) dated April 24; (2) George Hague, a local Sierra Club representative; and (3) the law firm of Lozeau Drury LLP dated April 23. It should be noted that these letters are attached for the reader's reference.

While the comments in these letters were similar in nature and scope to those made by these same firms on the Draft EIR, they focused on the responses to their many comments on the DEIR. The following responses are general in nature and mainly intended to clarify the information already provided in the Draft and Final EIR documents. There were no new issues raised by these additional comments as outlined in the California Environmental Quality Act (CEQA). Please let me know if you need any additional information in this regard.

1. Johnson & Sedlack Letter (April 24, 2014)

Comment A (page 1): *The FEIR has been updated to incorporate an August 31, 2012 letter from Lozeau Drury, LLP. The changes made and responses to comments in the updated FEIR illustrate, rather than resolve, defects of the EIR. For example, response to comment 12 at page 222 fails to address any of the proposed mitigation to further reduce GHG impacts where such effects are many times SCAQMD's proposed quantitative threshold.*

Response to Comment A: The response to comment 12 on page 222 of the FEIR does not address any of the proposed mitigation because, as explained in that response, the emissions of greenhouse gases by the proposed project are determined to be less-than-significant and therefore no mitigation is needed.

Comment B (page 1): *The addition of MM 4.6.6.1A provides for testing onsite for contamination by agricultural chemicals which should be done in the EIR prior to consideration by the City of Project approval due to the farming which occurred after the Phase 1 assessment and the risk of pesticides onsite not previously addressed.*

Response to Comment B: Responses 8 and 9 to Letter D-4A in the Final EIR go into great detail about the potential for contamination by agricultural chemicals on the project site, and the conclusion is there is only a low or minor potential. There is no indication that contamination is widespread, and almost of the site was previously surveyed for soil contamination, including soil tests for such chemicals. However, Mitigation Measure 4.6.6.1A was added to address this potential impact, as explained in the responses. There is no evidence that would lead a reasonable person to conclude that the potential for soil contamination by agricultural chemicals on this site was so high as to require soil testing and remediation prior to approval of the project. It is common in this portion of Riverside County to find former agricultural sites that have low or negligible levels of some agricultural chemicals as may be present on the project site. However, as outlined in

the indicated responses, these do not represent a significant environmental impact (i.e., one that would prevent approval of the project), and the additional mitigation measure will assure there will be no significant impacts in this regard as it will be implemented prior to grading or development of the site.

Comment C (page 1): *Air quality and health risk impacts are also shown to be understated, yet receive only brief responses in the FEIR. The responses to comments ignore/overlook whole portions of the comments made; for example, the responses made to Letter D-4B and D-4C fail to address the very important issues raised therein.*

Response to Comment C: The air quality and health risk impacts are all well documented and thoroughly analyzed. Nowhere has either been shown to be understated. In fact, as explained in the health risk assessment, the potential air quality and health risk impacts shown in the FEIR are analyzed using conservative assumptions so that they are intentionally overstated to be protective of the health of any individual affected by the air emissions from the projects construction and/or operation.

Comment D (pages 1 and 2): *Overall, the responses for this letter does not evidence good faith, reasoned analysis, or resolve the substantial concerns raised. More importantly, this minor update to the FEIR does not address or resolve the many significant flaws raised in the other comments on the EIR and made previously, which demand the EIR and its studies be significantly modified, updated, and recirculated prior to consideration of this Project for approval. The City should determine not to approve the Project and not to certify this defective EIR. It is apparent that this Project is good only for the developer and bad for the environment and people of Moreno Valley. The Project requires City approval of ten applications for development including a General Plan Amendment and Zone Change, undermining future planning for development in the City. The existing General Plan designation and zoning for the project site consists of a balanced collection of land uses to meet a specific need of the City, which this Project would entirely obliterate. (i.e. by converting for Project development land presently designated in the General Plan R15, R5, and R2; Zoning BP, BPX, R15, R5, RA-2, and PAKO-land).*

Response to Comment D: The EIR does provide a reasoned and reasonable assessment of the potential impacts of the proposed project, including changes in the General Plan and zoning designations for the site. The EIR identifies the significant environmental impacts that will result from implementation of the project even with the proposed feasible mitigation, as required by CEQA. It will be up to the discretion of the City to take appropriate action on the project in light of the whole record of evidence presented in the Draft and Final EIR documents.

Comment E (page 2): *The Project will also result in, as disclosed in the EIR, significant and unmitigated impacts to aesthetics, agricultural resources, air quality, population and housing, and transportation. In addition, many commenters cited a lack of evaluation, disclosure, and adequate mitigation regarding numerous other impacts, including health risks, air quality, GHGs, biology, etc. Given the harm to the community and region expected to be caused by the Project, and the failures of the EIR prepared for the Project, Project denial is well supported. At a minimum, the EIR and its technical studies must be significantly updated and recirculated before this Project is even considered for approval by the City.*

Response to Comment E: As required by CEQA, the EIR identifies the significant environmental impacts that will result from implementation of the project even with the proposed feasible mitigation. It should be noted that much of the delay in processing the project environmental documents in a timely fashion are due to the City's moratorium on development processing within the eastern SR-60 corridor during 2013, and responding to comments on the CEQA documents raised by conservation groups. There has been no empirical evidence submitted that would indicate updated technical studies would identify any new or different significant impacts of the project.

Comment F (page 2): *Additionally, Caltrans sent a letter to the City dated March 17, 2014 recommending that the City of Moreno Valley coordinate a state sponsored program of collecting transportation mitigation fees from development projects to make improvements to the State Highway System. I concur that such a fee program is essential to ensuring that all feasible traffic mitigation is adopted for this Project and others like it in the City. The City should take Caltrans' request to heart and work with the State in developing a mitigation fee program for highway impacts prior to making any approval relative to this Project. Until such a program is adopted, the City ignores its obligations to adopt all feasible mitigation for traffic impacts for this Project and others.*

Response to Comment F: The EIR outlines mitigation that is needed for project-related impacts, but a number of the recommended improvements are under the jurisdiction of Caltrans, not the City. It would be up to Caltrans to develop a regional mitigation program for freeway-related improvements, and certainly the City can encourage Caltrans to initiate such a program. However, as previously stated, the Caltrans-related improvements are not feasible according to the definition of CEQA since the lead agency (i.e., the City) does not have control over them. Therefore, the mitigation has to be determined to be infeasible at this time and the impacts determined to be significant.

2. George Hague Letter (April 24, 2014)

Comment A (page 1): *The developer states that even though a recent court case allows you to require Ag mitigation which will also serve raptor foraging, they are unable to find an AG mitigation bank in Riverside Co. I believe there will be an AG mitigation program by occupancy of the project and you could require mitigation at that time. The state does have such programs and the developer could use those—even if the county doesn't have an AG mitigation program.*

Response to Comment A: An Appeals Court decision (*Building Industry Association of Central California v. County of Stanislaus*) certified in November 29, 2010 may be more applicable to this situation. That case concluded that it is appropriate to mitigate at a 1:1 ratio for the loss of prime agricultural land through the acquisition of an offsite agricultural easement if such a program is established by a county or regional governmental entity. However, as outlined in the DEIR section, there is no established County or regional program, and active agriculture in western Riverside County is no longer economically viable or feasible. It should be noted that the State provides information on how to establish agricultural easements and mitigation banks, but the State does not fund or maintain such programs in western Riverside County.

Comment B (page 1): *Even though the developer believes they do not need to include the World Logistics Center (WLC) in their cumulative impacts, it is our opinion that the WLC was a foreseeable project based on newspaper articles, and conversations in the community.*

Response to Comment B: According to the procedures identified in CEQA, the list of cumulative projects is established at the time the baseline environmental conditions are set, which is the time the Notice of Preparation (NOP) is issued for the EIR. The NOP for the ProLogis EIR was issued on February 4, 2008 which was four years before the NOP for the World Logistics Center EIR which was issued on February 3, 2012. As much as the commenter would like the ProLogis project and EIR to be connected to the World Logistics Center project, CEQA does not allow the lead agency to “cherry pick” development information that occurs subsequent to issuing the NOP. In addition, the World Logistics Center project is highly controversial and it is not clear or reasonable to conclude at this time that project would be approved.

Comment C (page 1): *Caltrans wants a mitigation Bank. Will you require this project to participate in such? I am sure all in the room would appreciate anything you can do to mitigate noise on SR-60.*

Response to Comment C: The EIR outlines mitigation that is needed for project-related impacts, but a number of the recommended traffic improvements are under the jurisdiction of Caltrans, not the City. It would be up to

Caltrans to develop a regional mitigation program for freeway-related improvements, including noise walls, and certainly the City can encourage Caltrans to initiate such a program. However, as previously stated, the Caltrans-related improvements are not feasible according to the definition of CEQA since the lead agency (i.e., the City) does not have control over them. Therefore, the mitigation has to be determined to be infeasible at this time and the impacts determined to be significant. It should also be noted that there are already sound walls along the SR-60 freeway through much of the City, so it is unclear to what specific noise mitigation on the SR-60 the commenter is referring.

Comment D (page 1): *The WLC will cast a cancer plume over basically all of Moreno Valley. This project as you heard will add to it.*

Response to Comment D: The EIR examined the potential health risks of the ProLogis project which are relatively limited due to the size of the project, and as explained above in Response B, the ProLogis EIR was not able to include any information on potential impacts of the World Logistics Center project. The reader should note however that the World Logistics Center Specific Plan EIR does include an extensive analysis of potential project and cumulative health risks related to that project, which does include the ProLogis project in its cumulative projects list because the ProLogis project was in the City's development review process when the NOP for the World Logistics Center project was issued.

Comment E (page 1): *This project is being honest to a point with traffic impacts. Moreno Beach South will be impacted, including a new housing tract being built now near the substation. The environmental document also has impacts at Alessandro Blvd at Nason but not further west because of the City's 5 mile limit which isn't far enough to address full impacts of its traffic.*

Response to Comment E: The radius for cumulative projects that could contribute traffic to City streets was adequate for determining the significance of traffic impacts from the proposed ProLogis project. The commenter has not provided any empirical evidence that would suggest the traffic study parameters and methodology were not appropriate or not consistent with the City's long-established requirements for such studies.

Comment F (page 1): *The City's General Plan is now internally inconsistent with all the changes since its adoption and this project only increases that problem.*

Response to Comment F: The City has the discretion to determine at what point its General Plan must be updated to incorporate General Plan Amendments that have occurred since the last update of the General Plan. In addition, CEQA requires projects that propose any amendments to the General Plan to evaluate the potential environmental impacts of those changes in their CEQA compliance documents, which was included in the EIR for the ProLogis project. The commenter has provided no empirical evidence to indicate this or other General Plan Amendments would result in significant adverse impacts on the environment that have not either been mitigated to less than significant levels or that cannot be mitigated but the project provides various benefits to the community that outweigh the identified impacts (see the Findings of Fact and Statement of Overriding Considerations for this project).

3. Lozeau Drury Letter (April 23, 2014)

NOTE: This letter was too long to include in its entirety in this brief response memo, but the reader is encouraged to refer to that letter for the specific text of each comment as appropriate.

Comment A (page 2): *There is no substantial evidence to support the FEIR's remarkable assertion that the air quality mitigations applied to the Project will reduce GHG emissions by 70,000 tons per year. It is not sufficient under CEQA for the City to pick a few air quality mitigations of unknown efficacy and then simply assume that*

they will miraculously reduce the Project's 79,000 metric tons of GHG emissions down to less than 10,000 metric tons.

Response to Comment A: The FEIR never claims that the project-related emissions of GHGs will be reduced to an annual rate of 10,000 metric tons of CO₂e. As stated in the FEIR on page 109, “The Draft EIR (Section 4.3) made a determination that the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases and no mitigation is required. However, it was determined that the proposed project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and mitigation was proposed to reduce these project-specific effects to less than significant (Draft EIR, page 4.3-21 through 4.3-26).” It should also be noted that the 10,000 metric ton “limit” is a guideline and only a threshold used by the SCAQMD for evaluating its own projects – it has not been adopted as a legal standard for the City of Moreno Valley or other cities at this point.

Comment B (pages 2-3): *The FEIR must do more than make exaggerated claims of mitigation effectiveness.*

Response to Comment B: The FEIR does not make any claims related to the effectiveness of mitigation of project-related emissions of GHGs. The significance conclusions are not based on the effectiveness of any mitigation, but rather as described in Section 4.13.6, “...project-related GHG emissions and their contribution to global climate change impacts in the State are less than significant and less than cumulatively considerable because: (1) the project’s impacts alone would not cause or significantly contribute to global climate change, and (2) the project has no substantial effect on consumption of fuels or other energy resources, especially fossil fuels that contribute to GHG emissions when consumed.”

Comment C (page 3): *Claiming to rely on a qualitative assessment, the City instead applies bald assumptions, assuming that the air quality mitigations will have a dramatic effect on reducing GHG emissions from the project all the way down to a level of insignificance, i.e. less than 10,000 metric tons per year.*

Response to Comment C: See the Response to Comment B.

Comment D (page 3): *The second rationale set forth in the EIR is that “the project has no substantial effect on consumption of fuels or other energy resources, especially fossil fuels that contribute to GHG emissions when consumed.” How a project that will generate upwards of 5,000 vehicle trips per day would have no substantial effect on consumption of fuels is not further elucidated in the EIR.*

Response to Comment D: The basis for this assertion in the FEIR is that the project is not manufacturing vehicles, thus the vehicles that will travel to and from the project site are vehicles that already exist and are in use. The project will only cause them to be used in a different location. When analyzing local or even regional impacts this relocation of vehicles is important, however, when analyzing a global impact, the location of vehicles does not matter.

Comment E (page 3): The commenter suggests the cumulative analysis in the ProLogis EIR must include the World Logistics Center project.

Response to Comment E: According to the procedures identified in CEQA, the list of cumulative projects is established at the time the baseline environmental conditions are set, which is the time the Notice of Preparation (NOP) is issued for the EIR. The NOP for the ProLogis EIR was issued on February 4, 2008 which was four years before the NOP for the World Logistics Center EIR which was issued on February 3, 2012. As much as the commenter would like the ProLogis project and EIR to be connected to the World Logistics Center project, CEQA does not allow the lead agency to “cherry pick” development information that occurs subsequent to issuing the NOP. In addition, the World Logistics Center project is highly controversial and it is not clear or reasonable to conclude at this time that project would be approved. Therefore, the World Logistics Center project does not constitute “significant new information” at this time within the definition of CEQA.

Comment F (page 5): *The substantial evidence in the record establishes that the Project will have a significant impact on GHG emissions, including the sheer volume of its GHG emissions and its adverse impact on the City's ever achieving its GHG reduction targets. The FEIR confirms that the City has not gathered in any estimate of actual reductions of GHG emissions by any of the mitigation measures it purports will address those emissions. Hence, it is clear that there is no substantial evidence in the record to show that the Project will emit 10,000 metric tons or less per year of CO₂ equivalents.*

Response to Comment F: The FEIR does not use 10,000 metric tons of CO₂ equivalents as a threshold of significance nor make any claims that GHG emissions would be reduced to that level.

Comment G (page 6): The commenter believes the EIR underestimates the air quality impacts of the project because the project traffic study used the wrong trip generation rates.

Response to Comment G: The commenter is incorrect, the traffic study for the project did use appropriate trip generation rates as described in the Draft EIR Section 4.11 and the project Traffic Impact Assessment (TIA)(DEIR Appendix I). The City requires TIAs to use the latest trip generation rates established by the International Traffic Engineers (ITE) which was done in this case, based on similar kinds of projects in the region. The SCAQMD trip rates have not been vetted through regional traffic modeling maintained by the Southern California Association of Governments (SCAG) or the Western Riverside Council of Governments (WRCOG). Until they are, the City will continue to require the use of appropriate ITE trip rates for TIAs within the City.

Comment H (page 6): *The EIR Does Not Include Additional Feasible Mitigation Measures to Further Reduce the Project's Significant Impacts From its Emissions of NO_x and PM₁₀ and, Without Requiring Additional Measures, the City Cannot Adopt a Statement of Overriding Considerations. The measures include requiring electrified loading docks for all refrigeration units and the use of fuel cell trucks to reduce NO_x emissions.*

Response to Comment H: The FEIR includes all feasible mitigation available to reduce the emissions of NO_x and PM₁₀; however, these are not sufficient to reduce the emissions levels to less than significant. Regarding the two measures cited, the first would not reduce the emissions of trucks driving to and from the project site, only those from trucks while loading or unloading, a very small portion of the overall truck emissions. The second is not feasible until fuel cell trucks become commercially available.

Comment I (page 8): *The list of measures included in Mitigation Measure 4.3.6.5B should be mandatory and enforceable in order to be consistent with the CEQA Guidelines.*

Response to Comment I: The measures listed in Mitigation Measure 4.3.6.5B are intended to be suggestions for the developer to choose from to reduce energy consumption by 10% above Title 24 standards (as described in the FEIR Response to Comment D-3, No. 109).

Comment J (page 8): *LIUNA Local 1184 appreciates the change in the FEIR to make the energy efficiency requirement set forth in Measure 4.3.6.5A mandatory rather than voluntary. However, a number of the requirements embedded within the mandatory efficiency standard should also be adjusted to be mandatory requirements or otherwise clarified. For example, there is a requirement that lease/purchase documents shall identify that tenants are merely encouraged to promote a list of air pollution reduction measures. See DEIR, 1-27 – 1-28, Table 1.C; FEIR, pp. 58-59, 61-62. The FEIR should be revised to make these feasible tenant/purchaser measures mandatory as well.*

Response to Comment J: The measures listed in Mitigation Measure 4.3.6.5A (in the DEIR, the revised mitigation measure in the FEIR is 4.3.6.6.A) are intended to be suggestions for the developer to choose from to reduce energy consumption by 10% above Title 24 standards (as described in the FEIR Response to Comment D-3, No. 109).

Comment K (page 8): *Measure 4.3.6.5A also includes a vague requirement to “[i]ncorporate energy efficient space heating and cooling equipment.” This measure should be clarified to require that cooling for the main warehouse spaces at the Project shall be provided through evaporative coolers rather than air conditioners, or use new or different cooling technology that is at least as efficient. In addition, the mitigation should require the warehouse spaces to incorporate automated airflow and ventilation systems designed to minimize need for supplemental heating and cooling within the warehouse spaces. These measures are feasible, having been applied at other warehouse facilities.*

Response to Comment K: As described in the Response to SCAQMD Comment 1 on page 57 of the FEIR, the City desires to address the District’s recommendations to the extent feasible, so the applicant has agreed to allow the following modifications to Mitigation Measure 4.3.6.6A to incorporate the District’s recommendations to eliminate “encouraged” with stronger enforceable language. This is sufficient to satisfy the SCAQMD. The building HVAC system will be built in compliance with all California building codes resulting in a highly efficient system.

Comment L (page 8): *Currently, Measure 4.3.6.5A requires that “[a]ll buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.” FEIR, p. 197. This mitigation measure should be revised to require that photovoltaic, or comparable renewable energy sources, be actually installed on all buildings sufficient to provide all of the energy needs of the Project and, if feasible, surplus energy to help offset the Project’s remaining pollution emissions.*

Response to Comment L: The GHG emissions resulting from project-related energy demand increases is approximately 2.75% of the total GHG emissions predicted from project operations. While the installation of photovoltaic (or comparable renewable energy sources) would reduce the energy demand somewhat, it would only affect this small percentage of the total project emissions. Thus, adding photovoltaic panels would have a negligible effect on the total GHG emissions.

Comment M (page 8): *Additionally, Mitigation Measure 4.3.6.5B currently appears inconsistent with Mitigation Measure 4.3.6.5A. Unlike Measure 4.3.6.5A, Measure 4.3.6.5B does not increase the improvement over energy efficiency standards to 20 percent as was proposed in the DEIR and which applies to the related Measure 4.3.6.5A. FEIR, pp. 194-201. In order to apply all feasible measures, Measure 4.3.6.5B’s list of measures should be made mandatory (replace “may” with “shall”) and the measure to exceed statewide energy efficiency requirements by 10 percent restored to a 20 percent exceedance. FEIR, pp. 194-96. In addition, a requirement that the Project use building automation systems to control and optimize the efficiency of its mechanical systems, including lighting, HVAC, exhaust dampers, fans, and ventilation louvers should be added to Measure 4.3.6.5B’s list.*

Response to Comment M: These mitigation measures were totally updated in the FEIR, as described in the Response to Comment 14 on page 103 of the FEIR: “Mitigation Measure 4.3.6.6A was modified and Mitigation Measure 4.3.6.6B was added to address construction equipment and vehicles operating for the project (see Final EIR, Section 3.0, *EIR Errata and Additions*).” These updates resolve the apparent inconsistencies.

Comment N (page 8): *The EIR Does Not Include Additional Feasible Mitigation Measures to Further Reduce the Project’s Significant Impacts From its Particulate Matter Emissions During Construction and, Without Requiring Additional Measures, the City Cannot Adopt a Statement of Overriding Considerations. An additional feasible mitigation measure that also would assist in assuring that the Project’s air quality pollution mitigations during construction are enforceable is a measure to require monitoring of dust plumes. SWAPE identifies “[m]onitoring for opacity for all construction activities, including grading, not just for “screening” and “turf overseeding” activities” as an additional feasible measure.*

Response to Comment N: The fugitive emissions of particulate matter (PM₁₀ and PM_{2.5}) during construction was shown to be very small compared to the SCAQMD significance thresholds - 18 lbs/day compared to the 150 lbs/day threshold for PM₁₀, 3.9 lbs/day compared to 55 lbs/day for PM_{2.5}. There is no need to take any actions to further reduce these already small emission rates.

Comment O (page 9): *The EIR dramatically understates the health risks that will result from the Project's construction phase because the health risk assessment it relies upon assumes construction will only occur for four months rather than the 11.5 months reported in the EIR.*

Response to Comment O: The rationale used for the screening-level HRA of construction emissions is that, while the total construction period will be about 11 ½ months, the only portion of that time that will have large diesel-powered construction equipment operating regularly is the 2 month grading phase. Assuming that there will be large diesel-powered construction equipment operating occasionally during the other phases, it was assumed that using 4 months of daily use of the large diesel-powered construction equipment would conservatively characterize the overall construction process.

Comment P (page 9): *In contrast to SWAPE's analysis, which fully discloses all of its inputs and models, "no modeling files or cancer risk calculations for the construction impacts analysis were provided in the DEIR or the FEIR" for the EIR's health risk assessment. Id., pp. 9-10. Hence, the substantial evidence available to the Commission and others indicates that cancer risks to the Project's neighbors are significant.*

Response to Comment P: The commenter is incorrect, the DEIR includes the full Air Quality technical analysis which contains the full documentation of the inputs, modeling and results files in Appendix C. The project HRA is based on recommendations and methodologies established by the SCAQMD for such studies, including reasonable worst case assumptions for project construction and operation. Certainly making other worst case assumptions as SWAPE has done would yield different results, but the City as the lead agency must ultimately make the determination as to what expert information it uses on which to base its evaluation of project impacts.

Comment Q (page 9): *The EIR also underestimates health risk impacts to workers to be employed at the Project site.*

Response to Comment Q: The HRA in the EIR fully documents the projected health risk levels to nearby residents, however, CEQA does require an analysis of impacts to onsite workers as these individuals are protected by OSHA regulations. In addition, CEQA requires an analysis of impacts of a project on the existing or baseline environment, and future workers of the project do not constitute baseline conditions.

Comment R (page 10): The commenter states the EIR fails to recommend feasible mitigation for loss of agricultural land.

Response to Comment R: As documented in Section 4.2 of the Draft EIR, farming is no longer a viable economic activity in this portion of Riverside County, and the General Plans of the County and City both identify land uses that will a transition from historical agricultural land to appropriate suburban land uses. This proposed project represents a step in that anticipated transition. Gail Egenes, Executive Director of the Riverside Land Conservancy, has indicated the agency does not have any established program to purchase agricultural easements or lands. Also, in consultation with the National Conservation Easement Database, Riverside County does not have any established agricultural easements.¹

Contributions to Riverside County Land Conservancy or the San Jacinto Basin Resource Conservation District by private land owners are not required as part of a City or regional mitigation plan for loss of agricultural land. Therefore, the decision whether to make any contributions in this regard would be at the discretion of the

¹ <http://nced.conservationregistry.org/browse/map>, accessed October 4, 2012.

developer in consultation with the City. For additional detailed analysis on this issue, see Responses 22 and 23 in the letter from Johnson & Sedlack (D-3) in the Final EIR. Since there is no feasible mitigation available, the impact has been identified as significant and unavoidable, and the City will have to adopt a Statement of Overriding Considerations as part of its Findings on the EIR prior to action on the project.

Comment S (page 11): The commenter requests additional information regarding soil sampling for residual pesticides.

Response to Comment S: Responses 8 and 9 to Letter D-4A from the same commenter in the Final EIR go into great detail about the potential for contamination by agricultural chemicals on the project site, and the conclusion is there is only a low or minor potential. There is no indication that contamination is widespread, and almost of the site was previously surveyed for soil contamination, including soil tests for such chemicals. However, Mitigation Measure 4.6.6.1A was added to address this potential impact, as explained in the responses. There is no evidence that would lead a reasonable person to conclude that the potential for soil contamination by agricultural chemicals on this site was so high as to require soil testing and remediation prior to approval of the project. It is common in this portion of Riverside County to find former agricultural sites that have low or negligible levels of some agricultural chemicals as may be present on the project site. However, as outlined in the indicated responses, these do not represent a significant environmental impact (i.e., one that would prevent approval of the project), and the additional mitigation measure will assure there will be no significant impacts in this regard as it will be implemented prior to grading or development of the site.

Regarding the proposed additional requirements for Mitigation Measure 4.6.6.1A, the City may adopt one or more of these items at their discretion and incorporate them into the Mitigation Monitoring Plan or Conditions of Approval as appropriate.

Appendix A –SWAPE Letter dated April 21, 2014

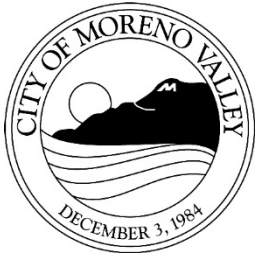
Response to Appendix A: The air quality data in this letter was used to prepare the Lozeau Drury comment letter addressed above. The specific comments made by SWAPE have been addressed in appropriate sections of the Lozeau Drury letter.

Appendix B – Clark & Associates Letter dated April 22, 2014

Response to Appendix B: The trip generation data in this letter was used to prepare the Lozeau Drury comment letter addressed above. The specific comments made by Clark & Associates have been addressed in appropriate sections of the Lozeau Drury letter.

Appendix C –World Logistics Center EIR: Selected excerpts of the air quality analysis were provided as a comparison to the ProLogis project.

Response to Appendix C: The data in this appendix was referred to by the commenter in relation to greenhouse gas emissions (GHG) and the City's GHG inventory. There were no specific comments in this appendix, only background info for certain comments by Lozeau Drury in this letter.



PLANNING COMMISSION STAFF REPORT

Case: PA07-0081 - Zone Change
 PA07-0082 - General Plan Amendment
 PA07-0083 - Master Plot Plan including Building 2
 PA07-0084 - Tentative Parcel Map 35679
 PA07-0158 - Plot Plan for Building 1
 PA07-0159 - Plot Plan for Building 3
 PA07-0160 - Plot Plan for Building 4
 PA07-0161 - Plot Plan for Building 5
 PA07-0162 - Plot Plan for Building 6
 P07-186 - Environmental Impact Report

Date: March 13, 2014

Applicant: Prologis

Representative: Prologis

Location: South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

Proposal: General Plan Amendment and Zone Change from existing Business Park, Business Park Mixed-use, R15, R5, and RA-2 land use designations to Light Industrial for 122 acres. The land use changes are required for development of six distribution warehouse facilities totaling 2,244,419 square feet with building sizes that range from 160,106 square feet to 862,035 square feet. The applicant also proposes Tentative Parcel Map No. 35679 to subdivide the project site into six parcels. A General Plan Amendment is also required for proposed changes to the City's circulation element and the Master Plan of Trails. Approval of this project will require certification of an EIR.

Recommendation: Approval

SUMMARY

The applicant proposes to develop a 2.2 million square foot industrial park on 122 acres subject to approval of a General Plan Amendment and Zone Change from BP, BPX, R15, R5 and RA-2 to LI, and certification of a Final EIR.

PROJECT DESCRIPTION

The applicant, Prologis, has submitted ten applications for development of the Prologis Eucalyptus Industrial Park Project, which include a General Plan Amendment, Zone Change, Master Plot Plan, related Plot Plans, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 2,244,419 square foot industrial park on a 122 acre site (Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021) located South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

General Plan Amendment

The project site has current General Plan land use designations that include approximately 50 acres of Business Park, 36 acres of R15 (Residential – up to 15 units per acre), 23 acres of R5 (Residential – up to 5 units per acre), and 12 acres of RA-2 (Residential/Agriculture – up to 2 units per acre). The applicant proposes to change the land use designation for the entire project site to Business Park. The proposed change would expand the Business Park designation onto approximately 71 acres that is currently designated for residential development.

Land uses to the north include the adjacent freeway with Office Commercial, R2 and RA-2 zoned land north of the freeway. Land uses to the east include a mix of Light Industrial and Community Commercial zoned land and RA-2 zoned land with an approved warehouse facility located immediately to the east and a developed warehouse facility further to the east between Redlands Boulevard and Theodore Street. Land uses to the south include vacant RA-2 zone with developed tract homes across the channel from the project site.

The General Plan Amendment also proposes a change to the Circulation Element that would eliminate the connection from Fir Avenue/Future Eucalyptus Avenue to Eucalyptus Avenue/Future Encilia Avenue to the south. The change ensures that traffic generated by existing and proposed non-residential uses is kept separate from residents that live along Eucalyptus Avenue/Future Encilia Avenue to the southeast.

Additionally, the General Plan Amendment proposes changes to the Master Plan of Trails. The proposed change would remove an existing trail segment that runs north/south along the west side of the Quincy Channel between Fir Avenue/Future Eucalyptus Avenue to State Route 60. This trail segment was originally intended to cross the freeway on an overpass at Quincy Street. This overpass is no longer on the City's General Plan Circulation element. With the loss of the overpass, trail would end in a cul-de-sac at State Route 60.

Staff met with the City's Recreational Trails Board in February 2012 to discuss replacement of the dead end segment of the trail with a new segment of trail on the north side of Fir Avenue/Eucalyptus Avenue that would run from the Quincy Channel west to the site's western boundary ending at the Fire Station #58. The Board was supportive of the change. The applicant has agreed to install the new segment of trail.

Zone Change

The project site has current zoning designations that include approximately 49.5 acres of Business Park, 0.5 acre of Business Park Mixed-use, 36 acres of R15, 23 acres of R5, and 12 acres of RA-2. The applicant proposes to change the Zoning for the entire project site to Light Industrial. The proposed change to Light Industrial is compatible with the 50 acres that is currently within a Business Park General Plan designation but would replace approximately 71 acres of residential zone land with a Light Industrial zone. The proposal would also result in the removal of a portion of the site from the PAKO (Primary Animal Keeping Overlay).

Land uses to the north include the adjacent freeway with Office Commercial, R2 and RA-2 zoned land north of the freeway. Land uses to the east include a mix of Light Industrial and Community Commercial zoned land and RA-2 zoned land with an approved warehouse facility located immediately to the east and a developed warehouse facility further to the east between Redlands Boulevard and Theodore Street. Land uses to the south include vacant RA-2 zone with developed tract homes across the channel from the project site.

Warehouse distribution uses are permitted in both the Business Park and Light Industrial zones, but the size of the buildings proposed by the project requires a Zone Change to Light Industrial to allow for the warehouse facilities over 50,000 square feet.

Plot Plans

Master Plot Plan PA07-0083 proposes the development of an industrial park to include a total of 2,244,419 square feet of warehouse distribution on 122 acres. This application also includes Building #2 on Parcel 2 of TPM 35679 for development of an 862,035 square foot warehouse distribution building on 39.32 acres with 311 required employee parking spaces and 135 required truck parking spaces.

Plot Plan PA07-0158 for Building #1 on Parcel 1 of TPM 35679 proposes development of a 168,342 square foot warehouse distribution building on 8.84 acres with 100 required employee parking spaces and 21 required truck parking spaces.

Plot Plan PA07-0159 for Building #3 on Parcel 3 of TPM 35679 proposes development of a 160,106 square foot warehouse distribution building on 8.5 acres with 98 required employee parking spaces and 20 required truck parking spaces.

Plot Plan PA07-0160 for Building #4 on Parcel 4 of TPM 35679 proposes development of a 339,015 square foot warehouse distribution building on 15.66 acres with 180 required employee parking spaces and 36 required truck parking spaces.

Plot Plan PA07-0161 for Building #5 on Parcel 5 of TPM 35679 proposes development of a 390,102 square foot warehouse distribution building on 19.29 acres with 173 required employee parking spaces and 53 required truck parking spaces.

Planning Commission Staff Report

Page 4

Plot Plan PA07-0162 for Building #6 on Parcel 6 of TPM 35679 proposes development of a 325,038 square foot warehouse distribution building on 17.55 acres with 176 required employee parking spaces and 53 required truck parking spaces.

The loading and truck parking areas have been oriented away from adjacent residential zoned partials and meet/exceed the Municipal Codes minimum buffer distance of 250 feet.

All truck courts are screened by perimeter concrete tilt-up walls with a citrus tree row required along the State Route 60 frontage as an extension of the tree plantings along the rear of Fire Station #58. A tree row is also required along the Quincy Channel and southern property lines.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail. A segment of multi-use trail will also be installed on the west side of the Quincy Channel from Fir Avenue/Future Eucalyptus Avenue south to Eucalyptus Avenue/Future Encilia Avenue.

Tentative Parcel Map

Tentative Parcel Map No. 35679 proposes to re-configure the eight parcels located within the project site into six parcels with lettered lots to convey property to Caltrans for future development and to the City for public streets.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses.

Developed land within proximity to the project site includes the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility to the east between Redlands and Theodore and large lot subdivisions in the RA-2 zone across the channel from the project site. Also immediately to the east is the site of the recently approved 800,340 square foot regional headquarters for ALDI Foods.

Access/Parking

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Moreno Beach Boulevard or Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue, including the bridge crossing at the Quincy Channel would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones. The project as designed satisfies all parking requirements of the City's Municipal Code.

Design/Landscaping

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the buildings is concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the buildings include architectural treatment. The loading bays and trailer storage areas have been screened from view. The screen walls are of concrete tilt-up construction which will match the building designs and colors.

Landscaping for the project as proposed is at around 18% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

This project design conforms to all development standards of the Light Industrial zone and the design guidelines for industrial uses as required within the City's Municipal Code.

REVIEW PROCESS

The project was originally reviewed by the Project Review Staff Committee (PRSC) in September 2007. Modifications were required to the plot plan exhibits and preliminary grading plan.

Revised plans were submitted in January and August 2008 and again in July and November 2011 and July and October 2012. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report in early 2014, a determination was made to schedule this project for a Planning Commission public hearing on March 13, 2014.

Community outreach efforts by the applicant in 2012 included mail distribution of project brochures to area residents, neighborhood walks to pass out brochures and open house invitations for an open house held in August 2012 at the Moreno Valley Ranch Golf Club.

State Route 60 East Corridor Study

The City Council imposed a 45 day moratorium on development for properties located along the State Route 60 corridor on January 23, 2013. The moratorium was later extended for a year by Council through adoption of Ordinance 861.

The moratorium was imposed to allow time for staff to work with a consultant to prepare a highest and best use analysis of the area. The State Route 60 East Corridor Study was prepared to identify land use alternatives for vacant and underutilized parcels within four sub-areas or study areas of the corridor.

The completed study was presented to the City Council as a report item on January 14, 2014. The study presented three alternatives including a preferred alternative. The City Council received the study but took no action to approve the study. The study becomes a resource document for consideration in the review of land use change applications. The City Council also recognized that the moratorium would expire on January 23, 2014. The land use changes proposed by the preferred alternative included expansion of the Auto Mall and warehouse uses.

Automobile dealerships which are a permitted use within the Auto Mall Specific Plan to the west are not a permitted use in existing Business Park zone. A change in zone to Light Industrial as proposed by the project would allow for automobile sales as a permitted use.

In recognition of the guidance provided by the SR 60 East Corridor study and based on discussions with City staff, the applicant has agreed to a condition of approval that would state that no building permits could be issued for the warehouse distribution buildings for plot plans located immediately adjacent to the Auto Mall (Plot Plan PA07-0158 and Plot Plan PA07-0159) during the initial 18 months if approved. This would allow for the potential expansion of the Auto Mall in the short term.

ALTERNATIVES DISCUSSION

The following scenarios or alternatives are presented for the Planning Commissions consideration.

1. Approve the project as proposed. As stated previously, the project has been conditioned to not build the two warehouses (Buildings 1 and 3) located adjacent to the Auto Mall for the first 18 months of the approval. This would allow for the potential expansion of the Auto Mall in the short term. The staff report has been prepared in support of this alternative;
2. Deny the General Plan Amendment and Zone Change for the two sites (Buildings 1 and 2) located adjacent to the Auto Mall but approve the proposed land changes for the remainder of the project site. This would prevent warehouse facilities from being built on potential Auto Mall expansion sites, but would still allow for warehouse development to occur on most of the project site. However, denial of the land use changes would also prevent future development of automobile sales since auto dealerships are not permitted within the BP and R15 zones.
3. Deny the proposed land use changes and thereby deny the proposed industrial park. Denial of the land use changes would prevent the warehouses from being approved. Denial of the land use changes would also prevent future development of automobile sales since auto dealerships are not permitted within the BP and R15 zones.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on February 4, 2008, with the public comment period beginning on February 4, 2008 and ending on March 4, 2008. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on February 13, 2008.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant LSA Associates, Inc. and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on July 18, 2012, and ending on September 4, 2012.

The Draft EIR was sent to all required State and local agencies and numerous interested parties on July 17, 2012, as well as to the City's Environmental and Historical Preservation Board. Thirteen comment letters were provided during the 45-day review period.

Final Environmental Impact Report

Responses to the thirteen comments received during the 45 day review period are included in the Response to Comments. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on February 26, 2014, to allow for their review prior to the Planning Commission hearing, within the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the Final EIR document, these impacts are considered to be significant and unavoidable.

Where a project's impacts cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Greenhouse Gases and Global Climate Change. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had one comment letter stating opposition to the project.

A copy of the above referenced letter is included in the staff report as part of Attachment #7. Attachment #7 also includes opposition letters submitted in 2012 in response to the circulation of the Draft Environmental Impact Report.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No's. 2014-09 and 2014-10 and thereby recommend that the City Council take the following actions:

1. **CERTIFY** that the Environmental Impact Report (EIR) for the Prologis Eucalyptus Industrial Park Project (Attachments 9 and 10) has been completed in compliance with the California Environmental Quality Act; and
2. **ADOPT** the Findings and Statement of Overriding Considerations regarding the Final EIR for the Prologis Eucalyptus Industrial Park Project, attached hereto as Exhibit A to Attachment 2; and
3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the proposed Prologis Eucalyptus Industrial Park Project, attached hereto as Exhibit B to Attachment 2; and
4. **APPROVE** General Plan Amendment application PA07-0082 as shown on Exhibit A to Attachment 3; and
5. **APPROVE** Zone Change application PA07-0081 as shown on Exhibit B to Attachment 3; and
6. **APPROVE** Master Plot Plan PA07-0083 and related Plot Plans PA07-0158 through PA07-0162, subject to the attached conditions of approval included as Exhibit C to Attachment 3; and

7. **APPROVE** Tentative Parcel Map 35679 (PA07-0084), subject to the attached conditions of approval included as Exhibit D to Attachment 3.

Prepared by:

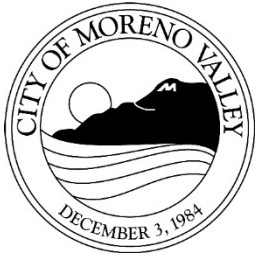
Jeff Bradshaw
Associate Planner

Approved by:

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2014-09
Exhibit A – Statement of Overriding Considerations
Exhibit B – Mitigation Monitoring Program
3. Planning Commission Resolution No. 2014-10
Exhibit A – General Plan Amendment Map
Exhibit B – Zone Change Map
Exhibit C – Plot Plan Conditions of Approval
Exhibit D – TPM 35679 Conditions of Approval
4. Architectural Plans
5. Preliminary Grading Plan
6. Tentative Parcel Map 35679
7. Public comment letters
8. Aerial Map
9. Final Environmental Impact Report
10. Draft Environmental Impact Report



PLANNING COMMISSION STAFF REPORT

Cases: PA07-0081 - Zone Change
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 PA07-0160 - Plot Plan for Building 4
 PA07-0161 - Plot Plan for Building 5
 PA07-0162 - Plot Plan for Building 6
 P07-186 - Environmental Impact Report

Date: April 24, 2014 – Continued from the March 13, 2014 meeting

Applicant: Prologis

Representative: Prologis

Location: South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

Proposal: General Plan Amendment and Zone Change from existing Business Park, Business Park Mixed-use, R15, R5, and RA-2 land use designations to Light Industrial for 122 acres. The land use changes are required for development of six distribution warehouse facilities totaling 2,244,419 square feet with building sizes that range from 160,106 square feet to 862,035 square feet. The applicant also proposes Tentative Parcel Map No. 35679 to subdivide the project site into six parcels. A General Plan Amendment is also required for proposed changes to the City's circulation element and the Master Plan of Trails. Approval of this project will require certification of an EIR.

Recommendation: Approval

SUMMARY

The applicant proposes to develop a 2.2 million square foot industrial park on 122 acres subject to approval of a General Plan Amendment and Zone Change from BP, BPX, R15, R5 and RA-2 to LI, and certification of a Final EIR.

PROJECT DESCRIPTION

The applicant, Prologis, has submitted ten applications for development of the Prologis Eucalyptus Industrial Park Project, which include a General Plan Amendment, Zone Change, Master Plot Plan, related Plot Plans, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 2,244,419 square foot industrial park on a 122 acre site (Assessor's Parcel Numbers 488-330-011, 012, -013, -017, -018, -019, -020, and -021) located South of State Route 60 and east of Moreno Valley Auto Mall, at Fir Avenue (Future Eucalyptus Avenue) and between Pettit Street and the Quincy Channel.

Background

A public hearing for this project was held on March 13, 2014. At the meeting information about the project and the related Final Environmental Impact Report (FEIR) was presented to the Planning Commission by Planning Division staff and representatives from LSA Associates, Inc. who prepared the FEIR. Following the staff report, comments were taken from the applicant and interested parties and residents.

The speakers included Gideon Kracov, an attorney representing Laborers International Union of North America (LIUNA). He was concerned that a second of two comment letters submitted by Lozeau Drury, LLP on behalf of LIUNA in response to the Draft Environmental Impact Report was not included in the Final Environmental Impact Report.

It was verified at the meeting that the City had received a second letter dated August 31, 2012, that should have been included in the FEIR. Following discussion with staff, the Planning Commission determined that the most appropriate action was to continue the item to the Commission's April 24, 2014 agenda, to allow for time to update the FEIR to include the August 31, 2012 letter and responses to the letter.

Following the March 13, 2014 meeting it was determined that there was an inadvertent omission in the distribution and tracking of the August 31, 2012 letter. Planning worked with LSA Associates, Inc. to update the FEIR to address the concerns raised in the letter. The FEIR was then redistributed to all agencies and interested parties and published on the City's webpage. Notice of the status of the FEIR and the Planning Commission's April 24, 2014 meeting was published in the newspaper, posted at the project site and sent to all property owners within 300 feet and all interested parties.

ENVIRONMENTAL

Final Environmental Impact Report

Responses to the fourteen comments received during the 45 day review period, including the August 31, 2012 letter from Lozeau Drury, LLP, are included in the Response to Comments. The updated Final Environmental Impact Report (FEIR) was mailed to all interested parties and responsible agencies on April 4, 2014, to allow for their review prior to the Planning Commission hearing on April 24, 2014.

The City issued a press release referencing the updated FEIR and the continued Planning Commission meeting and the updated Final EIR along with the Draft EIR and technical studies were provided for public review at City Hall, the City Library and posted on the City's website.

The concerns raised in the August 31, 2012 letter including segmentation of the project, loss of farmland, hazardous materials and soils, greenhouse gas, and air quality, have been addressed in detail in LSA Associate's response to comments.

Planning worked with LSA Associates, Inc. to provide responses to each of the concerns raised in the letter.

The site was previously surveyed for pesticides and removal of a former underground storage tank was documented and determined to result in no significant impacts in the Draft EIR. The following mitigation measure has been added by LSA Associates, Inc., in response to concerns raised in the letter, even though impacts would remain less than significant without the additional measure:

- **4.6.6.1A** Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.

The above mitigation measure has also been added to the conditions of approval for the project.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the Final EIR document, these impacts are considered to be significant and unavoidable.

Where a project's impacts cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Greenhouse Gases and Global Climate Change. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

NOTIFICATION

Public notice of the April 24, 2014 Planning Commission hearing was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff received a comment letter from Caltrans which is included as an attachment to the staff report.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No's. 2014-09 and 2014-10 and thereby recommend that the City Council take the following actions:

1. **CERTIFY** that the Environmental Impact Report (EIR) for the Prologis Eucalyptus Industrial Park Project (Attachments 5 and 6) has been completed in compliance with the California Environmental Quality Act; and
2. **ADOPT** the Findings and Statement of Overriding Considerations regarding the Final EIR for the Prologis Eucalyptus Industrial Park Project, attached hereto as Exhibit A to Attachment 2; and
3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the proposed Prologis Eucalyptus Industrial Park Project, attached hereto as Exhibit B to Attachment 2; and

Planning Commission Staff Report

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4. **APPROVE** General Plan Amendment application PA07-0082 as shown on Exhibit A to Attachment 3; and
5. **APPROVE** Zone Change application PA07-0081 as shown on Exhibit B to Attachment 3; and
6. **APPROVE** Master Plot Plan PA07-0083 and related Plot Plans PA07-0158 through PA07-0162, subject to the attached conditions of approval included as Exhibit C to Attachment 3; and
7. **APPROVE** Tentative Parcel Map 35679 (PA07-0084), subject to the attached conditions of approval included as Exhibit D to Attachment 3.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2014-09
Exhibit A – Statement of Overriding Considerations
Exhibit B – Mitigation Monitoring Program
3. Planning Commission Resolution No. 2014-10
Exhibit A – General Plan Amendment Map
Exhibit B – Zone Change Map
Exhibit C – Plot Plan Conditions of Approval
Exhibit D – TPM 35679 Conditions of Approval
4. Public comment letters
5. Final Environmental Impact Report – April 2014
6. Draft Environmental Impact Report

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1 Warmington to make sure that happened and unlike what sometimes the Mayor
 2 will try to make people believe, the Sierra Club and Audubon does not receive
 3 any financial benefit from our negotiations on that project or the present
 4 warehouses we're dealing with. It doesn't happen. None of that goes on. In fact
 5 there is a deficit if anything to the environmental community for these
 6 negotiations. I hope you'll take a minute and look through this. Don't bury it
 7 under a pile of papers and if you would like to go on one of these walks or see
 8 this area closer, my name is on enough emails to you that you can contact me,
 9 so please do. I'd appreciate showing them to you. You have a good evening.

10
 11 **CHAIR VAN NATTA** – Thank you very much and it is a beautiful book.

12
 13
 14
 15 **PUBLIC HEARING ITEMS**

- 16
 17 **1. Case Description:** PA07-0081 (Zone Change)
 18 PA07-0082 (General Plan Amendment)
 19 PA07-0083 (Master Plot Plan, incl. Building 2)
 20 PA07-0084 (Tentative Parcel Map 35679)
 21 PA07-0158 (Plot Plan for Building 1)
 22 PA07-0159 (Plot Plan for Building 3)
 23 PA07-0160 (Plot Plan for Building 4)
 24 PA07-0161 (Plot Plan for Building 5)
 25 PA07-0162 (Plot Plan for Building 6)
 26 P07-186 (Environmental Impact Report)

27
 28 **Case Planner:** Jeff Bradshaw

29
 30 **CHAIR VAN NATTA** – Okay we're going on now to our first Public Hearing Item;
 31 well actually the Public Hearing Item for today. Case Description PA07-0081
 32 Zone Change, PA07-0082 General Plan Amendment, PA07-0083 Master Plot
 33 Plan including Building 2, PA07-0084 Tentative Parcel Map 35679, PA07-0158
 34 Plot Plan for Building 1, PA07-0159 Plot Plan for Building 3, PA07-0160 Plot Plan
 35 for Building 4, PA07-0161 Plot Plan for Building 5, PA07-0162 Plot Plan for
 36 Building 6 and P07-186 Environmental Impact Report. The Applicant and Owner
 37 and Representative are all Prologis. The Case Planner is Jeff Bradshaw. Could
 38 we have the report please?

39
 40 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Chair Van
 41 Natta and members of the Planning Commission. The item before you this
 42 evening is a proposal for a 2.2 million square foot industrial park to be developed
 43 on 122 acres located on the south side of State Route 60 east of the Moreno
 44 Valley Auto Mall at Fir or what is sometimes referred to as future Eucalyptus
 45 Avenue, between Petit and Quincy Street. The net acreage for this site is about
 46 116 acres and I think you see both acreages referred to in the Staff Report.

1 As described in the title of the Agenda, applications for this project include a
2 General Plan Amendment and Zone Change to establish a Business Park,
3 General Plan designation in a Light Industrial Zone for the entire site. Plot Plan
4 applications were also submitted for six warehouse distribution facilities as well
5 as a Tentative Parcel Map to create six parcels for development within the
6 Industrial Park. A General Plan Amendment is also required for proposed
7 changes to the City's General Plan Circulation Element as well as changes to the
8 Master Plan of Trails.

9
10 Approval of this project would require certification of an Environmental Impact
11 Report and the project presented to you this evening is for your review and for
12 recommendation to the City Council. The project site does have a current...
13 includes current General Plan and zoning designations for approximately 50
14 acres of the site are currently designated Business Park or Business Park Mixed
15 Use, 36 acres are designated R15 which is a multi-family zone, 23 acres are
16 designated R5 and 12 acres are designated RA2. Both of those are single family
17 residential zones.

18
19 The proposal would be to replace the 71 acres that is under the residential land
20 use designation with Business Park land use designation over the top. This
21 designation would then be compatible with the City's Industrial Zone categories.
22 The proposed Zone Change for the 50 acres that are BP would be compatible
23 with the General Plan; the proposal for the remaining 71 acres that is a
24 residential zone would be for Light Industrial zoning. This proposal would also
25 result in the removal of a portion of the site from what referred to as the PAKO or
26 the Primary Animal Keeping Overlay Zone. Warehouse distribution uses are
27 currently permitted in both Business Park and Light Industrial Zones. The
28 limitation within a Business Park is size. Structure are not allowed greater than
29 50,000 square feet. In the case of this proposal the structures are larger than
30 that and so the Light Industrial Zone is required in order to accommodate the
31 proposal.

32
33 The change in the General Plan Circulation Element would propose to eliminate
34 what is currently a connection from what is known as Fir or future Eucalyptus
35 Avenue. That road alignment currently curves down and connects through to
36 what is currently called Eucalyptus and would in the future would be Encilia. The
37 proposal here is to remove the connection to ensure that traffic... that either
38 existing traffic or traffic generated by the proposed project would be kept
39 separate from residents living to the southeast of the project. The additional
40 General Plan Amendment I refer to is a change to the Master Plan of Trails.
41 There is currently a trail segment on the west side of the Quincy Channel. That
42 trail segment runs... it is undeveloped that runs from Fir Avenue north to the
43 south side of State Route 60. The idea in the past was to provide a crossing at
44 the freeway. The General Plan Circulation Element has since been updated and
45 that overpass is no longer scheduled to be developed. With the loss of the
46 overpass, the trail would essentially be a dead end or end in a cul-de-sac on the

1 south side of the freeway. Staff met with the Recreational Trails Board in
2 February of 2012 to discuss replacing that segment with a segment of trail that
3 would run across or through the project site, it would tie into an existing trail
4 segment on Fir Avenue and continue across the project on the north side of Fir
5 and ending at the Auto Mall at Fire Station 58. The applicant has agreed to a
6 condition of approval to both remove the trail segment along Quincy and replace
7 that the longer trail segment through the project.

8
9 The Industrial Park itself proposes six warehouse buildings. They range in size
10 from approximately 160,000 square feet up to approximately 860,000 square
11 feet. The total building area upon completion would be approximately 2.2 million
12 square feet for the six buildings. The architectural design for the facility is similar
13 to other warehouse uses that you have reviewed in the past. It's concrete tilt-up
14 construction. The building and the screen wall colors would be earth-tones with
15 varying amounts of accent colors and vertical features to break up the
16 architecture. Staff worked with the applicant to ensure that that all sides of the
17 buildings would include architectural treatment, that the screen walls would be
18 designed in way that is compatible with the main building. We also worked on a
19 design that would ensure that the loading bays and truck storage areas were all
20 screened from view and all turned or oriented from adjacent residential zones.
21 The project as designed conforms to the City standard for Light Industrial Zone
22 as well as for development standards for industrial development here in the City.
23 Staff worked with LSA Associates in preparation of an Initial Study back in
24 February of 2008; through that exercise, identified those issues that needed to be
25 carried into an Environmental Impact Report.

26
27 Notice of preparation was distributed to the public for comment in early 2008.
28 Those comments were then used in the preparation of a Draft Environmental
29 Impact Report. Staff worked with the consultant in the preparation of that
30 document and it was provided to the public for public review for a 45 day period
31 beginning in July of 2012 and ending September 4th, 2012. That was circulated
32 to all State and local agencies, to any interested parties that had asked to be
33 kept informed of the process. In response to that, the City received 13 comment
34 letters during that time period. The consultant worked with Staff in the
35 preparation of responses to those comments that were prepared. Those
36 documents were provided to you. Prior to this evening's meeting, both the Draft
37 and the Final document; the Final including responses to the comments that
38 were submitted during the 45 day review. It is important to note I think that
39 through this process; the analysis; the EIR analysis for this project will have
40 noted a number of potentially significant impacts.

41
42 The document that was prepared includes mitigation measures that are proposed
43 to reduce the impacts or eliminate significant impacts to the extent possible.
44 There are circumstances or even cases with mitigation certain are not reduced to
45 a less than significant level and those are identified in both the Draft and the
46 Final EIR. Where those impacts cannot be reduced, the California

1 Environmental Quality Act does allow decision makers to consider a Statement of
2 Overriding Considerations that has also been provided to you guys for review. It
3 requires the decision making body to balance benefits to the community against
4 those potential environmental impacts when making a decision and if the
5 decision making body does determine that those benefits outweigh the
6 environmental impacts, then a Statement of Overriding Considerations would
7 need to be adopted and certified ultimately by City Council. Again the document
8 does include Mitigations Measures. Those are referenced both in the conditions
9 of approval for the project as well as the Mitigation Monitoring Program and it is
10 included in the documentation before you this evening.

11
12 Public Notice was provided for the Hearing this evening by our standard practice
13 to everyone within 300 feet of the project. The site was posted and notice was
14 also provided in the newspaper. Additionally notices of the hearing as well as
15 preparation of the Final EIR were provided to those that commented on the draft
16 as well as any interested parties that indicated that they wanted to receive copies
17 of those documents. Leading up to this evening, we did receive comment letters
18 which have been provided to you guys I think during the week by email and hard
19 copies available to you again this evening. There is also a memo that has been
20 prepared identifying conditions of approval for the Tentative Parcel Map that are
21 the preferred conditions. The conditions included in the Staff Report for the map
22 are more specific to a Plot Plan and so the replacement conditions are more
23 appropriate for the map and so Staff would be recommending those conditions
24 as the set to approve for Special Districts. Additionally there was another letter
25 provided this evening. I think most of the Commissioners have copies of that and
26 Staff hasn't time really to review the content of that letter. With us this evening is
27 our representatives from LSA Associates, the Consulting firm that prepared the
28 environmental document and with that, that will conclude my part of the
29 presentation. I'd like to turn some time over to Kent Norton with LSA who has
30 something he wanted to present on the environmental side. Additionally the
31 Traffic Consultant has prepared a traffic simulation or model for what the traffic
32 would look like within this facility that they are prepared to show you this evening
33 if you are interested in that and with that, I'll turn the time over to Kent Norton.

34
35 **CHAIR VAN NATTA** – Thank you

36
37 **SPEAKER NORTON** – Thank you Jeff. Good evening Commissioners. My
38 name is Kent Norton. I'm with LSA Associates. We prepared the Environmental
39 Impact Report. I was the Project Manager. The EIR represents 530 pages and
40 dozens of appendices. The Final EIR was 280 pages with additional appendices,
41 so I appreciate the effort you've gone to review that. I wanted to make a few
42 comments about some of the letters that were submitted prior to this hearing.
43 Most of the letters we've already responded to in the Final EIR; the Response to
44 Comments document, but there were a number of emails and brief letters and
45 then a few longer letters that were submitted this week. I would say most of the
46 issues have been dealt with in the EIR and the Final EIR Response to Comments

1 already, but there were a few items that were additional. One is there were a
2 couple of... a number of comments about independent review and the response
3 to comments providing evidence on its comments and we believe the documents
4 we prepared represent the independent judgment of the City and do represent
5 adequate information, that the decision makers such as the Planning
6 Commission can make an informed decision on. There were some comments
7 about the EIR needs to evaluate the cumulative impacts of the World Logistics
8 Center now that that has been put into the CEQA process, but if you'll recall this
9 EIR started its CEQA process far and well in advance of the World Logistics
10 Center document and CEQA... the process basically sets the baseline. When
11 the notice of preparation goes out for the environmental analysis and that was
12 back in 2008, so there is no CEQA requirement to analyze that additional project
13 as part of the cumulative growth. There were a number of comments about
14 mitigation and air quality, energy conservation. As outlined in the Final EIR there
15 were a whole host, almost a dozen mitigation measures in various sections
16 including air quality, traffic and energy that were modified and quite a bit of
17 additional text added to address comments by the AQMD as well as a number of
18 conservation organizations, so we believe we've answered a lot of the comments
19 about additional mitigation.
20

21 We provided documentation of what is feasible and what is infeasible and we've
22 added information about solar. The buildings will be solar ready and the project
23 is going to provide a 10 percent reduction from the green building code, Title 24
24 Energy Conservation Standards and just want to note, in doing some research
25 on solar facilities, Prologis, a lot of their other facilities, when they do these types
26 of buildings, the users that eventually come into them, do install their own solar
27 systems, but because there is no specific users designated for this project at
28 present, that can't be identified at this particular time. Along with energy
29 conservation, there were some comments about making it a LEED certified
30 project. The applicant has indicated they are buildings will and meet the
31 requirements of LEED certified buildings, but again they don't have specific
32 users, so that would be incumbent upon individual users to apply for that
33 process, but they will meet a lot of standards of the LEED process. There were a
34 number of comments and I'll just mention this in passing, a number of articles
35 attached to some of the comments about Sketchers and Walmart warehouses
36 and a lot of the comments were kind of trying to draw a comparison between the
37 two. There is really no comparison. This is a different applicant; and however
38 people feel about those particular warehouse developers, this project stands on
39 its own and we believe the documents we provided give you the information you
40 need to make an informed decision. With me tonight, I have Megan Macias who
41 is head of our Traffic group and Ron Brugger with our Air Quality group and all of
42 us are available to answer any questions you have following your review and
43 discussion of the EIR.
44

45 **CHAIR VAN NATTA** – If it's okay with the Commissioners, I'd like to hear the
46 various different reports and then we can go back and ask questions of the

1 different ones rather than taking them one by one. Is that okay with everybody?
2 Okay yes we would like to see the traffic study next.

3
4 **SPEAKER BRUGGER** – At this time... okay.

5
6 **INTERIM PLANNING OFFICIAL ORMSBY** – While we're switching speakers, I'd
7 just wanted to add that the City completed independent review of the
8 Environmental Impact Report and there was also a peer review completed by
9 Wildan and Associates under their contact with the City.

10
11 **SPEAKER MACIAS** – Good evening. While the simulation plays, I can say a
12 few words about the Traffic Study and if you have any particular questions I could
13 answer those. The traffic simulation that we put together is intended to represent
14 the 2035 traffic volumes. It is the 2035 with the proposed project, so this
15 includes a number cumulative projects that are proposed to be built, both in the
16 vicinity of the project as well as south on Moreno Beach Drive east and west of
17 the project as well. Some of the things you'll notice is on Eucalyptus east of
18 Moreno Beach Drive there is not as much traffic as we have actually coming
19 north on Moreno Beach as well as coming from the west, so the majority of the
20 traffic movements that we were seeing in that area is not necessarily coming
21 from the project, but there is a significant amount of background traffic out there
22 both in the short term cumulative as well as in the 2035 conditions. And then
23 also while the traffic simulation is playing, I could say a words about the findings
24 of the Traffic Study.

25
26 We did look at opening year cumulative. We looked at 2035 which is the build
27 out year or I should say it is the horizon year of RIV (?) Town Traffic Model. We
28 also looked at the build out conditions for the entire City and what we found is
29 that the opening year conditions and the opening year cumulative conditions, the
30 payment of both the City's development impact fee as well as the Regional
31 TUMF fee would mitigate any impacts of the proposed project with the exception
32 of some level of service deficiencies which were on the freeway mainlines.
33 Those were identified in the EIR as significant and unavoidable impacts and the
34 reason being is that the City does not have control over CalTrans facilities, nor is
35 there a mechanism for the applicant to either pay into a program to improve
36 those or to make the improvements on their own. In the 2035 and the build out
37 conditions there were some additional improvements that are required beyond
38 the DIF and the TUMF fees. Those improvements are identified in the 2035.
39 They're minor improvements involving signal modifications and minor changes to
40 striping at a couple of intersections. We've identified the project's fair share of
41 those improvements in the Traffic Study and those are feasible improvements
42 and can be implemented. The simulation goes on for several more minutes, so if
43 you want we can continue to leave this in the background while you continue with
44 the Public Hearing or if you have any specific questions, I can answer them.

1 **VICE CHAIR GIBA** – Is that simulation; can you move that up to the 60 freeway?
2 Is that part of the simulation or is it just...

3
4 **SPEAKER MACIAS** – The 60 freeway is not simulation because the City does
5 not have control over that and we're not proposing improvements to the 60
6 freeway, so therefore we didn't include it in the simulation. Many of the issues
7 that we discussed with Staff had to do with the trip generation of the project and
8 questions about whether local intersections such as at Moreno Beach Drive and
9 Eucalyptus, what the contribution of the project was at those locations, so we did
10 not include the freeway in the simulation.

11
12 **CHAIR VAN NATTA** – Did you include Redlands in the simulation?

13
14 **SPEAKER MACIAS** – We did include Redlands and I think if we hang in there
15 long enough, I could pull up the actual simulation. We could move over to there.
16 This what you are seeing is just a video presentation of it. So what you'll notice
17 is that Redlands looks much less congested in this traffic simulation and as a
18 matter of fact there are many fewer vehicles on Redlands in this condition which
19 is what we reported in the Traffic Study as well. What I can do is I'm going to
20 speed up the simulation because when you are watching it in real time like now,
21 it is sort of like watching grass grow so that way you can see the cars a little bit
22 faster. This is the pm peak hour and of course this includes all improvements
23 that are noted as mitigation measures in the Traffic Study, so that's why it seems
24 better than what you experience today at the intersection because it is
25 significantly improved and there is additional capacity that has been provided
26 which is what will be provided with the improvements that are noted as the
27 mitigation measures of the report.

28
29 **COMMISSIONER LOWELL** – I read in the report that there were upwards of
30 2,000 truck trips a day. Is that true? Is that included in the traffic model?

31
32 **SPEAKER MACIAS** – I'm referencing the trip generation so I can give you the
33 correct numbers. So the total trip generation... the trip generation is looked at in
34 two ways. It's looked at as total vehicles and we also break it out in what we call
35 passenger car equivalence, which recognizes the impact of a truck is much
36 greater than the impact of a passenger car, so the total daily trip generation is
37 4,409 vehicles, so when you ask is there is actually 2,000 trucks per day, there
38 are approximately 2,000 truck trips per day and that's two-way trips, so that
39 would mean 1,000 trucks in and 1,000 trucks out and that is 2, 3 and 4 axle
40 trucks, so that is not 2,000 four axle trucks, it is actually broken out into 2 axle
41 trucks which is 238 and 3 axle is 505 and the large trucks is 1,246 and remember
42 that is one way trucks, so it's really 600 in and out of the project.

43
44 **COMMISSIONER LOWELL** – That compares to a residential development I
45 believe; average residential house and residential development car trips a day.

46

1 **SPEAKER MACIAS** – It actually generates about 9 ½ per unit, for single family
2 residential.

3
4 **COMMISSIONER LOWELL** – For a 150 lot tract like I live in, you are talking
5 about 1,500 car trips, so we're talking this entire development is going to
6 generate about 3 ½ times more traffic than my little housing development.

7
8 **SPEAKER** – Yes but you have to look at it in terms of the size of the...

9
10 **COMMISSIONER LOWELL** – That's what I was implying that this is a larger area
11 and mine is only about 40 acres and we're generating that much trip traffic
12 generation on the 40 acres as opposed to this large proposed project, so the
13 density of trips per acre is a lot less than my housing tract.

14
15 **SPEAKER MACIAS** – Yes that's correct and I was going to point out we also did
16 look at doing a comparison between if the General Plan designation for the
17 project site was built, how many trips would the General Plan generate in
18 comparison to the project and what we found is that the project actually
19 generates 885 fewer and peak hour 939 fewer pm peak hour and 6,702 fewer
20 daily trips, so it is a less intense use of the site than it would be under the
21 General Plan designation, which includes 845 dwelling units and 41 acres of
22 industrial business park.

23
24 **COMMISSIONER LOWELL** – In the Traffic Study, how far of a sphere of
25 influence did you reference?

26
27 **SPEAKER MACIAS** – Well the Traffic Study includes... we did a sensitivity
28 analysis looking at the 215/60 interchange at the request of City Staff just to
29 know what percentage of vehicles would we be adding to the interchange. We
30 didn't analyze that as part of the study. About the farthest we went within...
31 looking at intersections, we looked at Nason Street and Redlands Blvd., so one
32 interchange to the east and west and then in terms of our freeway analysis let me
33 look and make sure I don't tell you the wrong thing...we went from Pigeon Pass
34 Road to Redlands Blvd. looking at the freeways.

35
36 **COMMISSIONER SIMS** – What was the traffic... what was the effect at Pigeon
37 Pass and what was the easterly intersection?

38
39 **SPEAKER MACIAS** – Well there is a lot of different numbers here so... would
40 you like to know... should we be talking about the 2035 condition? Would you
41 like to know existing? We'll talk about the 2035 since that it is the worst case.

42
43 **COMMISSIONER SIMS** – Well I guess what would be current; what is it today
44 and what would it be at 2035?

45

1 **COMMISSIONER LOWELL** – Well 2035 is the ultimate condition. Does that also
2 include World Logistics? Does that include the residential or just this Prologis
3 development in 2035?
4

5 **SPEAKER MACIAS** – Well 2035 is based on the RIV Town Traffic Model so it
6 would include pretty much the General Plan designation for not only land in
7 Moreno Valley but in other cities in the area, so it is kind of considered the
8 General Plan build out. Now there is recognizing that the City of Moreno Valley
9 may not be built out by 2035. We do look at a build out condition but in terms of
10 the horizon year of the RIV Town Model, we're pretty safe to say that that's a
11 build out condition for the area, so that's when we talk about 2035. You asked
12 about existing...
13

14 **COMMISSIONER SIMS** – So my question would be information that I'd like is
15 what would be on the 60 freeway at the most westerly intersection, what would
16 be the current truck traffic or I guess total traffic and then do you have that
17 broken down into truck traffic and then could you then also tell me what it is at
18 the most easterly section of the 60... did you say Theodore?
19

20 **SPEAKER MACIAS** – You know what, unfortunately I don't have it broken down
21 into truck traffic. I can tell you what the total vehicles are and I can tell you what
22 the level of service is.
23

24 **COMMISSIONER SIMS** – That would be perfect. That was going to be my next
25 question is, what the current and then future level of service at those two
26 intersections.
27

28 **SPEAKER MACIAS** – Okay, so the current level of service... this is looking at
29 the freeway segments which is what you wanted; the freeway mainline... okay,
30 so the freeway mainline on Pigeon Pass, we'll say at the am peak hour it is level
31 of service D and the pm peak hour it is level of service E. That is the existing
32 condition. That is going eastbound. In the westbound direction and actually this
33 is at Heacock Street, the am peak hour is F and the pm peak hour is C. That is
34 existing conditions without the project. If we look at existing conditions with the
35 project in the eastbound direction at Pigeon Pass, with the project it is level of
36 service D in the am peak hour and it is level of service E in pm peak hour, so
37 there is no change in the level of service. In the westbound direction in the am
38 peak hour it is still level of service F. There is no change in the westbound
39 direction and in the pm peak hour it is level of service D, so there is one level of
40 service change on the freeway mainline. And then you asked about the east
41 limits as well, so in the east limits...
42

43 **COMMISSIONER SIMS** – What intersection is that?
44

45 **SPEAKER MACIAS** – Well it is a freeway segment, so it's the segment between
46 Pigeon Pass Road and Heacock Street. I'm going to put up the map from our

1 Traffic Study so that I can reference that. Okay, you know what, unfortunately
2 this is our study area intersection, so I don't have a map which is large enough to
3 show the full extent of the freeway analysis on the screen, so I apologize for that.
4 I didn't finish answering your question I believe, so we were on the...you wanted
5 to know the easternmost boundary of our study area. Okay in the existing
6 condition, this is the freeway segment between Moreno Beach Drive and
7 Redlands Blvd. which is the farthest east that we looked, so in the eastbound
8 direction in the am peak hour it is level of service C and in the pm peak hour it
9 is level of service B and in the westbound direction it is same; it's C in the am
10 peak hour and B in the pm peak hour and if we look at it with the project this is
11 still existing with the project, this shows the project's direct impact, eastbound in
12 the am peak it is C and in the pm peak it's B, so there is no change and
13 westbound in the am peak it is C and in the pm peak it is C, so there is one
14 change in the westbound direction in the pm peak hour between Moreno Beach
15 Drive and Redlands Blvd. Does that fully answer your question in regards to
16 freeways?

17
18 **COMMISSIONER SIMS** – Yeah and the other question I have, so the way I
19 understand from the Staff Report in reading through the piles of paper here, is
20 that the notice of preparation for the project went out in 2008 prior to other
21 projects in the area, so the cumulative effects of the project based on the
22 transportation side of it are based on what was current land use planned and
23 General Plan designations at the time the notice of preparation went out.

24
25 **SPEAKER MACIAS** – It is also based on... it is really based on applications that
26 the City had received at the time of the notice of preparation, so for example the
27 full World Logistics Center was not an application at that time, however the full
28 General Plan build out or what we are calling the 2035 analysis, it would not have
29 changed significantly between then and now, because as I said it is based on the
30 RIV Town Traffic Model and so there has not been a major update to the traffic
31 model in the last few years and so therefore the socio economic data and the
32 model has not significantly changed for the build out condition.

33
34 **COMMISSIONER SIMS** – Can you explain to us and everybody that is listening
35 what designations of level of service in a qualitative way what that means, so if
36 I'm sitting on the 60 and I'm going from B to a C or E to a D, what does that
37 mean to me? Am I sitting there going hmmm, I can't get off the freeway for 20
38 minutes or what does that mean?

39
40 **SPEAKER MACIAS** – Okay, generally you'll be experiencing somewhat free flow
41 conditions up through level of service C, I would say. At level of service C you'll
42 start to notice some friction, so between C and F we're going to say that F is
43 where you are stopped... F is you know there is very little through put, so E is
44 that condition before F where you've got some stop and go and D is sort of that
45 transition between stop and go and we're completely stopped, so I think that is
46 something you can kind of you know relate with. F is the condition you

1 absolutely don't want to be in and E is the sort of like this is tolerable and I think I
2 can kind of see I am going to get there at some point. In extreme layman's terms
3 is how I'll put that.

4
5 **COMMISSIONER SIMS** – Yeah can you put up... is there a map that shows the
6 improvements on... when I was looking at this there were so many mitigations
7 and things and kind of hard to get your mind around what each of the
8 improvements are and when they are going to happen, so it does not appear that
9 there is any improvement to the freeway in itself and we heard from Staff that
10 that is because there is no jurisdictional way to acquire and it is through TUMF
11 fees I assume that money would be paid, so you are showing on your traffic
12 simulation, you were showing improvements on the eastbound Redlands off-
13 ramp. How do those fit into the timing and phasing of the improvements?

14
15 **SPEAKER MACIAS** – Okay there are three...

16
17 **COMMISSIONER SIMS** – The timing and phasing of the project, so you know is
18 the off-ramp built or is that an assumption that the off-ramp is built, that the use
19 of the TUMF fees are going to be prioritized to fix that problem in Cal Trans right
20 away or how does that get done?

21
22 **SPEAKER MACIAS** – Well the TUMF fees are based on a priority list that is
23 established by WRCOG and so the priority list is already established and I
24 printed out the latest short term projects before I came here tonight, so for
25 example the Moreno Beach Drive interchange is in two phases. Phase one as
26 you know is already beginning and included and is already built. Phase two, the
27 north side, is still to be programmed; however the money is there in the program.
28 I don't know that the approval of one project you know hastens the
29 implementation of that improvement and an interesting thing to note was I was
30 re-reading the cumulative analysis in the study as I was sitting here and the
31 cumulative projects in this area, so residential projects, there is a Lowe's Center.
32 There are several other projects we've included. Cumulatively, they generate
33 quite a few more trips than this project does, so the question of would the
34 interchange construction be hastened by this project, I think is you have to look
35 at the fact of this project in relation to everything else in the area is I don't want to
36 say it's insignificant because it not, but it is not the majority of the trips that
37 currently have applications into the City.

38
39 **COMMISSIONER SIMS** – I thank you for that explanation, but my question is the
40 improvements on the off-ramps at Redlands Blvd., when would those be
41 implemented as part of phasing of the project?

42
43 **SPEAKER MACIAS** – The improvements to the off-ramps at Redlands Blvd. I
44 believe are part of the TUMF improvements. I believe they are part of TUMF
45 improvements which I do not know when those... I could find out before the end
46 of meeting.

1 **CHAIR VAN NATTA** – That was also a condition of a different project.

2
3 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** –
4 Commissioner Sims, is there a particular item?

5
6 **COMMISSIONER SIMS** – I don't have the map in front of me here but I saw it on
7 the simulation. You were showing the off-ramp improvements and so forth. I
8 guess what I'm just kind of... the TUMF fees; the pro rata share of the TUMF
9 fees is going to propose to pay for mitigation improvements, but is there any
10 linkage with the improvements to the project or is it just when the TUMF fees get
11 allocated and programmed to do the work.

12
13 **SPEAKER MACIAS** – It is when the TUMF fees get allocated and the Redlands
14 Blvd. improvements are not programmed in the short term program of the TUMF,
15 so it is going to be some time in the future after Moreno Beach is implemented
16 and I don't know the year, but like I said I could get that information for you, but it
17 doesn't have anything to do with the timing of the project.

18
19 **COMMISSIONER SIMS** – In your analysis of the traffic, so the Traffic Study and
20 the simulation shows traffic based on the situation with the implemented
21 improvements; anticipated implementation of improvements and so if we go;
22 that's only about 15 or 20 years from now if TUMF fees aren't generated and
23 don't get applied here, is there a traffic analysis in the absence of the
24 improvements that shows the level of service for Redlands and Moreno Beach
25 and the freeway?

26
27 **SPEAKER MACIAS** – Yes, with project analysis and the Traffic Study does not
28 include all of the improvements. The improvements are added as mitigation
29 measures because they are both adopted fee programs and so therefore they
30 are available to be considered as project mitigation and quite frankly especially
31 for the DIF, that is the purpose of that program is to mitigate impacts of future
32 development within the City, so our analysis wherein we identify the impacts of
33 the project does not assume that those improvements are in place.

34
35 **COMMISSIONER BARNES** – Excuse me, I have a question regarding going
36 back to the TUMF improvements and schedule. You had mentioned that there
37 weren't improvements currently on the schedule. Is there anything within the
38 sphere of influence of this project on the current TUMF construction schedule
39 that would impact any of your analysis? So are there any TUMF funds being
40 spent in the locale or area of this project?

41
42 **SPEAKER MACIAS** – Yes there are TUMF funds being spent in the area of the
43 project. They are included as part of our project mitigation because the project
44 will pay its fair share of the TUMF fees, so they'll be paying into those
45 improvements which are the Moreno Beach Drive interchange, the Redlands
46 Blvd. interchange.

1 **COMMISSIONER BARNES** – I think what I’m asking is are there any actual
2 projects in the schedule for TUMF that you are aware of? Is there a published
3 schedule of upcoming TUMF funded projects?
4

5 **SPEAKER MACIAS** – There is a published schedule and what I’m holding here
6 is the five year transportation improvement program and included in that is the
7 Nason Street interchange as well as the Moreno Beach Drive interchange.
8

9 **COMMISSIONER BARNES** – Okay so with both of those are in the five year
10 schedule.
11

12 **SPEAKER MACIAS** – Correct. It is the Redlands Blvd. that is farther than five
13 years and I don’t know what the year is.
14

15 **COMMISSIONER BARNES** – Thank you, that was my question.
16

17 **COMMISSIONER LOWELL** – If I’m not mistaken, I believe Nason Street over-
18 crosses... (Inaudible... no sound)
19

20 **COMMISSIONER BARNES** – So the five...that’s right, so what she has
21 mentioned, the five year plan has already been built actually, so there is nothing
22 pending in that five year plan.
23

24 **COMMISSIONER LOWELL** – I believe it’s more of a question for Staff, but I
25 remember hearing at one of the City Council meetings...
26

27 **CHAIR VAN NATTA** – I believe there is still additional improvements yet being
28 worked on Moreno Beach.
29

30 **INTERIM PLANNING OFFICIAL ORMSBY** – There is at Moreno Beach, but we’ll
31 have Michael Lloyd respond to the question.
32

33 **VICE CHAIR GIBA** – Am I reading this correctly, in your mitigation measures...
34 otherwise completed prior to project opening that prior issuance to certificate of
35 occupancy, the applicant shall construct the following improvements installing a
36 traffic signal condition then those are not being finished, you’ll at least put in
37 traffic signals and add a northbound left turn lane, a southbound left turn lanes. If
38 the improvements are constructed by others prior to the certificate of occupancy
39 the applicant shall pay its fair share towards the DIF.
40

41 **SPEAKER MACIAS** – I believe that applies to the intersection of Redlands Blvd.
42 and Fir.
43

44 **VICE CHAIR GIBA** – Redlands Blvd. and Fir Avenue
45

1 **SPEAKER MACIAS** – Eucalyptus... correct and I believe the project applicant
2 has agreed to if... those are also conditions of another project to construct the
3 traffic signal at that location and so whichever project is in first would construct
4 that improvement, so if the applicant of this project does construct the
5 improvement then they would be applying for some reimbursement of that
6 through the City's Development Impact Fee program since that is programmed in
7 the fee program.

8
9 **CHAIR VAN NATTA** – Okay I have one last question here on the traffic here. I'd
10 like to hear some of the other presentation. We can always come back with
11 additional questions and I'm sure there are other speakers who might have
12 questions on that too, but on this traffic flow and traffic study pattern and so forth,
13 what is the anticipated route that trucks of all sizes would be using to access this
14 project both coming in and going back out. What are you seeing as the route
15 they would take?

16
17 **SPEAKER MACIAS** – Trucks would be using both Redlands Blvd. as well as
18 Moreno Beach Drive. It is anticipated that they are going to be and I'm looking
19 for the trip distribution to make sure that I'm not speaking out of turn here, but
20 they would be mostly using the two interchanges to access the freeway; that
21 there would be very few trucks going south into the City or into residential areas
22 as it would be mostly warehousing facilities to be shipping offsite into more
23 regional areas.

24
25 **CHAIR VAN NATTA** – Okay that was my last question on that. Did we have
26 another presentation by the applicant of any other phase?

27
28 **ASSOCIATE PLANNER BRADSHAW** – I believe that would conclude the Staff
29 Report of the presentation and the applicant is here to speak when you are ready
30 for the Public Hearing portion of the meeting.

31
32 **CHAIR VAN NATTA** – Then we are going to open the Public Hearing portion
33 now and... I think the traffic one was the last one that was... At this point I think
34 who we want to hear from is the applicant so we're opening the public comment
35 portion and beginning with the applicant.

36
37 **APPLICANT CAVANAGH** – Good evening. My name is Pat Cavanagh. I'm with
38 Prologis and I am joined tonight with other associates of mine from Prologis
39 Tyson Chave, standing next to me who is the Vice President of Prologis
40 responsible for development in the Inland Empire. Additionally we have Kim
41 Snyder with us. Kim is the President of the Southwest Region for Prologis. Jim
42 Jachetta is with us. Jim is the Project Manager who worked with Staff from the
43 beginning on this project and who am I leaving out. I guess that's all and then we
44 have Dennis Roy, the Architect on the project with RGA. I wanted to thank all of
45 you; the Commissioners and Staff for and I know this is a special meeting and we
46 took you out of your homes and lot more comfortable places than here tonight

1 and we don't take for granted and are very appreciative of that and in particular
2 the Staff. I want to acknowledge them. They have been very responsive. They
3 have been accommodating and very professional in every way to get us to where
4 we are tonight, so John Terrell, Jeff Bradshaw and Chris Ormsby in particular. I
5 wanted to cover four topics tonight and I'll try to be as brief as possible. I wanted
6 to cover a few brief comments on Prologis for those who aren't familiar with us. I
7 want to talk why we are here. I want to talk about project benefits and then I
8 want to respond to some of the common concerns and questions that have been
9 posed to us. I've asked Tyson Chave to cover the first two of those topics.

10
11 **SPEAKER CHAVE** – Thank you Pat. I wanted to briefly talk a little bit about who
12 Prologis is for those of you who may not be familiar with us. Prologis is a publicly
13 traded company with a strong balance sheet, low leverage and a global platform.
14 We have a commitment to develop quality industrial buildings with a long term
15 ownership structure as a public (?). Our focus is on quality, customer retention
16 and corporate responsibility. I don't see the clicker, but just one slide forward.
17 We put together just a brief slide to show a sample of some of our largest
18 customers globally in the form of the logos that you see and there are some brief
19 descriptions more specific to Southern California along the west side, but we've
20 also included customer accounts on that slide as well. Locally Prologis owns 35
21 million square feet of industrial buildings in the Inland Empire and in February,
22 Fortune Magazine named Prologis as one of the world's most admired
23 companies and that was for 2014. Prologis was also ranked as the top real
24 estate company for corporate or social responsibility and then finally I wanted to
25 transition to why we are here.

26
27 In 2007, Prologis made a commitment to Moreno Valley for a variety of reasons
28 but a few of the compelling reasons were that we felt at the time we would have
29 the support of the community and the City for a quality industrial project that
30 would bring jobs to Moreno Valley. We felt that at that time Moreno Valley was
31 underserved and we still feel that Moreno Valley is underserved from an
32 industrial perspective when compared with other cities within the Inland Empire.
33 A lot has changed since 2007. The world has survived an economic disaster and
34 we seem to be slowly recovering from that. Several recent industrial
35 developments in Moreno Valley along the I-60 and I-215 corridor have occurred,
36 but Prologis is here tonight to confirm that we are still committed to the
37 development of a quality industrial project while being very sensitive and
38 responsive to the issues surrounding a project of this magnitude. Now I'm going
39 to have Pat Cavanagh finish the rest of our topics.

40
41 **APPLICANT CAVANAGH** - Thank you Tyson. I wanted to talk briefly about
42 project benefits and also the response to questions and concerns. As it relates
43 to the project benefits, we stated in our community outreach materials, which
44 included the distribution of over 17,600 project brochures in early 2012 in an
45 open house which we conducted in August of 2012 that the Prologis Park in
46 Moreno Valley is expected to provide the capacity for a minimum of 600

1 permanent jobs and perhaps double that number when completed. This is based
2 on a track record on our actual portfolio and not a hypothetical number. We have
3 done research on this and we are comfortable making that representation.

4
5 As far as the fees and the improvements that are anticipated, we expect that the
6 project will generate significant fees and street improvements and by way of
7 example, a full build-out of the total impact fees and street improvements are
8 estimated at 19.3 million dollars. That is just street improvements. That does not
9 include buildings and it includes school fees at 1.1 million dollars, Police and Fire
10 of 800 thousand dollars, nearly 3 million dollars in local flood control and area
11 drainage improvements and street improvements of over 11 million dollars. That
12 also includes a 2.5 million contribution to TUMF fees. The fee breakdown is
13 located on our website. It is project specific and if people are interested in it, they
14 can look at those fees referenced there.

15
16 There was a reference to solar and I wanted to comment that we have installed
17 solar installations on over 12 million feet of buildings in the Inland Empire. There
18 is not an industrial company that can probably come within; I mean it is clearly
19 the most significant solar commitment of any company in the industry and that is
20 a complicated subject that we probably shouldn't spend a lot of time on tonight,
21 but it is something that we are focused on and we would certainly have all of
22 buildings solar ready and LEED certified. That is a commitment that we make on
23 any development project that we have. As far as the response to questions and
24 concerns, the three most common that I hear are land use, job creation and
25 traffic and air. I'm going to leave traffic and air alone because that has been
26 addressed by the LSA Consultants.

27
28 As far as land use is concerned, the current zoning allows for development, so
29 the issue really is the type of development that provides the greatest benefit for
30 the community. Open space; at least in my opinion, when a General Plan has a
31 designation for development is an unrealistic expectation over the long term, so I
32 guess we ask what is the best use of the subject property for the community and
33 I'll refer to the Rami and Associates Study that was done this last year. It was
34 done to prepare a land use study for the City and the City leadership with a tool
35 for future land uses in a defined area that included the Prologis property as well
36 as other properties along the I-60 corridor. The consultant came up with three
37 alternatives for consideration and a recommendation. Their preferred alternative
38 included a suggested best use for the subject Prologis property which was
39 consistent with our proposed plan and allowed for a possible expansion of the
40 Auto Mall along the west side of the Prologis Project.

41
42 As an accommodation in working with Staff, we've come up with what I call the
43 Auto Mall condition, which if we are approved would restrict us from developing
44 the two westerly buildings for a period of 18 months from the approval date to
45 allow us and the City to explore Auto Mall uses on those two properties. Job
46 creation... I'm not going to spend a lot of time on this other than to say that

1 Tyson mentioned that the City seems to be underserved on industrial and to that
2 end, we polled all the cities in the Inland Empire. There are 13 that we looked at.
3 Moreno Valley is the fourth largest in terms of population and they are tenth in
4 terms of industrial base. My interpretation of that is people are going elsewhere
5 to work and they are living here and that I think hurts the City and the community
6 at large. In conclusion, our intention and goal is to create an environment to
7 allow us to grow our customer base in Moreno Valley and along with this will
8 come jobs and increase the tax revenue, a best in class project, a finish to the
9 industrial corridor already created with the Aldi and Sketchers projects on the
10 south side of the 60 freeway, a buffer to future residential, infrastructure
11 improvements and a more favorable impact to traffic compared to the current
12 zoned alternative and an opportunity to expand the Auto Mall if the market
13 supports that expansion. And with that I appreciate your time and we are
14 certainly glad to answer any questions that you might have.

15

16 **CHAIR VAN NATTA** – Thank you

17

18 **VICE CHAIR GIBA** – I was curious. You started this project in 2007. Am I
19 correct?

20

21 **SPEAKER CAVANAGH** – We acquired this property in 2007 and initiated the
22 EIR process and in 2008 the market had virtually collapsed in the Inland Empire
23 on all sectors, industrial included and we decided that if we continued with our
24 entitlement we would get through the entitlement process and perhaps and most
25 likely be in a situation where the entitlements we had would expire before the
26 market recovered, so we stopped the entitlement process and waited for the
27 market to return and in 2011 we started looking more seriously at re-engaging
28 the entitlement process and got going full steam in 2012 and then there was a
29 moratorium as you probably are aware put on a project area so that the City
30 could do the land use study and that delayed us a year and so that expired in
31 January of this year and we are re-engaged in where it gets us to where we are
32 today.

33

34 **VICE CHAIR GIBA** – You referenced the Rami Study, so I'll come back to that at
35 some point. I don't where that would be appropriate, where it is going to be you
36 folks because we kind of jumped around a little bit. It's not the normal process
37 we would do, but I was curious again. You started it in 2007, but that area out on
38 the east side was never specifically zoned for warehouse, but more warehouse
39 was specifically zoned for the 60, 215, Cactus and all that corridor out there,
40 where in 2007 maybe you can answer this, when did Sketchers get built. Was
41 that after 2007? Am I correct?

42

43 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yes is
44 was submitted around... it was already known at that time but it wasn't built until
45 later.

46

1 **SPEAKER CAVANAGH** – I think Sketchers probably didn't get completed until...

2
3 **VICE CHAIR GIBA** – 2010... so in 2007 there was no warehousing or any plan,
4 didn't even specify having warehousing out in that area. I remember when I was
5 brought on as a Planning Commissioner and Mr. Terell took me for a ride and
6 said this area over there is considered joint use. We were looking at future
7 housing and apartments and that type of construction, so in 2007 what made you
8 want to purchase land and look at a large 2.2 million warehouse in an area that
9 wasn't specifically designated for that type of housing or that type of building at
10 that time.

11
12 **SPEAKER CAVANAGH** – Well a good question. We looked at a number of
13 things. One is the proximity to the freeway and good access to freeway
14 circulation. The property was already partially zoned for industrial in the form of
15 Business Park, so it appeared the City already had it in their General Plan
16 concept that it would be industrial, so we were presented the opportunity and we
17 came in and met with most of the members of City Council at that time and went
18 through a discussion of what we would need to do to get to the end line of what
19 our concept of the project and it's 2.2 million feet, but it's in six separate
20 buildings, so it's not a Sketchers kind of project. Sketchers is one building and
21 it's a big building and we felt that the location was as good, maybe even better
22 than most of the locations down the 215 corridor because of its proximity to the
23 freeway and the City seemed to agree that it would be a good use and they liked
24 what we were proposing and so we moved forward on it.

25
26 **VICE CHAIR GIBA** – I understand that that was zoned for Business Park and of
27 course what part of your proposal is to change this zoning in the definitions so
28 that we can increase the size of the warehouse. That's not what I would normally
29 call Business Park, that's called warehouse park, so even though it might have
30 been zoned as Business Park, you guys began to still look at it warehouse park
31 instead of business park, but if I may, just for one moment, off of your own
32 website, it just caught my eye, unmatched global platform specializing in infill
33 location, owning and operating logistics facilities near seaports, airports and
34 major highway interchanges. That site doesn't necessarily specify any one of
35 those key elements of what Prologis looks for. That's why it was kind of a
36 curiosity to me when I reviewed your site and went over some of your key
37 elements on where you put facilities and why you put them there, that didn't
38 seem to match very well and I'll stop for now and give my other Commissioners a
39 chance to speak or anybody else, but I would like to come to the Rami Report as
40 well because you mentioned three alternatives and that was something we had
41 discussed last year in conjunction with Prologis and I just want to re-visit that
42 issue because you did make very, very good points that I appreciate; land use
43 and job creation.

44
45 **APPLICANT CAVANAGH** – The only comment I'll make...

1 **VICE CHAIR GIBA** – If they’re going to be using that and you did reference and
2 cite it so I could do the same, and they did say this report was done as a
3 guidance document, it was never approved by the Council was it?
4

5 **INTERIM PLANNING OFFICIAL ORMSBY** – Correct, it was received and filed,
6 so it is a guidance document.
7

8 **VICE CHAIR GIBA** – It was received and filed and never approved, yet if I
9 remember correctly when we were sitting here and discussing that last year, it
10 was a request for us to approve it and approve one of the plans, at least that’s
11 how I interpreted it at the time and I may be in error.
12

13 **CHAIR VAN NATTA** –Yeah, I think the understanding might have been a little
14 twisted there because it was really only for us to review and to except into the
15 record and not as an approval of a specific plan.
16

17 **VICE CHAIR GIBA** – And I understand that and so there were the elements in
18 here that were giving guidance to the direction of the land use in those specific
19 areas and so I think that is important and I think we need to come back to it
20 because I think that is a major element of...
21

22 **APPLICANT CAVANAGH** – The only comment I’ll make and I appreciate your
23 comment about where Prologis wants to locate projects is we look at the Inland
24 Empire in totally. We have projects in Rialto that are off of I-210 freeway that
25 have been very successful. They are comparable somewhat in their proximity to
26 ports and airports and the things that you mentioned and we looked in the
27 Moreno Valley market and you go down the I-215 all the way down to Perris and
28 you look at this site in comparison to those sites and I would stack this site up
29 very well against any of those because of proximity to the freeway, so that is the
30 primary attraction. We try to stay away from going places that are away from
31 freeways because that kind of creates all kinds of issues that cities have and we
32 have and our customers have so the primary driver is comparatively speaking to
33 I-215 corridor. We like the I-60 corridor every bit as much.
34

35 **CHAIR VAN NATTA** – Excuse me, this is not a time for comments from the
36 public in general. When you have your moment to speak it will be when you are
37 at the podium.
38

39 **VICE CHAIR GIBA** – And please, just so you understand, I’m trying to clarify the
40 thinking that went into the land uses in this... I’ve lived here for 30 odd years so I
41 changes. I’m just curious why in 2007 you didn’t have the same level of
42 warehouse building that went on in the I-215 corridor, why Staff didn’t kind of
43 direct you over there saying we have other uses for this over here. Now I’m not
44 saying anything about your project. Your project is beautiful, but I’m concerned
45 about land use and future land use to build out, so I want to understand the value
46 of putting it there versus putting it somewhere else back in 2007 and now. I

1 know the economy had to wait, so I had several other questions, but these guys
2 know I'll ask them and it will take too much time, so I'll come to it. Is that okay
3 with you guys?
4

5 **CHAIR VAN NATTA** – Sure.
6

7 **VICE CHAIR GIBA** – So, everybody else can get their word in edgewise.
8

9 **CHAIR VAN NATTA** – We're going to on to some questions from Commissioner
10 Lowell but I did want to comment on the questions that we're asking, we cannot
11 pre-suppose that somebody has complete autonomy about where they are going
12 to put something. Sometimes it has to do with where the land is available and
13 can be purchased and not just say well wanted to build this, where do we want to
14 put it. Sometimes it has to do with what land is available or owned.
15

16 **VICE CHAIR GIBA** – We want to look at the whole package here. We want to
17 understand the whole package and I'm sure all the folks out there want to know
18 the whole package.
19

20 **CHAIR VAN NATTA** – I'm sure they would and I would like to see more
21 questions that are directed specifically to this project so that we have a good
22 understanding of the project before we begin discussing the advisability of going
23 ahead with it or not, so go ahead Commissioner Lowell.
24

25 **COMMISSIONER LOWELL** – I had a pretty simple question. Do you know what
26 the construction timeline is from breaking ground to completing the project with
27 all the improvements?
28

29 **APPLICANT CAVANAGH** – Well I'll answer it two ways. To build a building
30 takes about seven months. The time that it takes to get to the point where you
31 build the building probably takes an equivalent amount of time, so if you said
32 green light, nothing in your way, get going, probably the earliest you'd see a
33 building there if we built it on spec; speculative development; an empty building,
34 would probably be in the twelve to fourteen month timeframe. Now our intention
35 today is we don't intend to break ground the day you say yes. A lot of what we
36 do is solicit build to suit activity and a lot of what we do is sort create a pipeline of
37 buildings so that we are strategic in when we are building and what we are
38 building and we have other sites that we are involved in and this would... so that
39 is a building. The totally of the project, I would say a project of this size with the
40 number of buildings is five years from start to finish. I would be pleased if we
41 were done in totally in five years; all of it built; all of it leased.
42

43 **COMMISSIONER LOWELL** – One of the options that we have is to basically
44 install a moratorium for 18 months on the westerly portion of the project to allow
45 the Auto Mall to hum and haw and decide what they want to do. What benefit

1 would that be to us if allowed that since Prologis already owns the property and it
2 would be in Prologis' best interest to keep the property for themselves.

3
4 **APPLICANT CAVANAGH** – It would be a benefit if you feel that having an
5 expansion to the Auto Mall benefits the City.

6
7 **COMMISSIONER LOWELL** – But would Prologis be willing to either sublet or
8 sell that property to the Auto Mall if they were interested.

9
10 **APPLICANT CAVANAGH** – We would be open to selling the land to an Auto
11 Mall use if there was demand for it; sure. I mean we've acknowledged that. That
12 is something that we are not opposed to doing. I'll tell you quite honestly. We've
13 explored this and I'm not sure what the demand is. I think 18 months would
14 certainly be enough time to figure out what the demand is. There is still vacant
15 lots over at the Auto Mall that have never been used, so I don't know if the Auto
16 Mall use a realistic expectation or if it's not. I have no idea.

17
18 **COMMISSIONER LOWELL** – That is correct. There is still room over there for
19 expansion. I was just curious what the feasibility was and what the logic was
20 behind the 18 months.

21
22 **APPLICANT CAVANAGH** – It was trying to define a period of time to allow the
23 City and the Auto Mall and Prologis to explore that alternative because it seemed
24 to be part of the Rami Study recommended plan that was of interest to at least
25 some of the people on the Council when it was presented to them.

26
27 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah the
28 other thing... John Terell, Community and Economic Development Director. The
29 other issues was it was in all three of the alternative, the concept of allowing for
30 the expansion of the Auto Mall, so it was consistent across all the particular
31 alternatives that were presented there and that is why Staff in the report
32 referenced that issue as opposed to any other land use issues that are identified
33 in the study.

34
35 **COMMISSIONER LOWELL** – Is the Auto Mall the only option that we're looking
36 for or is there any other kind of development like say a Jiffy Lube or some kind of
37 small commercial business like development?

38
39 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – The
40 SR60 Corridor Study specifically identified as it went through that process in
41 talking to stakeholders and looking at various things about Auto Mall uses which
42 could be that were loosely defined as dealerships.

43
44 **COMMISSIONER LOWELL** – Correct but the land is currently zoned as
45 Business Park, so I was just curious if there was any interest in a Business Park
46 type development...

1 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – I’m not
2 quite sure...

3
4 **COMMISSIONER LOWELL** – Like Bob’s Big Boy or a strip mall like a Subway
5 sandwich shop or something along those lines that is more business park or
6 more in line with the current zoning.

7
8 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – In any of
9 those major uses that would have been permitted would still be possible. Let’s
10 put it that way. One of the uses that is not possible in a business park zone is an
11 auto dealership.

12
13 **VICE CHAIR GIBA** – John could that at any given time though, just as we would
14 request a zoning change or anything here, could the Auto Mall, even though...
15 and part of this plan that you were specifying is one of reasons we need to
16 change all the zoning is in case the Auto Mall wants to move forward and build a
17 dealership, they would have to have that specific zoning. But a dealership could
18 come forward and request a zoning change for a specific lot of property. Could
19 they not independent of us doing anything with this...
20

21 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – That’s
22 correct yes. I think the point in the Staff Report points out that this proposed use
23 as well as an auto dealership both require the same land use change. I think
24 that’s what really the Staff Report was meant to point out, you know whoever
25 suggests or proposes that.

26
27 **COMMISSIONER LOWELL** – And then I had one more follow-up for the
28 Applicant. I live fairly close to this area and I’m fairly familiar with the orange
29 trees and orange groves that have been there for a long time and I drove by just
30 about a month ago and I noticed that all the trees were gone. Do you know when
31 the trees were removed?
32

33 **APPLICANT CAVANAGH** – We made the decision to remove the trees because
34 there is a time of the year where you allowed to do that and then if you do not do
35 it during that time of the year and the time of the year I think is from...
36

37 **COMMISSIONER LOWELL** – February 1 is the cutoff.

38
39 **APPLICANT CAVANAGH** – I think is September to February I believe it is. If
40 you don’t have them removed by February then you can’t remove them until the
41 following September.
42

43 **COMMISSIONER LOWELL** – That was actually what I was aiming towards; I
44 was curious if you remembered the date they were removed if it was within that
45 timeframe.
46

1 **APPLICANT CAVANAGH** – We had to remove them prior to the date that we
2 were allowed to do it and I think that was February 1st.

3
4 **COMMISSIONER LOWELL** – So all the removals were completed before then?

5
6 **APPLICANT CAVANAGH** – Yeah

7
8 **COMMISSIONER LOWELL** – Did you happen to do any kind analysis that was
9 required for post February 1st removal, if there was a specific environmental
10 analysis and report that you have to do.

11
12 **APPLICANT CAVANAGH** – You have to do a nesting study. It's all related to...

13
14 **COMMISSIONER LOWELL** – Correct I was just curious because it is such a
15 large area of trees that were removed. I was wondering if you did any kind of
16 analysis on that anyway even though...

17
18 **APPLICANT CAVANAGH** – It was outside of the nesting season so there is
19 nothing of that nature required.

20
21 **COMMISSIONER LOWELL** – It was just real close to that February 1st deadline,
22 so just a little bit of a gray area. I was just curious if Prologis went ahead and did
23 that study anyway or if not...

24
25 **APPLICANT CAVANAGH** – Well we were up against that day, so we wanted to
26 be sure to have it done prior to that date so...

27
28 **COMMISSIONER LOWELL** – Just clarifying and I think that was it for my
29 questions for the Applicant so far.

30
31 **COMMISSIONER SIMS** – I have a couple of questions on this. So I was looking
32 through and I think was the Draft EIR and I want to go into the air quality
33 questions, so I was looking at Section 4-4.3, specifically under the Section
34 4.3.1.3. There is a table in there that had data for ambient air quality in the
35 project. Going back in looking at the monitoring station, it is not right at the
36 project but it's in Riverside, Rubidoux area and it shows a listing of the ambient
37 air quality for 2008, 2009 and 2010 and so I was wondering is there an analysis
38 done with the air quality work that you've done supportive of the EIR that shows
39 the delta of air quality between what we would consider pre-project and post-
40 project.

41
42 **APPLICANT CAVANAGH** – I'm going to defer that to the air quality consultant
43 with LSA if you don't mind.

44

1 **SPEAKER BRUGGER** – Good evening. My name is Ron Brugger. I'm with LSA
2 and your question was did we analyze the air quality with and without the
3 project?
4

5 **COMMISSIONER SIMS** – I'm not an air quality expert, so in looking at this I'm
6 just asking the question. There was a table; your table 4.3.c ambient quality in
7 the project and it is reflective of three years of data collected at Riverside
8 Rubidoux monitoring station in Rubidoux I assume and anyhow it's showing a
9 variety of different contaminants that is being monitored. The question is the
10 project; is the ambient; has there been a model conducted showing what the
11 effects to the air quality are and is there a delta plus or minus with or without the
12 project that you could compare. So in essence with this table if you 2016 or you
13 put 2035 what would that column through modelling be?
14

15 **SPEAKER BRUGER** – The simple answer to that is no. What the analysis
16 focused on was several air quality effects primarily emissions. What the table is
17 showing is are measured concentrations of pollutants at that location in Riverside
18 Rubidoux area. That was the closest one. That is considered representative of
19 the region even coming out this far. What you are asking is what the effects to
20 those concentrations would be from adding this project and that analysis isn't
21 done; that isn't really feasible. What we can do is analyze or predict based on
22 the emissions models and so on what the total emission rates of pollutants will be
23 and there are ambient air quality standards that say as long as the emissions
24 stay below emission rates from the project, stay below rate thresholds, that the
25 resulting concentrations at locations and that's what... the concentrations are
26 what matter to health and to people breathing etc. and emissions are an indirect
27 indicator. It depends on the wind. It depends on a variety of dispersion effects in
28 terms of the pollutants getting become translated to concentration levels, so what
29 the air quality analysis does is calculate the emissions from the project
30 operations and says based on the regional thresholds that are set by the Air
31 Quality Management Board for the area, these emission rates from the project
32 are above and below thresholds. If they are above then that is considered a
33 significant impact because their emission rates are high enough that the resulting
34 concentrations will probably be above the ambient air quality standards and you
35 know be significant from that standpoint.
36

37 **COMMISSIONER SIMS** – So in your analysis on the emissions have you
38 exceeded any of the thresholds established by Air Quality Management District.
39

40 **SPEAKER BRUGGER** – Yes the project operations exceeds several I believe. It
41 exceeded the emissions of NOX, CO and I'm sorry there are six criteria
42 pollutants that we consider for which we have these thresholds. ROG is an
43 organic gas and VOC is another name for it. NOX is an ozone precursor and CO
44 is carbon monoxide, THOX is a result of the sulfur in fuel primarily, PM 10 and
45 PM 10 2.5 are both sizes of particulate matter. This project operational

1 emissions are expected to exceed the emission rate thresholds for all of those
2 except the THOX; the sulfur, because the sulfur content is so low these days.

3
4 **COMMISSIONER SIMS** – So with those exceedences of this, further into the
5 report or before, I don't know which there was under 4.3.5.2, the operational
6 acute health risk emissions impacts, there is a graphic that had contours of
7 carcinogenic risk levels, so how does relate or how does a person in layman
8 terms... when I read it I understand there is supposed to be risk of ten in one
9 million people with potential for carcinogenic risk. The threshold in this project is
10 acknowledged less than that in all cases but is there way to put it in layman's
11 terms you know when you have an exceedence of an air quality limit, how is that
12 dealt with, if at all through the mitigations that are proposed for the project and as
13 far as this table 4.3.1 that shows these contours of carcinogenic risk, how does
14 that kind of tie together... well it's too much of an open ended question but you're
15 the expert.

16
17 **SPEAKER BRUGGER** – Well actually the health risk assessment you were
18 referring to now is probably... the best way to answer your original question of
19 how the operational emissions; how the operation of this project will affect the
20 ambient air quality in the region in the area right around the project, so I guess
21 we got sidetracked; I got sidetracked from your original question being based on
22 the criteria pollutants and those ambient concentrations that are measured in
23 Riverside Rubidoux. The health risk assessment is exactly focused on what the
24 health effects to people living around this project will be from the air emissions
25 from the operations of this project and it is focusing on all toxic air contaminants
26 in that case, which is to say is a sort of special category of pollutants. Without
27 getting into all those details the criteria pollutants; the NOX and PM 10 etc. are
28 recognized as indicators of general problems and for the purposes of regional
29 planning and other aspects that have very little to do with the effects of this
30 individual project, that is where all those thresholds and emission rates have to
31 do with is regional planning and regional air pollution.

32
33 The health risk on the other hand focuses exclusively on what the project does to
34 the proximity of the area right around it and that is exactly what it shows is that all
35 health risk assessments incorporate a lot of very conservative assumptions to
36 ensure that they are protective of the health of the people that are in the area that
37 is being analyzed such as the trucks; that the emission rates are expected or that
38 are modelled for the diesel trucks; the big trucks that are going to be operating
39 for this project, do not take advantage of what we truly anticipate to be regulatory
40 improvements to reduce those emissions, so the health risk is assuming those
41 improvements that are likely planned for and are likely to be incorporated but are
42 not actually approved yet, those are ignored, so the health risk is protected in all
43 ways that it can be and it comes up with what you can see in the report a health
44 risk that is less than significant on the order of half of what the threshold being
45 ten in a million, it is less than half of that.

46

1 **COMMISSIONER SIMS** – So that was kind of where I wanted to go, because
2 when you read these numbers and you see carcinogenic risk is five in one
3 million, you sure don't want to be one of the five, so...

4
5 **SPEAKER BRUGGER** – That's the problem with statistics

6
7 **COMMISSIONER SIMS** – Yeah so the pertinent perspective you have right in the
8 heart of the project, there is a five, which is a five in one million and as you get
9 out maybe 1,000 feet or so from the project you are down to one in one million
10 risk. I guess can you put it in perspective what would be the air quality risk for a
11 person just if you take the project away to kind of put in perspective, is a person's
12 risk from emissions and contaminants that would be from emissions and just
13 sitting in a room right here or being outside. If you are driving on the 60 freeway
14 today is your risk one in a million or 20 in a million or is there a way to correlate
15 that.

16
17 **SPEAKER BRUGGER** – Yes the South Coast Air Quality Management District
18 has done three and is now in the process of a fourth study called the Mates
19 Mobile Air Toxic Emission Standard (MATES) study where they in great detail
20 measured monitored actual toxic contaminant concentrations throughout the
21 whole south coast region, but here certainly as well and according to that report,
22 while the toxic air contaminant levels and the health risks associated with those
23 are better now than they were when they did the first study in the late 90's, there
24 is still around 250 in a million cancer risk right ambient or the air we're standing in
25 right here, that's about the health risk level of this ambient air; 250 in a million, so
26 this project is going to affect that by a few, four or five... this isn't really valid but
27 you could say we'll go from 250 to 254 or 255 in a million and that's a small
28 percentage of the ambient health risk levels.

29
30 **COMMISSIONER SIMS** – Thank you

31
32 **CHAIR VAN NATTA** – Do we have any more specific questions about any of the
33 presentation we've seen so far?

34
35 **COMMISSIONER BARNES** – Earlier when we were discussing transportation,
36 there was a reference made to... it's for you, I'll get there in a second. There
37 was a reference made to the impacts of the current land use designation and as
38 it relates to this project, so there was kind of what we currently have and what we
39 will have. Could you give us the same relationship in regards to air quality?

40
41 **SPEAKER BRUGGER** – I did not do that analysis. There wasn't an analysis
42 made of anything other than what the project as proposed might do in the long
43 term.

1 **COMMISSIONER BARNES** – Because there is a proposed use there and it will
2 have an impact, so it's not like we're going from zero to this project, but we don't
3 have quantified.

4
5 **SPEAKER BRUGGER** – Right

6
7 **COMMISSIONER BARNES** – Okay

8
9 **COMMISSIONER SIMS** – I do have one more. I'm switching from air quality. I'm
10 done with air quality. The other one I had is that I live very, very close to this
11 project. In fact my neighborhood touches your southeasterly corner of the
12 project, so out of curiosity I was looking in the EIR on 4.1-10 and it's the view
13 sheds from residents from the southeast of the site and there is and I don't know
14 which... but it's a picture from if you are on Eucalyptus... now currently
15 Eucalyptus looking it would be north and to the west, you no longer can see the
16 hills from those homes. Is that because they are just blotted out, the buildings
17 block the view shed from those property owners that live...basically is would
18 these property owners...

19
20 **APPLICANT CAVANAGH** – Southeast... is that what you're talking about?

21
22 **COMMISSIONER SIMS** – All these people right in here no longer when they are
23 looking out this way all they see is a wall of buildings.

24
25 **APPLICANT CAVANAGH** – Well let me... I don't know how much comfort I can
26 give you in that regard, but I can give you some dimensions and that might tell
27 you something. The distance from end of the cul-de-sac which is the street at
28 the very southeast; the proposed cul-de-sac to the nearest point of the building is
29 366 feet, so if you were back from that it obviously gets further back. The
30 buildings are going to be approximately 40 feet tall. That would be the height of
31 the exterior wall, so I don't know what you would see if you were back 360 feet
32 looking to the north.

33
34 **COMMISSIONER SIMS** – You're analysis shows what it looks like. You have a
35 picture of it showing... you see the building and the pre-picture...you see; of
36 course you see the mountains, the view shed you have out there. Here it's gone.

37
38 **SPEAKER CHAVE** – The line of sight study that you are referencing would be
39 just one point where that was taken from, so the further you would go south
40 along that residential neighborhood you know the building remains the same and
41 so I don't know that it would definitively block the view of the mountains from the
42 entirety of that project. The line of sight that you are looking at is from right on
43 the property line.

44

1 **COMMISSIONER SIMS** – Yeah one specific spot. I get it. That property owner
2 or that person that owns that property that has that current view shed is impacted
3 directly to that property owner.
4

5 **CHAIR VAN NATTA** – Okay, I found that if I say Jeff instead of the last name I'm
6 at least right half of the time. Okay, go ahead
7

8 **VICE CHAIR GIBA** – Just going back to the jobs issue, I just wanted to clarify a
9 couple of things. You said there is anywhere from 600 to 1200 jobs that will be
10 produced. Am I correct on that number that you were giving?
11

12 **APPLICANT CAVANAGH** – We feel real comfortable in that. We own as Tyson
13 mentioned 35 million feet in the Inland Empire and we have polled a number of
14 our buildings and business parks to get head counts on employees in those
15 projects for the very purpose in making these kind of representations and I think
16 600 is conservative, but I don't want to promise something that doesn't happen.
17 It's not one building; it's six buildings. They'll be a variety of uses. Some of the
18 uses might be more intense and some less, but that is the main the project we
19 polled, Prologis Park in San Bernardino County; the Kaiser Commerce Center; is
20 five million plus square feet; nine buildings; Johnson and Johnson, LG
21 Electronics, Sports Authority, Kellogg's, Walmart. Those are tenants in that park
22 and the head count exceeded 600 by a lot in that project.
23

24 **VICE CHAIR GIBA** – All six buildings at final build out which could be as far as
25 five years in the future, the estimate that you were discussing earlier is fairly
26 accurate and are these automated warehouses or they standard types of
27 warehousing.
28

29 **APPLICANT CAVANAGH** – They are very similar to what we are proposing to
30 build here; same concept.
31

32 **VICE CHAIR GIBA** – I mean is level of automation in those warehouses or are
33 these more... there is always a discussion of an automated warehouse versus a
34 physical warehouse where you have the warehouse workers move things around
35 versus... Do you follow me?
36

37 **SPEAKER CHAVE** - I think I understand your question. You know if you look at
38 a snapshot of our 35 million square feet, we have very few on the order of
39 magnitude of maybe five of the 90 buildings that make up that 35 million square
40 feet that we would qualify as kind of highly automated. The vast majority of our
41 projects are very typical warehouse distribution centers. They are automated to
42 the extent that there is forklifts to pull product from the racking but they are not
43 highly mechanized facilities, so I think there is a lot of buzz, talk about the
44 Amazon's of the world and those type of facilities, but they are still a rarity and if
45 you looked at the overall Inland Empire, you know that is 440 million square feet,
46 I would say it's probably less than ten percent or probably less than five percent

1 facilities that are quote unquote highly automated, so if you looked at this project
2 of 2.2 million square feet, I would venture to say that you know if a building was
3 highly automated it would be probably above that kind of percentage of you know
4 buildings that would have level of improvement.

5
6 **VICE CHAIR GIBA** – The labor necessary is not necessarily technical labor that
7 they would have that would work at those sites or facilities. Am I correct in the
8 context that they have to care of robotic equipment and things like that?

9
10 **SPEAKER CHAVE** – I think if you look at the job count that we created, I think
11 you have you know basically every job that would make up that profile of how to
12 run a warehouse distribution center, so you're question is somebody specially
13 that would repair robotics within the facility and I don't know if we can answer that
14 definitely within that job count.

15
16 **VICE CHAIR GIBA** – But do you have any kind of an average pay scale... I know
17 these questions are going to come up at some point so I might as well air them
18 know and get them out in the open so the folks can understand them. Prologis
19 hires a lot of people so if there an average salary structure that people usually
20 get hired at a Prologis facility but I think the better question for that is this may
21 not be Prologis. Are these warehouses speculative type warehouses. You don't
22 have somebody to move into them yet do you?

23
24 **SPEAKER CHAVE** – I guess just to clarify. Within the Inland Empire; you know
25 the 35 million square feet, Prologis only employs 17 people within that 35 million
26 square feet, so the actual employer would be the actual end tenant or customer
27 within the facility, so it would be the...

28
29 **VICE CHAIR GIBA** – You don't have end tenant yet for these buildings that you
30 are building at this point in time.

31
32 **SPEAKER CHAVE** – Correct

33
34 **VICE CHAIR GIBA** – Again referring to your website, there was many of those
35 warehouse logistics buildings you built were built for a specific tenant, much like
36 Sketchers was and Aldi's is going to, but these are not. Am I correct?

37
38 **APPLICANT CAVANAGH** – Well I mentioned earlier our intention initially would
39 be to pursue build to suit opportunities in the market and at some point we would
40 perhaps make the decision to build a speculative building within the project either
41 the first building or maybe a second building in conjunction with the first building
42 and we build, in a big year we might have two or three speculative projects going
43 on. There is probably 15 or 20 speculative projects going on in the market right
44 now that are marketed in its entirety and this market is primarily a speculative
45 market. The companies that do what we do more often than not, would build
46 speculative buildings. We wouldn't build two million feet of speculative buildings.

1 We would build a building and then we would lease it and we would build another
2 one and then we would lease it and we would build another one and if we had a
3 build to suit; fortunate enough to procure a build to suit on one of the buildings,
4 we might do that building in conjunction with the speculative building and so that
5 cycle I would guess would take four to five years to get it built out.

6
7 **VICE CHAIR GIBA** – So if I’m hearing you correctly then your intention is to build
8 six buildings. Hopefully what you are trying to do is build to suit and as you get a
9 tenant you build that next building. Is that your primary intention?

10
11 **APPLICANT CAVANAGH** – Well we would love that but that doesn’t always
12 work out that way.

13
14 **VICE CHAIR GIBA** – If that doesn’t work can you give me an estimated
15 timeframe that it usually takes for you guys to find a tenant for a speculative
16 building?

17
18 **APPLICANT CAVANAGH** – Well we just finished a building in Redlands; an
19 800,000 square foot building and four months after the building was completed
20 we had at least two; a company called Burlington Coat Factory. That is an
21 example. We leased a building in Ontario. It was a 400,000 square foot building
22 and that took longer. That probably took eight months to get leased. It ebbs and
23 flows. The market is the market. We are in a competitive environment and we
24 understand that but we are comfortable building speculative. We’ve made an
25 enormous impact in this market doing that and I will tell you sort of one thing that
26 I would... might give you some comfort is we have 35 million square feet and we
27 have 98 percent occupancy. We have 2 percent vacancy, so we run very
28 efficiently. We don’t spend our money foolishly. We build it to own it and our job
29 is to get them leased as fast as we can and the good news for us; the good news
30 for you and the good news for the community is that the types of companies that
31 we find gravitating to our projects are the largest companies in the world.

32
33 **VICE CHAIR GIBA** – The reason I bring that up is because there are going to be
34 those that are going to be concerned about an empty warehouse sitting on land
35 use that could have been used for something else while an empty building sits
36 there.

37
38 **APPLICANT CAVANAGH** – Well my boss worries about that a lot more than you
39 will.

40
41 **VICE CHAIR GIBA** – I bet he does. Okay, thank you very much.

42
43 **CHAIR VAN NATTA** – I guess the good news on that is as long as it is sitting
44 there vacant, it’s not creating many emissions, right?

45
46 **VICE CHAIR GIBA** – No, not a thing

1 **CHAIR VAN NATTA** – Some of these speculative questions are kind of like
2 asking a girl when she plans to get married when she doesn't even have a
3 boyfriend.

4
5 **APPLICANT CAVANAGH** – That's a good analogy; thank you.
6

7 **CHAIR VAN NATTA** – We don't really know till it happens. When we first saw
8 the Aldi project, they didn't have a tenant, but then they hadn't built either until
9 they had that built to suit tenant to go with it, so a lot of these things we're not
10 necessarily going to have answers for but we are trying to get answers on as
11 many of them as we can.
12

13 **APPLICANT CAVANAGH** – You know in answer to an earlier question you had
14 about why we think this location is a good location and we didn't know in 2007,
15 but I think the fact that Sketchers is out there and the fact that Aldi is out there,
16 more or less support what we knew to be the case, which is the location that
17 users would find acceptable and we feel that's going to be the case with our
18 project as well.
19

20 **CHAIR VAN NATTA** – Okay do we have any other specific questions here?
21

22 **COMMISSIONER RAMIREZ** – Thank you gentlemen for coming out. I think my
23 question might be directed towards Staff and has to do with the truck traffic flow.
24 What measures do have in place to prohibit and prevent truck traffic from
25 travelling south on Redlands Blvd. to Alessandro and Moreno Beach Drive to
26 Alessandro and north to Ironwood?
27

28 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Good evening Chair and
29 Commissioners. This is Michael Lloyd with the Transportation Engineering
30 Division. You're are referring to our truck routes which is governed within the
31 City by our Municipal Code, so currently Redlands south of Eucalyptus is not a
32 truck route, therefore they are prohibited from using the roadway and the
33 enforcement mechanism would be working with the Police Department to enforce
34 that, so they would either issue+ tickets, citations or whatever the means is to
35 deter that from happening.
36

37 **COMMISSIONER RAMIREZ** – Very well, thank you.
38

39 **CHAIR VAN NATTA** – What about Moreno Beach, Alessandro, Cactus
40

41 **TRANSPORTATION DIVISION ENGINEER LLOYD** - Sure, I'll get out my figures
42 so I can kind of expand my view.
43

44 **CHAIR VAN NATTA** – Thank you
45

1 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Currently part of the
2 Municipal Code; Moreno Beach Road is a truck route from the north side of State
3 Route 60; the westbound ramps down to Alessandro Boulevard. Alessandro
4 Boulevard is currently a truck route, all the way from Gilman Springs over to the
5 I-215, so the entire distance across the City and Ironwood. I don't know if you
6 asked about Ironwood, but Ironwood in the eastern part of the City is currently
7 not classified as a truck route. Ironwood is only classified as a truck route
8 between Pigeon Pass Road and Perris Boulevard. That's the extent of Ironwood
9 being classified as a truck route.

10
11 **CHAIR VAN NATTA** – And Cactus

12
13 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Cactus; the only place
14 designed as a truck route is from the I-215 to Perris Boulevard, so once you're
15 east of Perris Boulevard it is not classified as a truck route.

16
17 **CHAIR VAN NATTA** – So then if someone were to take Moreno Beach south,
18 intending to take Cactus across, they would be at least for part of the way not on
19 a truck route.

20
21 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct. They
22 would need to utilize...

23
24 **CHAIR VAN NATTA** – But take Alessandro across which is commercial most of
25 the way.

26
27 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.

28
29 **COMMISSIONER LOWELL** – How about Nason Street?

30
31 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Nason Street currently is
32 not classified on any of it as a truck route. Now obviously trucks need to go from
33 the freeway to say the shopping center adjacent to it, so they have the right to
34 exit the freeway and go directly into the shopping center, however they do not
35 have the right to say alright I need to go across the City or I need to go to Perris
36 or some other locale and decide to utilize Perris or excuse me Nason to get that
37 next destination.

38
39 **COMMISSIONER LOWELL** – How about long term parking overnight or over the
40 weekends?

41
42 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That would fall under...
43 again we have locations within the City that accommodate commercial vehicle,
44 the larger truck type parking areas. Off of the top of my head I do not recall all of
45 them, however generally they tend to be located in an industrial areas with
46 industrial collectors to provide that and the most immediate one that comes to

1 mind is down near Heacock and Iris. There is an existing collector roadway on
2 the northeast corner and it's Revere Way. There is no buildings there currently,
3 however the roadway is in place. Trucks are allowed to park there overnight.

4
5 **CHAIR VAN NATTA** – Okay, does the Applicant have any other presentations or
6 reports that he wants to give us or if not we are going to move on with our public
7 comments?

8
9 **APPLICANT CAVANAGH** – No I think we have said what we came to say.

10
11 **CHAIR VAN NATTA** – Okay did you have another question?

12
13 **COMMISSIONER SIMS** – What was the amount of TUMF fees that are being
14 paid by the project in its entirety?

15
16 **APPLICANT CAVANAGH** – Approximately two and half million dollars.

17
18 **CHAIR VAN NATTA** – Okay thank you very much. At this point we are going to
19 be open for public comments. I have a couple of pages of them here. Now do
20 we have the timer working now? Okay can you keep the time and let us know
21 because I get distracted if I'm trying to look at my watch, but you know if you can
22 hold up a finger when are within a few seconds of the end and let me know so we
23 can keep moving along. Okay our first speaker is Gideon Kracov.

24
25 **SPEAKER KRACOV** – Good evening Chair Van Natta and Commissioners. My
26 name is Gideon Kracov. I'm an Environmental Lawyer appearing here on behalf
27 of the Labor's Union, Local 1184 and there are 3,500 members who live and
28 work in the County and I'm here respectfully to tell you that you cannot approve
29 this project tonight. You must continue this item. Why... the Union timely
30 submitted on August 31st, 2012, a 350 page comment letter. It included 29
31 pages of legal analysis, 22 pages of expert comments. It was the only letter to
32 include comments from experts. I gave you copies of this letter. You have it
33 tonight. It's not new. It's from 2012.

34
35 Unfortunately and I'm not pointing any fingers, our letter did not make it into the
36 Final EIR as required by CEQA even though in the cover email I gave you and
37 highlighted, it was received by your Staff timely, back in 2012. But a letter is not
38 included and not responded to... nothing. There is a two page information
39 request from us in the Final EIR; that's letter D1, but that is a different letter. It
40 had a different cover email. The big letter of August 31st, 2012 that your Staff
41 got, please look at the email I highlighted and also sent by overnight mail. It's not
42 in your Final EIR. Staff told you tonight that the City received 13 timely Draft EIR
43 comments. That's untrue. You got 14 and our email proves it. We brought this
44 to Staff's attention, but it is very last minute, it's all very confused. We need time
45 Commissioners to straighten this out. The City has to go back and continue this
46 item, reopen the EIR with our letter.

1 CEQA requires that the City shall consider all EIR comments like ours. It shall
2 prepare a written response that describes each issue. Failure to do so is terribly
3 unfair and invalidates this EIR. None of that happened here. Our letter is not in
4 the document. This would certainly invalidate any action, any findings, and any
5 approvals that you take tonight. Now this is not something that can be ignored or
6 punted to the City Council and it can't be sort of be ham and egged here on the
7 fly tonight. On the Tract Map, you Commissioners are the decision makers; not
8 the Council. How can you make that decision with a defective EIR? To sum up,
9 mistakes happen. I don't know how this happened. We're trying to work through
10 this with Staff. We haven't had a lot of time to figure this out. We have to face
11 the facts and deal with it. Please, I know it's procedural. We not trying to play
12 "got you" here and I know its last minute. It's no fun sometimes but in this
13 instance unfortunately it means you have to continue this, reopen the EIR,
14 respond to this very detailed comment letter, recirculate it and then it will come
15 back to you. I'm sorry this is last minute, but we're trying to deal with this too in
16 the most professional way possible and it's very unfortunate. Thank you.

17
18 **CHAIR VAN NATTA** – Thank you. Our next speaker is Tom Thornsley.

19
20 **SPEAKER THORNSLEY** – I'm still writing extra notes. Of course in three
21 minutes I can't get that far; right? Okay I'm going to start out with a quick
22 barrage of some questions. Don't need the answers right now? Will the project
23 widen or pay the fees to widen Moreno Beach just south of the project site? You
24 know all know where that bottleneck is. Also why is there no screen wall
25 proposed along the freeway adjacent to building one? In the Statement of
26 Overriding Considerations they used the economic benefit; the jobs benefit as
27 part of why this project should go forward in light of the impacts that it imposes
28 on the City.

29
30 Nowhere in this is there any form of economic analysis that indicates anything.
31 There is no economic analysis provided to stipulate the economic benefits to the
32 City that the City believes nor realize what source of revenues would be
33 generated by this project. Additionally no analysis has been prepared to show
34 the tax increment generated from this project that will keep up with inflation,
35 increases for services to the property for such things as Police, Fire, sewer,
36 water, road maintenance. Prologis maintains their properties. Prop 13 allows
37 them to keep the tax rate at about one percent a year. Our inflationary rate as
38 we've heard the Mayor mention for our Police alone is five percent, so it won't
39 take too many years before our inflationary rate outstrips our ability to provide
40 services.

41
42 Our City finally wrapped up its update of the General Plan sometime in 2006 and
43 by 2007, one year later it appears now that Staff and Council began entertaining
44 assaulting the General Plan and for the developers; for this developer and for
45 Highland Fairview for considerations of Sketchers. All those areas that have
46 been converted were Business Park. The current mix of land use creates...in this

1 area the current mix of land uses creates a community node with a Commercial,
2 Residential and Business Park. Now we're being asked drastically to change to
3 eliminate the mix which is in violation of our very General Plan goals cited in the
4 EIR's goals number 2.1 and 2.5. They recommend a mix of uses. Over the past
5 six years, the City has continually abandoned all the Business Park land use
6 properties in favor of the Light Industrial for what now appears to be the soul
7 purpose of allowing massive warehouses, completely displacing future
8 opportunities for business development with a higher square foot job ratio.
9 Recently the City analyzed this location with the SR 60 Corridor Study trying to
10 find the highest and best uses that would benefit freeway exposure ergo the Auto
11 Mall... so be it the Auto Mall or the... could utilize the exposure...

12
13 **CHAIR VAN NATTA** – That's the full three minutes. Thank you very much for
14 your comments.

15
16 **SPEAKER THORNSLEY** – You should respect the General Plan at this time.
17 Thank you.

18
19 **CHAIR VAN NATTA** – When we have very few speakers, sometimes we can
20 allow a little bit of latitude, but we have a lot of people who want to speak. Thank
21 you. George Hague is our next speaker. To save travel time, the next one is
22 going to be Tyson Chave so you are aware.

23
24 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Oh Tyson
25 Chave is the Applicant Representative.

26
27 **CHAIR VAN NATTA** – Well his name is on here, so I didn't know if there was
28 something else he wanted to say. After that would be Scott Thompson. Okay go
29 ahead Mr. Hague.

30
31 **SPEAKER HAGUE** – George Hague, Moreno Valley, Sierra Club. If anybody in
32 the audience wants to speak, please fill out one of these green slips to do so. I'm
33 going to hand this letter in, in a few minutes. It has come to the Sierra Club's
34 attention that the Law Firm of Gideon Kracov submitted a Draft EIR comment
35 letter of several hundred pages on the Prologis project. Originally comments for
36 tonight were based on the Draft EIR comment letters and the responses to those
37 found in the Final EIR. Since the Draft EIR comments are not in the Final EIR
38 which is posted online and over on the table, the Sierra Club believes it has been
39 denied a chance to read these responses. Our comment letter would have been
40 different. The project may have been modified and the Mitigation Monitoring
41 Plan may have been different than what is before you now.

42
43 The Sierra Club strongly recommends that a new Final EIR, which includes their
44 letter with responses with any necessary revisions in the document or plan, then
45 recirculated to the public and a lot of other comments other than that, but that is
46 important for you to decide tonight.

1 You talked a lot about traffic. Imagine yourself trying to go out on Moreno Beach
2 and you are going to pull out right and go east on 60, you go up a grade, you
3 have three trucks there in front of you. Trucks take a lot of time to move. It's not
4 the same as cars. They can't compare what's happening with what was there as
5 supposedly as houses and what is going to be there for trucks. There is a huge
6 difference. You should also be able to condition them to build an acceleration
7 lane on the freeway to deal with this so we don't get stuck behind them and we
8 can pull around them. Their traffic analysis only went three miles. That is why it
9 stopped at Nason. It doesn't stop at Nason. It keeps going on to the 215 or from
10 the 215 to Nason. We should know what's happening at all those other
11 intersections. It should happen. There may need to be additional improvements
12 just as they recommended at Moreno Beach and Nason. That's where they
13 stopped because that's all the study did. You need to push them all the way so
14 you have the knowledge before you actually vote on the project and hopefully
15 you will.

16
17 With all the changes in the General Plan that have come forward and modified, in
18 my opinion now, our General Plan is generally inconsistent and has become
19 even more so and this project is just making this happen. Also our TUMF
20 fees...they are based on our General Plan. Well this project helps change our
21 General Plan and therefore our TUMF fees don't really recognize part of this
22 project as part of what is supposed to happen. That's happened with other
23 projects that are going on. We keep changing. I will submit a letter with all my
24 other comments.

25
26 **CHAIR VAN NATTA** – Okay thank you very much. Okay then our next speaker
27 will be Scott Thompson.

28
29 **SPEAKER THOMPSON** – Good evening. My name is Scott Thompson. I too
30 live over on the east end of town. I'm right off of Redlands Blvd. and I have
31 issues with all the warehouses that are going in over there. I don't know if you
32 guys have been on the road in the morning at 7 o'clock since we put the stop
33 sign in and the signal light in, but the traffic is already backed up clear to the stop
34 light and even further. When I watching that little traffic report there, none of the
35 cars are really stopping and gathering like they normally would today. Now some
36 of that might be yielded because of the signals, but also over on Moreno Beach
37 we have the same issue going on right now. You drive over there. You go all the
38 way up to Alessandro. You've got traffic all the way back; almost to Cottonwood
39 now, so I mean there are a lot of things that aren't happening that should be and
40 I don't think that traffic report really represents what is going to happen. A lot of
41 the flow was going on and it was moving and it wasn't really stopping. It wasn't
42 gathering at the places where it should gather and when you add a truck and two
43 trucks and three trucks, it gets even worse, so I see that as being one of the
44 biggest problems.

45

1 The other problem is we're building warehouses right next to a neighborhood that
2 was already developed. Again, Sketchers, you know and now this and I think
3 that most of this area was meant to be residential, especially up Redlands
4 Boulevard and you are kind of converting it into warehouse space and I don't
5 think this is a great plan; a good idea and I think you can stop making some of
6 these mistakes by stopping this project. Some other things I have is obviously
7 the property values in this area have gone down as everybody's did in the
8 economy. They are just now starting to come back up and then to put
9 warehouses right next to it is not going to help the property values at all. Me
10 trying to sell my house...

11
12 **CHAIR VAN NATTA** – Can you please not interrupt the speaker.

13
14 **SPEAKER THOMPSON** - ...me trying to sell my house in five or ten years if I
15 want to leave or want to leave because of all the warehouses being built and the
16 possibility of the WLC being built you know I don't think I have a chance, so this
17 community and your motto is dreams should soar, well this is becoming a
18 nightmare for me. I'm watching all this stuff happen around me and I feel like
19 even as an individual in this community, it's not getting respected that we have
20 already have lived here and now you're developing these areas that are not for
21 us. I don't know what they're for. Six hundred jobs; really? We have over six
22 hundred homes in that area and all you're saying is one job; six hundred jobs? I
23 know, I'm for jobs. I work for a living. I create jobs too, but six hundred jobs to
24 develop all of this? All these stop signs; all these roads; all these improvements;
25 all this and for what, six hundred jobs. Isn't there a better way to come up with
26 six hundred jobs? We have vacant warehouses over by Lake Perris. We have
27 vacant warehouses over by March Air Force Base. Why don't fill some of those
28 up and those will bring you six hundred jobs. There is many more to say and I
29 too will put my comments in through email, the rest of them and I'll let others
30 speak.

31
32 **CHAIR VAN NATTA** – Thank you very much for your comments. Our next
33 speaker is Hans Wolterbeek followed by Brandon Carne.

34
35 **SPEAKER WOLTERBEEK** – Good evening. Section 8.2 in the EIR asks how
36 this project will affect SR 60 traffic and specifically I ask if WRC impact has been
37 addressed. The response from Prologis states in the document that the 2035
38 analysis includes the evaluation on the effects on the City of a project larger than
39 the WLC. I will assume that this has been done in such areas as trip generation
40 and the associated impacts on air quality and the SR 60 truck traffic. The total
41 impact of this facility and the Aldi facility will be about ten percent of the probable
42 WLC facility in the next fifteen years. Ten percent is not an insignificant impact. I
43 personally think that the traffic study should have included the 215/60 interstates.
44 I think we need this as the current truck point. The 215 and the 215 is a target of
45 Prologis. Daily truck trips will be 2,000 for this project alone. This is higher than
46 my evaluation of the WLC. AQMD states that the result of these trips, the

1 impacts of the air quality of the Prologis project by itself exceeds Federal and
2 State standards, so when we combine the ten percent of Aldi and this facility with
3 the proposed WLC we'll have a real problem. The City states it believes that the
4 trip generation rate for the Prologis is too high. The problem is we don't know the
5 identity of the tenants so it's difficult to verify this assumption, but I tend to agree
6 with the assessment with traffic evaluation based on some other recent studies.
7 However there is no reason to assume that the air quality impacts from trucks will
8 be less than stated in the response. No one knows the true impact on air quality
9 due to trucks in a basin like ours... no one. All we can say is that will have a
10 known degradation in air quality.

11
12 The City will control truck traffic trips from this facility through the City, but how
13 will this prohibition be enforced and who will pay for it and how will various
14 regulations such as idling time be enforced to citizens in the local area can be
15 assured of proper control of the air quality. AQMD has stated they want to
16 cooperate with the City and with the developer. We do not know what we will get
17 in air quality. Will you agree to support and help finance the implementation and
18 operation of an air quality station in the eastern part of Moreno Valley. This
19 facility will provide jobs in Moreno Valley, but will you support and help finance
20 the implementation and operation of a program in Moreno Valley to learn about
21 warehousing so people can actually move up; the people you hire. Thank you.

22
23 **CHAIR VAN NATTA** – Thank you very much for your comments. Brandon Carn
24 following by Darryl Terrell.

25
26 **SPEAKER CARN** – Good evening Planning Commission. I first want to make
27 known that this project seems to be placed at a very silly geographical location in
28 Moreno Valley. I think it was purchased in the short term wildness of cheap land
29 prices during the real estate bubble that ended in 2008 in a national global
30 recession and I don't think it was planned out very well because many of the
31 projects like Walmart and other projects like residences and things were not built
32 or planned at the time, so there was no long term planning when these
33 warehouses were planned. Traffic cannot be mediated now at Moreno Beach
34 Drive. If you don't believe me compare the school traffic, people commuting to
35 San Bernardino County in the early morning hours around 8 o'clock in the
36 morning. The light isn't working property. Sometimes there is construction going
37 there and Nason. Now when they finally finish the Nason Street Bridge after two
38 and half years that was overdue, so traffic realistically is not going to be mediated
39 here or along Redlands Boulevard or any other structure that is going to be built.
40 Another thing is we don't need more warehouses in Moreno Valley that have no
41 tenants.

42
43 These are six buildings the tenth of the size are of what we probably have now
44 available just in square footage in warehouses that have not been filled. People
45 have easily a million to two to three million square footage of warehouses that
46 are being leased out by Lee and Associates. If you don't believe me drive down

1 Frederick to Cactus. There are tons of buildings or land that is vacant lots now
2 that is not yet been developed into warehouses. There is plenty of it. We also
3 should not bring in tenants unless they are bringing in something in the on the
4 retail commercial level. When Aldi is coming its bringing stores to the local area.
5 It's also bringing more logistics and truck facilities in the area. We need to fill in a
6 lot of vacant space that was left over from the urban sprawl from that real estate
7 bubble.

8
9 Another thing is in five years there is going to be... the demand... the economy is
10 going to be a lot more improved and what is going to be in demand then is
11 residential development and retail once again as Moreno Valley is famous for.
12 Warehouses are going to be a thing of the past unless they are supporting a local
13 chain of businesses. There are going to be tons of more homeowners and retail
14 businesses and parks and schools eventually built out there. That is Moreno
15 Valley's end game when development... when build-out is completed in the
16 2030's.

17
18 Also we don't utilize any of the infrastructure that we currently have for
19 warehouses. We have a March Global Port empty with almost no vacancy. We
20 have land that could be annexed by the City from the GPA that could be a
21 logistics facility. We could use... we're building a March... March is building a
22 General Aviation Airport and that could be used for hangar space and logistics.
23 Last month a program for the Perris Valley Line Project; the Metrolink service
24 that is eventually coming to Moreno Valley next year to Perris, Menifee and other
25 communities. The long term goal of that project is to build a freight line for rail
26 back down to San Jacinto and other communities as it used to be many decades
27 ago, so in the long term that's the area that's going to have the most right of way
28 in logistics for logistics. The freeway is wide enough already, but we also need to
29 keep in mind as that with recently President Obama was discussing cutting the
30 budget and the military size. March is not going to be military facility forever. It
31 was eventually downgraded in the 90's to reserve status but eventually it will not
32 be an Air Force Base facility anymore. It is going to close someday.

33
34 **CHAIR VAN NATTA** – Thank you very much for your comments.

35
36 **SPEAKER CARN** – Norton, George and Victorville did the same thing, now their
37 logistics. We need to build and counteract that negativity.

38
39 **CHAIR VAN NATTA** – Could I just comment to the public that if you have
40 something you want to say, turn in a comment card and you can come up and
41 speak, but when you are clapping over what the person is saying, it can
42 sometimes interfere with our ability hear the presentation.

43
44 **SPEAKER TERELL** – My name is Darryl Terrell. I live in Moreno Valley. The
45 Prologis group; this is your land, you can do whatever you want within the
46 confines of the General Plan. I'm not against development, but I'm in favor of

1 responsible development. I'm here tonight because it's time to put our people
2 and our kids and their future first for a change. We all share a common belief
3 that we want our kid's dreams of tomorrow to eclipse our greatest hopes of
4 today. As I said to the City Council Tuesday, Moreno Valley could be much more
5 than a blue collar city. We could be a white, brown collar, green collar or any
6 collar because I believe in our kids and our people and their God given ability to
7 raise the bar and set their sights even higher beyond a blue collar City. There is
8 nothing wrong with blue collar jobs because I have one and my dad as I said
9 before, I've got two of them, but we could be much more than that. Our kids
10 deserve more.

11
12 Our people deserve more for a brighter future and greater economic
13 opportunities. We could be a City where all collars are welcome to our General
14 Plan. We could be a 21st century city. We have all the tools to achieve this in the
15 existing General Plan and diversify our economy and building a (inaudible) a
16 green, a research and development light factory, a biomed (?) economy and
17 creating everlasting prosperity, a sustainable economic growth that will provide
18 our people with a living wage or a career that would lift them out of poverty and
19 keep them off of the freeway and closer to home and most importantly provide a
20 future for our kids to come home to after College. We must give our people hope
21 and raise our kids and their aspirations and their future and their dreams in
22 (inaudible) and not (inaudible).

23
24 It's time to raise the bar now. It's time to put our people; our kids and their future
25 first for a change because we have enough warehouses right now. It's time for
26 us to start thinking about building something. We have never attracted
27 businesses that build, manufactured or building something that can lift people out
28 of poverty because our kids don't want to come back here because there is
29 nothing for them to come back to. It's time to start thinking forward to the new
30 global economic frontier of the 21st century. That's where our future lies right
31 now because we're going to be 21st century city. Then we've got to look forward;
32 not backward. Logistics is going to have its time, but what about beyond that
33 where our kids, if we want to have an establishment like Riverside, then that's
34 what we have to look for bringing our kids home. Thank you.

35
36 **CHAIR VAN NATTA** – Thank you very much Mr. Terrell. Our next speaker is
37 Lindsay Robinson followed by Jaime Moreno.

38
39 **SPEAKER ROBINSON** – I'm not a public speaker so bear with me. I'm not
40 opposed to the business park being built as it zoned. I am opposed to them
41 coming in and asking to change the zoning so more warehouses can go in when
42 it should be residential. I researched the zoning before I purchased my property
43 here. This is someplace I wanted to retire and stay. I don't know if I would be
44 able to afford to leave. I participated in the process with City Staff and other
45 residents to come up with the General Plan to build out the eastern end that was
46 satisfactory to everyone. I think it is unfair that people with money and

1 speculators can come in and get these zone changes in. We had a great
2 General Plan for that area; schools, small business, light industrial, business
3 parks. Schools would have brought better paying jobs, longer term jobs than
4 warehouses, however the zone change that allowed Sketchers to come in has
5 negatively affected the whole area down there. I'm asking... well we know that
6 warehouses; his warehouse in particular did not bring in the promised jobs nor
7 the revenue to the City. We were told that it only brought in 200 thousand when
8 he was telling us it going to bring two million. I'm asking that you please do what
9 is morally right and ethically correct thing and do not permit any more zone
10 changes for warehouses on the eastern end. They are detrimental to our health
11 and wellbeing of the residents and don't bring the jobs and revenue.

12
13 Regarding traffic, she brought up if it was built out residential, how many vehicles
14 it would be versus the trucks. I did not hear that they included for the 600 to 1200
15 employees; their vehicles added to that mix plus any clients, customers etc., we
16 would have all that traffic also and then also the Rami Overlays. I attended that
17 meeting and as we all know from Marcelo Co's testimony, overlays have been
18 used to circumvent the zone change process. The current General Plan was not
19 presented to the people, only these three alternatives that have been kind of
20 crammed down everyone's throat as well as what are the three we can choose
21 from and I still think the original General Plan is the best one for the eastern end
22 of Moreno Valley. Thank you.

23
24 **CHAIR VAN NATTA** – Thank you for your comments. Our next speaker is
25 Debra Coggins Ortiz followed by Melody Lardner.

26
27 **SPEAKER COGGINS ORTIZ** – Hello Commissioners. I love you guys; really I
28 do. You have a lot of power in your hands and I know that a lot of what we are
29 seeing pretty much doesn't have a chance against more warehouses being built
30 in the area, but I love you guys anyway and I love Jeff too, wherever he is. I
31 understand it's his property and he would like to make some money and do
32 business and I'm sure he's a very smart businessman, however I have lived in
33 Moreno Valley almost 30 years and raised my family here. We started out in a
34 little biddy new house and moved to a second house as our family grew and then
35 purchased our house in the east end 16 years ago where we absolutely loved it
36 and I am north of the freeway off of Redlands Boulevard right on the corner of
37 Juniper and Redlands Boulevard and nobody has brought up the fact that that is
38 a truck route that goes through San Mateo Canyon and all the traffic goes
39 through there as a short cut to get to Loma Linda, Redlands, the 10 freeway or
40 whatever.

41
42 Ever since Sketchers has been built, truck traffic has increased past my house
43 and either of you are welcome to come to my house anytime you like. When the
44 trucks go by my windows rattle and I have to stop and think is that an earthquake
45 or a truck and that's a hell of a way to live. If more warehouses get built there,
46 that will increase as well. I keep hearing everyone talk for years about how we

1 all want to put Moreno Valley on the map. What kind of map? The king, world
2 capital of warehouses? Is that what we want for our families and our
3 community? I say no. I say logistics and all of California stinks and warehouses
4 are just because we've lost all business and we're importing all of this junk from
5 other countries that we are filling our stores with.

6 What I would like to see and what I would like the Commission to create is a
7 possibility for making Moreno Valley a haven and have a reputation for being
8 open and encouraging for small businesses to come here; for manufacturing to
9 come here so that American products can be made here and so we don't have to
10 import all this junk from overseas. Thank you.

11
12 **CHAIR VAN NATTA** – Thank you very much. Melody Lardner followed by Bob
13 Palomarez.

14
15 **SPEAKER LARDNER** – I'm Melody Lardner. I live south of this project in
16 Moreno Valley. I'm again concerned our City is trying to change our General
17 Plan. The Plan was a document developed with the City in conjunction with the
18 residents in a vision of how we wanted to City become and this warehouse
19 complex is a far cry from our vision. I'm concerned that the high density housing
20 that was supposed to be there is now going to have to be relocated which
21 happening with every new project that changes our General Plan.

22
23 Truck traffic mixed with cars is a big concern. I commute through the Redlands
24 warehouse area and traffic accidents are increasing between cars and trucks
25 there. Potholes are increasing in the roads out there and this City here doesn't
26 seem to have the money to always fix potholes and there is getting to be more
27 and more of them around our City. I also am concerned about the traffic on
28 Moreno Beach like was pointed out. It's a bottleneck and a truck route. I'm
29 concerned... I won't repeat the Highway 60 stuff. I'm concerned with noise from
30 this project because I read that it was going to be 24 hours operations and at
31 night sound really travels. I can hear the freeway at night, so I'll hear this at night
32 too.

33
34 I am concerned with the diesel exhaust as others have talked about. I am
35 concerned this development may increase run-off into the Quincy Channel
36 because they are taking away a couple of the smaller channels that absorb the
37 water. I don't know if the detention basins can handle some of these storms
38 we've been having. We've seen what the storms can do in just one event, how
39 much soil can move; how much water can move. This project... I am concerned
40 if this does get approved about lighting to make sure that the dark standards are
41 enforced and also if they have skylights that the light is not coming up from those
42 at night if they are operating 24 hours.

43
44 If you do approve this development, the landscaping looked pretty skimpy.
45 Sketchers promised lush us landscaping and if that's the definition of lush
46 landscaping then that's a far cry from what we need to see to screen these

1 buildings from view especially around the perimeter. There are nice apartments
2 that have nice views. Right now they'll just see buildings and a little wimpy
3 landscaping. There are some good examples of some warehouses in Redlands
4 that have nice landscaping and setbacks and built below grade. I'm not sure if all
5 that is going to be done here and then they said they would build them to
6 accommodate solar panels but nowhere did they promise solar panels. I would
7 like to see you know that is a lot of ground being covered with cement and
8 asphalt and it would be nice if we take advantage to help with the climate change
9 and global warming and maybe bring utility costs for residents in the area and
10 make the City a greener City and I would like to see the parcels if you do approve
11 this, closest to the Auto Mall, give the Auto Mall a little more chance than 18
12 months. The economy is just barely picking up and making a centralized Auto
13 Mall makes sense for that area and that what was intended. So anyway, thanks
14 for listening and I have a copy of the letter I can submit.

15
16 **CHAIR VAN NATTA** – Thank you very much. Okay Bob Palomarez is next
17 followed by Craig Givens.

18
19 **SPEAKER PALOMAREZ** – Good evening Commissioners. I'm here to speak on
20 my behalf. I am in support of this project. I am concerned with the size of it
21 because a lot of this stuff that we've heard, even the gentleman who came up
22 here at the last minute and professed that he has the answer to everything, those
23 are the same people that said thing when Sketchers was on the drawing board;
24 you know the same concerns; the bumper to bumper traffic on the 60 freeway. I
25 don't see it. I know there are concerns but you know they just don't want it out
26 there, but I know you'll make the right decision based on everything that you
27 receive; you know paperwork. These people, that's their land and if they meet
28 City, State and Federal guidelines and go beyond it, why should you deny them.
29 They have been denied seven years, but this City has been denied since 1986
30 for these kinds of projects. I am concerned with the size, but I'm looking at the
31 big picture. I mean the City of Riverside, threw their two cents in saying they are
32 concerned with the pollution. I don't think they came to this City and told us
33 we're going to build a lot of warehouses on the south side of the 215. Do you
34 have any concerns? Of course we do. But they didn't give us a courtesy, but yet
35 they'll get in the Press Enterprise and say that they're concerned. They aren't
36 concerned. They just don't want anything here period. You know these people
37 are entitled to their due. Thank you very much.

38
39 **CHAIR VAN NATTA** - Thank you. Craig Givens followed by Jonathan Lipscomb.

40
41 **SPEAKER GIVENS** – Good evening Planning Commission. I'm here to oppose
42 approval of this project. If I can look and just read something that Highland
43 Fairview sent out dated February 28th. It said that it's an opportunity, when they
44 are talking about the World Logistics Center, for our City to meet its potential as
45 one of the nation's leading warehouse centers. Now if that is the only potential
46 that Moreno Valley has is warehouses, that's pathetic. You represent the people

1 of Moreno Valley and the Council. These projects are in the interest of the
2 developers and not in the interest of the people of Moreno Valley.

3
4 The people want more than just warehouses and if we look at our industrial area;
5 the Joint Powers area, we have plenty of warehouses and more room for more to
6 come. The gentleman that came up here talking about the project said that
7 normally they look for ports, freeways, airports and rail lines. Now there is no
8 port here but three of those items are in the Joint Powers area. That's where our
9 industrial section is and to the gentleman who says that he would have to leave.
10 You don't have to leave. You can joint our movement to remove every single
11 appointed and elected leader that believes we should be in an industrial
12 warehouse city. The people out there, you need to support what we're out here
13 doing in the community. You don't have to give up, you have to fight for the type
14 of city you want. They have a view of a warehouse, industrial city. We don't
15 share that view and we have to use our voice and our votes to make the changes
16 that we need in Moreno Valley so that we will be a first rate city; a city that we
17 can be proud of; that our young people can look forward to living in and that we
18 can proposer in. We have a place for warehouses. It's in our industrial section.

19
20 **CHAIR VAN NATTA** – Thank you very much for your comments. Jonathon
21 Lipscomb followed by Debra Craig.

22
23 **SPEAKER LIPSCOMB** – Good evening. I agree with many of the things that
24 have been put forward tonight as far as the concerns with air quality and traffic
25 and such. There were a few things that I'd like to direct my comments to. It
26 came up while Pat Cavanagh was speaking. As mentioned by one of your
27 Councilmembers, Prologis began this project as a warehouse park in 2007 when
28 the property was zoned as a Business Park. Obviously Prologis in 2007 had no
29 concern for the Moreno Valley General Plan or what the vision for the area was,
30 or its business park intentions, but rather was solely concerned with its fiduciary
31 vision for delivering dividends to its shareholders via development of a
32 warehouse park.

33
34 Now obviously warehouses provide lots of jobs; 600 jobs at warehouse pay is not
35 going to give you a whole lot of tax revenue. If the laws have already been
36 structured to reduce tax revenue for large scale businesses and developers of
37 this type, you can't count on that for revenue either, so you're at a loss and taking
38 on a liability for the sake of a well moneyed and possibly well intentioned
39 developer may be counterproductive to the community as a whole. Beyond that,
40 the Sabian (?) site was and is that the ideal site for Prologis' project according to
41 the company's website was spoke earlier today, is a major port or harbor or other
42 sort of hub, which Moreno Valley really isn't, except for perhaps the fact that it
43 does have a potential maybe airport in the future and a lot of highway access and
44 some roads that can be converted over. With that idea then, this project was
45 created to exploit the region as a hub even before the idea of the development or
46 the General Plan was presented.

1 This vision that they wanted to share with us has nothing to do with us except for
2 the fact that we have a potential for an airport and a bunch of highways that they
3 want to exploit. Beyond that strategic hub, perhaps their Moreno Valley vision
4 was seen to be more to exploit us than anything and I would think that you're
5 responsibility to us as a community would be beyond that and that focusing on
6 small business and manufacturing would help get us beyond a short sided goal.
7 Thank you.

8
9 **CHAIR VAN NATTA** – Thank you for your comments. Debra Craig followed by
10 Scott Heveran.

11
12 **SPEAKER CRAIG** – Good evening. I came here just to get information. I didn't
13 plan on speaking tonight, but then when I heard the presentation on the traffic
14 report and they said they didn't include the traffic leading up to the 215 and 60
15 freeway, I had to speak. For the record I live in District 2. I don't even live on the
16 east side but I am against this project. I am teacher in the District. I live a mile
17 from my school. I don't even have to get on the freeways and I'm sure Prologis
18 is a really good company but the City Council they just recently approved Aldi
19 warehouse and they said they might have 250 stores that they will be delivering
20 to and that's already adding truck traffic to our freeways, so I don't know how in
21 good conscientious this City Planning Commission can approve this project.
22 How could you do this to the people who are already sitting on the 60 freeway
23 sitting stuck in traffic? I just don't understand why. It's not worth the 600 jobs we
24 might gain. I've often that the right thing to do is often the hard thing to do, but in
25 this case I think the right thing to do is really easy. You should just say no to this
26 project. It's really a no-brainer. Thank you.

27
28 **CHAIR VAN NATTA** – Thank you for your comments. Okay our next speaker is
29 Scott Heveran followed by Brian Sharrow.

30
31 **SPEAKER HEVERAN** – Good evening. First of all I'd like to thank the
32 Commission and I guess the City Council for televising these things. I watched
33 my first one last week. Chairwoman Natta said Moreno Valley is a beautiful town
34 surrounded on three sides by beautiful views, beautiful mountains and it is and
35 during that meeting that was about possibly bringing in higher end homes. Of
36 course you know it seems to be the motto of this City is aim low. You know it
37 was said that we can't build high end homes because we're not Temecula.
38 We're not 30 miles closer to San Diego and I believe one the Commissioners
39 said we're 30 miles closer to Vegas. What happens in Vegas stays in Vegas, but
40 what I would suggest to you is that we're 30 miles closer to the mountains.
41 We're 30 miles closer to Coachella Valley, to Palm Springs, but the logic of that
42 is anybody closer to San Diego would be a more affluent City and that's just not
43 true. The problem with Moreno Valley is that we don't choose to be; we don't
44 choose to aim high. We choose to aim low. I don't understand why you would
45 go to such trouble of re-branding a section of the City as Rancho Belago and
46 then turning it into warehouses.

1 Nobody I know bought a house in Moreno Valley thinking well one day we'll just
2 have all these warehouses here. How can you turn a bedroom community into a
3 warehouse community and just expect the citizens to go along with it. The whole
4 idea of changing the General Plan is a bad idea. First of all, the City is under a
5 cloud of corruption. Now the Council can blame the citizens for drawing attention
6 to that, but by not looking at that and not trying to show the City and the rest of
7 the community that we are thinking of the citizens. We're not giving the
8 developers whatever they want. That's how you clean up the City's image, not by
9 changing the General Plan at the whim of the developer. Now they say that this
10 project is going to bring in x amount of traffic and pollution. Well that's not
11 cumulative. You have all these warehouses going in with the big monster
12 coming down the road of the World Logistics Center. All of these things are
13 going to brand Moreno Valley as a warehouse City. That's not a good thing.

14
15 **CHAIR VAN NATTA** – Thank you for your comments. Our final speaker is Bryan
16 Sharrow.

17
18 **SPEAKER SHARROW** – Hi, thank you for your time. I'm probably maybe one of
19 the newest residents here. I've lived here for about three months. I've been out
20 here since 1979, grew up in Nuevo, went to Perris High School, moved out to the
21 May Ranch Development out there when it was just nothing more than potato
22 fields all around where I lived and I saw the bigger master plan businesses
23 coming in and it was proposed that they wouldn't be a burden to our community.
24 Well they were. The noise was horrible. I mean you can argue whatever you
25 want on any kind of study, but I was a resident and I sat there listened to these
26 trucks in the middle of the night going beep, beep, beep backing up and what
27 not. Well that wasn't the big problem. The big problem was really the freeways
28 that weren't designed to hold that. Not only the roads and the damage they did
29 to it, but the freeways was really a problem to where I see it's going to be a huge
30 problem where I live now up on Moreno Beach Drive just north of there.

31
32 That exit is designed for two people going left and right and they are night timed
33 properly, especially on the north side. If you guys could do something about that,
34 that would be great, but anyhow the problem that I see that really should be
35 looked into, aside from this whole concept which I'm not a fan of; sorry, is that on
36 the Ramona Expressway where I lived off of, the added truck traffic alone, not to
37 mention all the vehicles that were involved backed up that freeway oh I'd say a
38 good mile and unfortunately there were a lot of accidents caused because people
39 would try to get way up front and dive in there and it wasn't designed ever to hold
40 all the people on the side of the shoulder, which is actually for emergencies not
41 for regular traffic stopped, so then you come up here to where you're out on the
42 freeway, which your study didn't really cover and I'm thinking guys you've got to
43 deal with that because we're merging from Nason onto Moreno Beach to the
44 freeway and then you've got people exiting on Moreno Beach Drive and I see a
45 lot of truck traffic going to be piling that up and I'm trying to get in there as a
46 resident and not to mention there are 600 jobs.

1 I'm for job creation; absolutely fabulous, but how many people are going to
2 suffer. You know when I leave in the morning for traffic purposes, it's a
3 nightmare. So now all the people coming from LA for this 2,000 trucks or
4 whatever, going to be coming in here and creating more traffic in the morning for
5 me and then leaving, more traffic at night. I don't see how that helps us. I think
6 there is maybe better ideas hopefully on putting this location out at March or
7 something like that. I think there are areas that are developed for this. I'm not
8 here to point fingers or to say you guys are doing a bad job or anything, I would
9 just hope that you would take it into consideration what the people here are
10 saying and maybe do due diligence and so thanks.

11
12 **CHAIR VAN NATTA** – Thank you very much for your comments. Seeing no
13 other speaker slips having been handed in, I'm going to close the Public
14 Comment Section and I do have a couple of questions for Staff on a couple of
15 the items that were brought up during the public comment if I may.

16
17 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Do you
18 want to ask those in advance of the rebuttal by the Applicant?

19
20 **CHAIR VAN NATTA** – Oh, actually I would because there might be something
21 that could be included in their rebuttal. So one of them was and this would be for
22 our Economic Development Director here. There was some comments about all
23 the vacant warehouses we have in town. Do we? Are there a lot of warehouses
24 that haven't been leased or spoken for?

25
26 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – As of
27 today, there are two vacant warehouses in Moreno Valley. One is on Cactus and
28 the other is down in the south industrial area. Together one is about half a
29 million square feet and the other is about 600,000 square feet and those are
30 recently completed and are not leased, so yes there are two vacant buildings in
31 Moreno Valley. That is approximately five percent of the current inventory in
32 town.

33
34 **CHAIR VAN NATTA** – Would that be considered a good percentage of
35 occupancy factors?

36
37 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Well I'm
38 sure for those people who own those buildings, it's not a good percentage.
39 Across the region the vacancy rate on warehouse logistics, which also includes
40 manufacturing, they all use the same kinds of buildings is right around 10 percent
41 or a little bit less, so the vacancy rate in Moreno Valley is not higher than
42 average. It's somewhat lower than average, so it's not an anomaly.

43
44 **CHAIR VAN NATTA** – The other question that was brought up was about the
45 trucks going north on Redlands and we had asked about truck routes and you

1 had mentioned that south Redlands is not a truck route. Is it still a truck route
2 north?

3
4 **TRAFFIC DIVISION ENGINEER LLOYD** – Yes that is correct.

5
6 **CHAIR VAN NATTA** – And that’s because it goes through to Redlands and...

7
8 **TRAFFIC DIVISION ENGINEER LLOYD** – Correct into the County.

9
10 **CHAIR VAN NATTA** – Okay then at this point the rebuttal from the Applicant if
11 there was anything that they want to address that was brought up in the public
12 comments.

13
14 **APPLICANT CAVANAGH** – There was a couple of things that I wanted to
15 comment and I’m not going to go deep on all the comments. A lot of it is dealt
16 with in the Traffic Study and I’ll leave that alone. There is a couple of things.
17 One is the notion that it would be much better to have business park designation
18 and build business parks as the General Plan allows for and I would tell you that
19 that segment of the market was probably the hardest hit; maybe as bad or worse
20 than the residential market. It’s still slowly recovering. It will take a long time to
21 recover and it’s a different kind of market. We have an average size building in
22 the Inland Empire of about 300,000 feet. That’s our average building size. In
23 Los Angeles our average building size is about 60,000 feet, so we know this
24 market. We know the market for business parks because we own a lot of it in
25 Los Angeles and you generally end up with smaller companies, poor credit and
26 more vacancy. It just comes with some baggage so I guess my only comment is
27 that if we thought that business park was a viable good workable idea in this
28 location, we would be pursuing that and we just don’t think that makes a whole
29 lot of sense in this location for anytime in the near or long term.

30
31 One of the things that was cited in the Traffic Study and I want to just make a
32 point of it is the Traffic Study conducted for the proposed project shows a 47
33 percent reduction in daily trips when the proposed project is compared to the
34 General Plan build out condition. According to the study, it can be reasonable to
35 conclude that air pollution emissions would be correspondingly reduced, so I’m
36 just pointing that out because it seems like I hear a lot of comments that if we just
37 build it to General Plan it will be so much better and what will happen if you build
38 it to the General Plan is that you will have a significantly larger amount of traffic
39 to deal with, so it doesn’t go away, as a matter of fact it gets worse and I wanted
40 to make that point. They were comments about landscaping. I mean I would
41 invite anybody that was interested to be objective to look at the projects in
42 Redlands that we built that’s close by. We own five million feet in Redlands. I
43 think they are beautiful buildings. They are landscaped with a high degree of
44 care and I think the comment was we need more landscaping. Look at what they
45 did in Redlands; not they being us, but I think the buildings that they are talking
46 about are the buildings we own.

1 **COMMISSIONER LOWELL** – Are those buildings typical of your ... sorry
2 Commissioner Lowell up here. Are those buildings typical of the landscaping that
3 you'd be proposing here on this project?
4

5 **APPLICANT CAVANAGH** – Very much so; yes.
6

7 **COMMISSIONER LOWELL** – Could you provide a couple of addresses for now
8 or after the meeting? I'd like check those out?
9

10 **APPLICANT CAVANGH** – I'd be glad to do that. And I stayed away from solar
11 in my earlier discussion because it is a complicated concept and the reason I
12 stayed away from is that generally speaking for you to install solar on a roof there
13 has to be a buyer and the buyer is typically the utility company and Moreno
14 Valley has their own utility company. We have met with your utility company and
15 we've talked about our solar program. There is an opportunity to do something
16 there, but it is more on Moreno Valley's initiative than ours. We just wouldn't
17 build a solar installation for millions of dollars on a roof and not have anybody to
18 use it, so I don't want to get too deep into the weeds on it, but solar is
19 complicated. There is nobody doing more of it than us. We would love to have a
20 further discussion with your utility provider to see if we can incorporate that into
21 what we are doing, but the one thing that we do is we set the buildings up so that
22 they can accommodate solar, so that down the road if the utility decides that they
23 want to have that installation we can do that. And the last comment is there was
24 no subterfuge in 2007. We were not trying to undermine the General Plan. We
25 did not have an agenda that was inconsistent with what the City Council
26 members knew about and bought into at the time and you know a lot of time has
27 gone by and the Council is different and we understand all that. We sat down
28 with the Council members at the time before we made the decision to spend 40
29 million dollars on this site and we had buy in. They felt the plan was good. The
30 concept was good and the product was the right product and here we are today
31 and there is a lot of people pointing fingers at people that I don't think is entirely
32 appropriate, so thank you.
33

34 **CHAIR VAN NATTA** – Thank you very much. Okay at this point normally we
35 would go into our Commissioner Discussion, but I think we have an issue here
36 that we need to talk about and decide what to do and that is that we were given a
37 large piece of information here, five minutes before the meeting started and I'm
38 trying to get some direction as to was this submitted in a timely manner? Do we
39 have... does the email confirm that and if it was, do we have a defective
40 Environmental Impact Report because this information was not addressed and
41 I'm going to ask the Attorney?
42

43 **CITY ATTORNEY CURLEY** – I'm glad you did. Well I'll give you a good lawyerly
44 answer. I can't answer that. The point being because it did just come in; CEQA
45 is a complex law as you well know. We would want to be able to thoughtfully and
46 carefully look at the history of this, look at what their letter covers, look at what

1 our responses have done. Perhaps those items are already addressed and isn't
2 known. The two main issues are was the information received timely? Was the
3 letter received and does the current environmental information address it? If it
4 doesn't; yes the re-circulation reprocessing would be in order. You do it when
5 there is significant new information. That is the CEQA buzz word that you use. If
6 there isn't significant new information, then you don't. You would just augment
7 the Final EIR that you have and move it along. With that amount of paper and
8 the care that we want to attribute to this, shooting from the hip tonight is not what
9 we would recommend. A recommendation is you can continue it to a date
10 certain and I'd say to the next meeting unless Staff thinks otherwise. Let
11 everybody get their arms around the facts and details; give you the right
12 information so that you can make the right decision. That's how we could
13 properly advise you. It may be just hunky dory and it may not; we'll sort that out.

14
15 **CHAIR VAN NATTA** – That was kind of my take on it, that continuing this
16 meeting to a date certain. I didn't want to do this earlier in the meeting because
17 we have a lot of people here who had things they wanted to say and we want to
18 be able to get that information without telling them you came out here for nothing
19 and come back another day, but I think receiving this amount of information, not
20 having any opportunity to even look at it and see if it is something that should
21 have been included, I don't think those of us who got it at the last minute are
22 comfortable with that.

23
24 **CITY ATTORNEY CURLEY** – And Staff echoes that and I echo that.

25
26 **CHAIR VAN NATTA** – Okay, then this particular Agenda item, do we have
27 motion to... would we do it that way... a motion to continue it to a specific date?

28
29 **INTERIM PLANNING OFFICIAL ORMSBY** – Yes but we would recommend it to
30 a date specific which would be your next regular meeting of April 24th.

31
32 **VICE CHAIR GIBA** – I thought it was the 27th?

33
34 **CHAIR VAN NATTA** – Okay, we have another meeting

35
36 **INTERIM PLANNING OFFICIAL ORMSBY** – We do, but that would not be
37 adequate time and if we did need to re-notice the Final EIR it wouldn't be
38 adequate time to that.

39
40 **CHAIR VAN NATTA** – Okay, so then would I ask for a motion to continue this
41 Agenda item to our meeting of April 24th and then we would take action on that?

42
43 **CITY ATTORNEY CURLEY** – That would be in order

44
45 **VICE CHAIR GIBA** – I make that motion that we continue it to April 24th.

1 **COMMISSIONER BAKER** – I'll second it.

2
3 **COMMISSIONER LOWELL** – I wanted to second it

4
5 **CHAIR VAN NATTA** – Okay you can third it

6
7 **COMMISSIONER LOWELL** – I third it

8
9 **CHAIR VAN NATTA** – Okay all those in favor and we'll do it by roll call vote.

10
11 **COMMISSIONER SIMS** – Yes

12
13 **COMMISSIONER LOWELL** – In light of the information, I vote yes

14
15 **COMMISSIONER BAKER** – Yes

16
17 **COMMISSIONER RAMIREZ** – Yes

18
19 **COMMISSIONER BARNES** – Yes

20
21 **VICE CHAIR GIBA** – Yes

22
23 **CHAIR VAN NATTA** – Yes. All ayes and the motion passes. This item now
24 goes to our next; not the meeting scheduled for March but the meeting scheduled
25 for April 24th and Staff is requested to give us a report on what has been
26 discovered as far as when this was received and if it should have had an impact
27 on the EIR. Okay so other business.

28
29
30
31 **STAFF COMMENTS**

32
33 **INTERIM PLANNING OFFICIAL ORMSBY** – With regard to Staff Comments I
34 would just mention that for the March 27th meeting you have the same two items I
35 believe I briefed you on last time which is smaller warehouse project not too far
36 from City Hall; Veteran and New Hope area, which is 366,000 square feet
37 approximately and then you have also an Amended CUP for a use on
38 Sunnymead Boulevard. So you'll be seeing that as well and those will be the two
39 items. We're also hoping to bring forward the Study Session to at least begin
40 talking or discussion on the Overlay Zones that we already have in place and
41 introduce the concept of Overlay Zone and so forth at that meeting as well.

42
43 **CHAIR VAN NATTA** – Are there any other Staff Comments?

44
45 **INTERIM PLANNING OFFICIAL ORMSBY** – I didn't have any other Staff
46 Comments?

1 **PUBLIC HEARING ITEMS**

2
3 1. This item is continued from the March 13th, 2014 Agenda

4	Case Description:	PA07-0081	Zone Change
5		PA07-0082	General Plan Amendment
6		PA07-0083	Master Plot Plan including Building 2
7		PA07-0084	Tentative Parcel Map 35679
8		PA07-0158	Plot Plan for Building 1
9		PA07-0159	Plot Plan for Building 3
10		PA07-0160	Plot Plan for Building 4
11		PA07-0161	Plot Plan for Building 5
12		PA07-0162	Plot Plan for Building 6
13		P07-186	Environmental Impact Report

14
15
16 Case Planner: Jeff Bradshaw

17
18 **CHAIR VAN NATTA** – Okay now we’re going into our Public Hearing Items and
19 the first Public Hearing Item is Case Description and this was continued from our
20 March 13th, 2014 Agenda and it’s PA07-0081 Zone Change, PA07-0082 General
21 Plan Amendment, PA07-0083 Master Plot Plan including Building 2, PA07-0084
22 Tentative Parcel Map 35679, PA07-0158 Plot Plan for Building 1, PA07-0159
23 Plot Plan for Building 3, PA07-0160 Plot Plan for Building 4, PA07-0161 Plot Plan
24 for Building 5, PA07-0162 Plot Plan for Building 6 and P07-186 Environmental
25 Impact Report. The Applicant is Prologis. The Case Planner is Jeff Bradshaw
26 and could we have the Staff Report please?
27

28 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Chair Van
29 Natta and members of the Planning Commission. This item was presented to
30 you as described originally on March 13th, 2014. We were able to provide a Staff
31 Report and information on the project as well as the project Environmental
32 Impact Report. During the Public Hearing portion of the meeting one of the
33 speakers Gideon Kracov representing the Laborers International Union
34 expressed a concern that one of the comment letters prepared on behalf of his
35 client had not made it into the Final Environmental Impact Report nor were there
36 responses. We were able to determine that that in fact was correct, that there
37 had been an error in the preparation of the Final and we used the time between
38 the March 13th meeting and this evening to bring that comment letter into the
39 Final and we worked with LSA Associates to provide appropriate responses to
40 the comments and concerns raised in that letter. That document was
41 recirculated to the public for comment with re-noticing also completed for
42 tonight’s meeting. In response to that we did receive a number of comment
43 letters. Copies of those letters have been made available to you by email
44 originally and then hardcopies were provided for you this evening as well. With
45 us this evening again is the project applicant with his development team and also
46 available is the Environmental Consultant Kent Norton with LSA Associates who

1 has worked with the City to prepare that document. I wanted to keep my portion
2 of this very brief and with that I'll introduce Kent Norton. He had some comments
3 he wanted to be able to present to you as part of the Staff Report on the Impact
4 Report itself.

5
6 **SPEAKER NORTON** – Thank you Jeff. Good evening Madam Chairman and
7 Commissioners. My name is Kent Norton. I'm an Environmental Planner with
8 LSA Associates. We prepared the Environmental Impact Report for the Prologis,
9 Eucalyptus Industrial Park Project. I wanted to bring to your attention and I
10 believe Jeff already indicated you received copies of the correspondence that
11 was transmitted this week regarding additional comments in the Final EIR. I'd
12 like to clarify some of our responses to some of those comments. There were
13 four emails or letters I believe you received. One from Johnson and Sedlak, one
14 from Lozeau Drury, an email from George Hague and I believe a series of emails
15 from Mr. Wolterbeek. I'll address the Johnson and Sedlak letter first. There were
16 four main comments contained in that. That letter was received today. The first
17 comment was about trying to again tie the Prologis project to the World Logistics
18 Center project in terms of cumulative analysis and as much as the commenter
19 would probably like to do that, that's really not allowed under CEQA because the
20 notice of preparation which is when the baseline is set for the Prologis project
21 was circulated in 2008, well before any applications for the World Logistics
22 Center project. The Johnson and Sedlak letter also indicated there were a
23 number of problems with the air quality assessment both for criteria pollutants,
24 for the health risk assessment and greenhouse gases. We believe that we use
25 the most appropriate data assumptions and methodologies, in fact those
26 recommended by the South Coast Air Quality Management District to prepare
27 our analysis, so we are very confident that those are accurate. Those accurately
28 depict the potential impacts of the project. Pesticides were raised, the potential
29 for contamination on the site by hazardous materials. That has been addressed
30 both in the original and the Final or the revised Final EIR. We actually even
31 added mitigation measures to help assure that there wouldn't be any issues
32 regarding pesticides and finally there was a comment about a new fee program
33 supposedly recommended or suggested by Cal Trans to fund freeway
34 improvements, but under CEQA Guidelines if a mitigation program has not been
35 established for a particular purpose or specific improvements, the project is not
36 responsible for contributions to that and we believe that's the case with this
37 project. The second letter was from Lozeau Drury. Their first letter from August
38 12th as Mr. Bradshaw indicated was inadvertently left out of the Final EIR. We
39 have corrected that and responded to all of their specific comments. They
40 primarily focused on... also the cumulative analysis with the World Logistics
41 Center as well as air quality assumptions and pesticides and hazardous
42 materials. Their second letter which was submitted yesterday now focuses also
43 on the World Logistics Center, but also more detail on the health risk
44 assessment, the criteria pollutant assessment of the air quality study and
45 greenhouse gas assessment. As I stated previously we believe that we used the
46 proper assumptions and methodologies for that assessment. Lozeau Drury did

1 their own calculations and hired some independent consultants to help them with
2 that and not surprisingly they got different results than we did, however as I said,
3 we believe we used appropriate guidance and assumptions and methodologies
4 for that analysis and we believe that it accurately represents the potential air
5 quality impacts of the project. The EIR did determine that air quality impacts
6 were significant but not health risk impacts of the project on local residents
7 mainly due to the size and the type of the project that is proposed and the AQMD
8 thresholds that are provided. There were a number of mitigation measures
9 proposed. In fact, eight of the mitigation measures were modified, two of them
10 extensively in response to a number of comments including those from Lozeau
11 Drury and also some of the other environmental organizations in the area and
12 also the project would be required to implement those mitigation measures as
13 well as comply with standard AQMD requirements regarding air pollution. As an
14 example of some of the additional mitigation that was suggested by Lozeau
15 Drury, they said that construction dust emissions should have plume monitoring
16 even though and I can bring up our air quality expert to explain, but quickly that
17 type of monitoring; the efficiency of the effectiveness of that has not been
18 demonstrated in typical air quality monitoring situations. Also there was a
19 concern about long term dust impacts on residents and the health risks of that,
20 but even if construction lasted a year, the assessment period for the health risk
21 assessment is a seventy year period and you can probably easily assume from
22 that that construction during that period of time would not have a cumulative
23 significant effect on individuals living in that area. As I said our health risk
24 assessment was comprehensive and did look at those issues and we feel
25 comfortable that the analysis and the mitigation measures that are recommended
26 in the EIR will effectively reduce pollutants from the project. A couple of other
27 items raised by the Lozeau Drury letter; the greenhouse gases. They brought up
28 a lot of additional information on estimating impacts. There are mitigation
29 measures proposed. The project will have to comply with the latest requirements
30 of the California Green Building Code as well as the latest Title 24 energy
31 requirements. Farm land was indicated as we haven't changed the
32 determination on that. It is a significant impact, but the Final EIR does explain in
33 detail why we concluded that mitigation for that impact is not feasible based on
34 information in the City's General Plan and the decline of farming in Western
35 Riverside County. Finally, their letter brought up as their original letter did the
36 issue of pesticides and potential hazmat contamination. As I indicated, we have
37 proposed mitigation measures. We actually added some measures to help make
38 sure that that would not be a significant impact, but apparently it is probably still
39 not enough for the commenter. I imagine that if this Hearing gets continued, I
40 have no doubt that that commenter will probably continue to submit letters before
41 those hearings as well. The third email communication was from George Hague.
42 In fact he actually mentioned some of his concerns tonight about cumulative
43 noise impacts, but those are directly related to the World Logistics Center project
44 and Mr. Hague and others have continued to try to directly connect the World
45 Logistics Center project to the Prologis Project and it is simply inappropriate
46 under CEQA as I explained. The final issue was some emails I believe Mr.

1 Bradshaw received in the last day or two from Mr. Wolterbeek, a member of the
2 public, regarding SP18 consultation with Native American tribes. The last
3 communication was actually received even today on that. During the circulation
4 of the EIR, prior to that, LSA assisted the City in sending additional notices to
5 Native American Tribes to try and seek or find out if local tribes wanted additional
6 consultation and we believe that the City has met the requirements under SP18
7 for Native American Consultation. Several of the tribes have expressed interest
8 in that and the City is communicating with them and essentially all of the
9 mitigation measures in the Draft EIR were modified to meet the suggestions or
10 the requirements of the Native American Tribes to better define how the
11 monitoring for culture resources would occur during grading. With that I would
12 just conclude and say that we believe the information in the EIR, the Draft EIR
13 and response to comments in the Final EIR are accurate and can be relied upon
14 for decision making purposes and we believe they meet the intent as well as all
15 of the requirements of CEQA. We have several people here tonight to answer
16 questions if you have any regarding air quality, traffic or I can handle any of the
17 other issues if you have questions of our team. Thank you.

18
19 **CHAIR VAN NATTA** – Thank you very much. Are there any more items to the
20 Staff Report?

21
22 **ASSOCIATE PLANNER BRADSHAW** – Not from Staff at this time and the
23 applicant is here as well.

24
25 **CHAIR VAN NATTA** – Okay and I'm going to open the Public Comment and
26 begin with the applicant if there is anything he wants to say prior to hearing from
27 the other speakers.

28
29 **APPLICANT CAVANAGH** – Good evening Madam Chairman and Council and
30 Staff and the group of citizens that have taken the time to come here tonight. I
31 don't want to spend a lot of time talking about what we've already covered in the
32 last month's meeting or restating that, but I did want to touch on a few points that
33 I think are important. In 2007 we acquired this property. After an extensive
34 amount of due diligence, which included measuring the City Council support at
35 that time, the community support and also market demand studies that showed
36 that Moreno Valley was underserved in industrial. What has changed since then
37 is that we've gone through significant economic downturn as everybody in this
38 room knows I'm sure. We have a new City Council and one of the things that
39 has happened that has created a lot of comments and concerns is the
40 introduction of the World Logistics Center and in some fashion people confusing
41 them with us and I will make that point more than once tonight, that we are not
42 connected with the World Logistics Center. I have no involvement with that
43 project or that company and we are totally independent of them. That project
44 happens to be about 18 times larger than ours and I can understand why people
45 raise concerns about a project of that magnitude, but that is not our project. Also
46 during that time period, Prologis merged with A&B, so the two largest companies

1 in the industrial sector merged together to create the company that now exists
2 and continued to be called Prologis and then in 2012 we emerged from the
3 recession and we emerged with a focus on development and growing our
4 platform and in particular in the Inland Empire. I won't talk about Prologis, I've
5 already done that, but the Moreno Valley project is the first sizable project that
6 we are endeavoring in Moreno Valley and it is an important project to us
7 obviously. In regards to land use, I believe that the question that should be
8 asked is what is best for the City and the community and to that end the City
9 contracted with Rami and Associates last year to do a land use study and that
10 study was done for the purpose of giving not only the Planning Commission, but
11 the City Council a guidance tool, not a legislation, but a guidance tool to help
12 them better understand what a third party expert would consider for land uses
13 and they came up with three alternatives and the preferred alternative just
14 happened to be a plan that coincided with the plan that we have been proposing
15 from the beginning. That land use study was a setback in many ways for us
16 because it delayed our project for a full year because a moratorium was put in
17 place and that has been fairly well discussed and I don't need to say more about
18 that, but the preferred alternative is the plan that we are proposing and I think
19 that is meaningful in many respects because that was what the City was after, to
20 find out if there a consistency with the General Plan or maybe there was a better
21 way of looking at it and least to the degree that the consultant that was hired by
22 the City came up with an opinion that our project seemed to be from a land use
23 perspective, the best plan or alternative that they were viewing. In regards to
24 traffic, our proposed project would generate less traffic than the current existing
25 zoning, so there is much discussion about traffic, but I think that is an important
26 point to make and then I touched on it last time, but I'll just mention it again. The
27 fees and street improvements for our project would total approximately 19 million
28 dollars based on the build out that we are anticipating and that includes a lot of
29 fees that don't really accrue to our benefit. That includes over a million dollars in
30 school fees and TUMF fees of two and a half million dollars and 800 for Police
31 and Fire Department and 3 million dollars for flood control and drainage
32 improvements and then the one other piece of this is property tax. The current
33 property tax that is charged this land versus what the property tax that would be
34 generated at the project completion represents about a million and half dollars a
35 year of additional property tax billings. And then I guess lastly, we talked a lot
36 about jobs and the project would be a job generating opportunity for the City and
37 not only for the construction portion of it, but long term permanent jobs which I
38 think are something that everybody seems to have a focus on. Industrial is the
39 primary driver, economic driver in the Inland Empire and right now Moreno Valley
40 is exporting jobs because they're underserving the nature of our business is
41 based on population. Moreno Valley's representation within the industrial sector
42 is low relative to other cities in the Inland Empire. I think industrial would be well
43 served in this location. There was some discussion about that last time and I
44 think that is evidenced by Sketchers locating out here and also Aldi making a
45 commitment to be out here as well, so that has firmed our belief going back to
46 2007 that it's a very good location for building warehouse buildings that we would

1 intend to build. Many of the concerns that have been raised have been in
2 context of the World Logistics Center and we should not be viewed as part of
3 Highland Fairview's proposed project. I believe that most of the concerns that
4 exist regarding the project would be eliminated or greatly reduced if the World
5 Logistics Center had not been introduced after our project had been submitted. It
6 has been a great frustration to us that we've been viewed as part of their project
7 since we are in no way connected to the World Logistics Center project. In
8 closing, Prologis is committed to developing a best in class project. A great deal
9 of thought and time has gone into design, landscaping, the positioning of
10 buildings and providing functionality and aesthetics at the same time. We look
11 forward to bringing our experience, our financial strength and our global
12 customer platform to Moreno Valley. Thank you and I'd be glad to answer any
13 questions.

14
15 **CHAIR VAN NATTA** – Thank you. Does anyone have questions of the
16 applicant? Okay at this time if you'd like to take a seat we will go on to our other
17 speakers. We have several speaker slips here. The first one is Pat Cavanagh.
18 That was you. Of course it was, alright. I'm sorry. The next one is Thomas
19 Jelinec.

20
21 **SPEAKER JELINEC** – Good evening Madam Chairwoman and Planning
22 Commission. Thank you for the opportunity to speak before you this evening.
23 My name is Thomas Jelinec. I'm with Highland Fairview. I am not here so much
24 to speak about this project as much as a comment letter that was submitted on it.
25 As you've already heard today a comment letter was submitted about the noise
26 impacts and truck impacts associated with the World Logistics Center. That
27 information unfortunately is very misleading. As you know trucks in Moreno
28 Valley are restricted to designated truck routes. Most of the streets that were
29 listed in the information that was provided to you are not part of the designated
30 truck routes within Moreno Valley and trucks would not be on any of those streets
31 and in fact the World Logistics Center has been designed in a way that prevents
32 trucks from moving through residential communities. Access at the World
33 Logistics Center would only be through three areas, Theodore via SR60,
34 Redlands north of Eucalyptus via SR60 and Gilman Springs Road and so what
35 you are seeing here, there are noise impacts from the proposed World Logistics
36 Center but those impacts are the result of passenger vehicles. People who would
37 be travelling to the site to work and that is an important distinction to make,
38 because when you look at what the site is currently zoned at and if it was built
39 out as it currently zoned, there would be thousands more vehicle trips from that
40 property than would be under the proposed World Logistics Center and so this is
41 not a matter of trucks moving through the community. The World Logistics
42 Center has been consciously designed to keep trucks out of residential
43 neighborhoods and we just regret that information has not been properly
44 represented to you and we wanted to set the record straight. We provided to the
45 Planning Commission a letter that outlines these facts and we're always available
46 to discuss this information with you. So thank you very much.

1
2 **CHAIR VAN NATTA** – Thank you for your comments. Our next speaker is
3 Michael Lozeau.

4
5 **SPEAKER LOZEAU** – Thank you Madam Chair and Commissioners. Good
6 evening. My name is Mike Lozeau. I'm with the firm Lozeau Drury and I'm here
7 on behalf of LIUNA Local 1184 tonight. We did submit some comments and I'm
8 glad to hear you received the email as well and I dropped off some hardcopies,
9 so I suspect you've not had a chance to look at the hard copy in the few
10 moments you've had, but I'll quickly just go through some of the concerns in our
11 letter. For the greenhouse gas emissions, what we're concerned about is what
12 we perceive as almost as an assumption that somehow the mitigations in there
13 are going to drop the GHG emissions per year from 79,000 metric tons down
14 70,000 to less than 10,000. We just don't think there is any rationale that has
15 been explained in the document; certainly not a quantification nor kind of an
16 objective qualified explanation of how you could possibly with those mitigations
17 go from 79,000 metric tons down to 10. It's just kind of a conclusory assertion.
18 We don't think it is supported by substantial evidence, so that's the main concern
19 we had. The World Logistics concern we had was simply, you heard your
20 consultant say that CEQA prevents you from including it in the baseline. Well
21 that's not true. You certainly have the discretion to include it. It's has been a
22 long time since this project has been on the table, so you should feel comfortable
23 if you desired to update your baseline. The other issue we raised about that is
24 that it qualifies as new information under CEQA. It is significant new information.
25 The context of this project does entirely change with that very large proposed
26 project and just looking at the greenhouse gas emissions and you add those
27 together and the targets that are described in the EIR for that one that apparently
28 the City is hoping to achieve someday. Those two projects alone equal
29 everything the City will be discharging, everything else in 2020, at least according
30 to the numbers that we were looking at. So that's our concern. It's new
31 information. You have to take it into account whether you change your baseline
32 or not. You can change your baseline if you like. Either way you've got to deal
33 with that changed circumstance. In terms of the air emissions, what we were
34 worried about especially NOX, ROG and PM10 is that EIR admits that there is an
35 impact, but all the mitigations you could do aren't there. All the feasible
36 mitigations have not been included and in our letter we go through the EIR and
37 we point out where things aren't mandatory, they are sort of optional, there not
38 enforceable because you aren't even sure they are going to happen. We do list
39 those out hoping that you can affirm those up and do all the feasible mitigation
40 measures to address those and the last thing I'll mention given the time is on the
41 health risk assessments. We did have our consultant re-run the numbers for the
42 construction period and the numbers they got were dramatically different from the
43 EIR... 22 cancers in a million for an adult and 33 in a million for children. And
44 yeah, construction is only expected to occur for 11.5 months; that's almost a
45 year, but in EIR it assumes it is a four month construction period. They only look
46 at the grading period, so when our consultant ran it with the full construction

1 period and the other numbers I think were much from the EIR. The numbers did
2 go up, so whatever the rationales might be from looking out 70 years, applying
3 the air districts methodologies; they certainly don't have the methodologies that
4 says its eleven and a half month construction project, just look at four months.
5 That's not their methodology. Our people did it and got much bigger numbers.
6 This has to be addressed and perhaps mitigation, but I see I'm out of time unless
7 you have a question. Thank you.

8
9 **CHAIR VAN NATTA** – Okay thank you very much. Our next speaker is Hans
10 Wolterbeek.

11
12 **SPEAKER WOLTERBEEK** – Good evening Madam Chair and Councilmen.
13 Basically I looked at the SP18 concerns about documentation in the EIR. There
14 is a table in the EIR, Appendix B in the EIR; not the DEIR and I went through that
15 table you have those tables; I gave those to you, effectively there is a Supreme
16 Court decision Pueblo Vs. United States 50F3D856 of 1995, which basically said
17 that emails or any written documentation really is not enough in communicating
18 with Indian Tribes or Indian Bands and three Indians Bands apparently were not
19 properly contacted according to that criteria. Email contact for the Morongo Band
20 appears to be incorrect in the EIR; at least I was unable to find an email contact
21 to invite them to this meeting, so if that indeed is the truth, then what impact did
22 the lack of notification of this meeting have on behalf of the Morongo Band and
23 what about the delivery of the EIR. Now the document is not complete and
24 needs to be undated. Basically when you look at the table and that's the
25 document and that's what I'm going to be talking about here, it basically says
26 some things and it leaves a lot of conclusions out, so therefore I came up with
27 conclusions and I did coordinate a little bit with one of the Staff and basically I
28 drew what conclusions I could. There were probably more communications. I
29 could not see them and they were not in that table you have in front of you. In
30 addition and I think that is very important. In the EIR by the way states that an
31 archeologist will be on site and Indian Bands will be notified if something is
32 found, which is okay for some Bands when you read through EIR, however again
33 in that magic table that I was talking about, there is Soboba and Cahuilla Bands
34 and I hope that I pronounced that correctly, ask them Indian monitors on the site.
35 Were these concerns fully addressed and documented. I'm sorry, I could not tell
36 that from those two tables. The EIR also states that the City does not require the
37 developer to stay for an Indian monitor from the Indian Bands. Okay I can see
38 that for a small development; a small project, but this is not a small project, so
39 why not. Just because it wasn't done before, doesn't mean we cannot do that
40 now and impose that on the developer. It is not that high an expense. It is at
41 most basically it seems to me when they are digging up the ground, which as
42 everybody says seems to be one man; one year, so one man year is not that
43 expensive for a company the size of Prologis.

44
45 **CHAIR VAN NATTA** – Thank you very much for your comments.
46

1 **SPEAKER WOLTERBEEK** – I’m already out of time.

2
3 **CHAIR VAN NATTA** – Your time is up. Our next speaker is Deanna Reeder.
4 Hello again.

5
6 **SPEAKER REEDER** – Hello. Um, two things. One; the moratorium and
7 Prologis, they should have never done that moratorium, that was dumb and they
8 did it based on an emergency ordinance, which means it should have been a
9 threat to the health, safety or welfare of the community and I can’t see how
10 building or not building could have done that, so that was a pile of crap. You’re
11 right, you were put on hold for a year, however, let’s go talk about when you
12 bought that piece of property and why. Prologis is the company that Sketchers
13 was leasing from before they moved here. In 2007 is when Benzeevi signed that
14 deal with Sketchers, which means in 2007 Prologis knew that Sketchers was
15 moving there and that they were going to put a warehouse there and it was in
16 2007 that Benzeevi started formulating his plan for the World Logistics Center
17 because it was in the Sketchers EIR and Draft EIR as a logistics modified
18 General Plan, so Prologis you knew about the World Logistics Center when you
19 made your application. You knew exactly what the plan was, so that’s probably
20 and I’ll say probably why you bought the property because you are in the
21 warehouse business and you knew that Benzeevi was going to talk the City
22 Council into it because after all his money buys what he wants. So no, you don’t
23 get a pass on skipping over what the World Logistics Center affects are going to
24 be. You knew it was going there when you bought that property and you knew
25 what it was going to be when you made your application, so you need to take
26 those affects into consideration in your EIR. Thank you.

27
28 **CHAIR VAN NATTA** – Thank you for your comments. Our next speaker is Tom
29 Thornsley.

30
31 **SPEAKER THORNSLEY** – I see you have a bigger timer now. I can see it.
32 Thank you although it’s not running.

33
34 **CHAIR VAN NATTA** – It will when you start talking.

35
36 **SPEAKER THORNSLEY** – Hi, good evening. I’m happy to be here. My name is
37 Tom Thornsley. I’m a resident of Moreno Valley. I’m one of those folks who is
38 definitely not in favor of this City’s constant conversion of land uses to now permit
39 warehousing. This location was designated as a community node which had
40 housing, commercial and Business Park which had a more diverse range of
41 employment opportunities. You as the Commission have seen over the last five
42 years a multitude of proposals coming in to you where the request has been to
43 change the land use from Business Park to Light Industrial so that it can convert
44 to warehouse use; we’re talking the mega warehouse use and not the small
45 business park type use, so therefore we are moving farther and farther away
46 from what had been the General Plan’s goals and objectives which this project

1 cites as there rationale for doing that. Objective 2.5 promote a mix of industrial
2 uses which provide sound and diverse economic base and ample employment
3 opportunities for City's and the goals it says, a well-organized designed high
4 quality functional balance of urban and rural land uses that meet the need of a
5 diverse population and promote the degree of health, safety and well-being. The
6 way this land is currently designated, meets all those criteria when that area was
7 designated and the land uses were established. All that was taken into account
8 and it was set forward to be that way. Why the City went for a moratorium and
9 wants to change it, wants to look at it, is way beyond me other than somebody is
10 trying to scratch somebody's back. I feel for the developer that he bought the
11 property at one time under a different tenure for the City, but it's like when I buy
12 stock. If I don't get out of it in time I lose my money. You know this isn't what we
13 should be going after right now. We did the corridor study. We did not do it on a
14 macro analysis, we did a micro analysis of just this particular area. You have to
15 look at what has been changed throughout the City over the course of the last
16 five to six years and analyze just where we are going with our land use changes.
17 We are not following the General Plan design. We are letting our City be
18 designed piecemeally by these constant changes and I think it's time that we...
19 well when they did the moratorium it should have been Citywide and it should
20 have been a full size assessment on it and I think that's what we need to do in
21 the future. Thank you very much.

22

23 **CHAIR VAN NATTA** – Thank you for your comments. Our next speaker is
24 George Hague. Can we take a brief recess? We have a Commissioner that left
25 the room and he'll be back in a minute. I didn't want anybody to miss your
26 comments.

27

28 **SPEAKER HAGUE** – George Hague, Moreno Valley, Sierra Club. The
29 developer states in their response to comments that there was a recent court
30 case that allows for mitigation of AG. This project destroys 80 acres of AG;
31 prime AG. You know the thousands of citrus that disappeared and they're saying
32 they can't do that here locally because there isn't an AG mitigation program here
33 in the County. I would say that by the time there is occupancy of this project
34 there will be one and you could condition this project based on that, but even if
35 that didn't happen there are State AG Programs for conservation of AG that we
36 could make sure that they apply for, so just because there isn't one in the County
37 doesn't mean there isn't one that they could actually use. The developer also
38 believes the cumulative impacts... this is also handled already. The World
39 Logistics Center was out there and they knew it; other people knew it. Their
40 impacts needs to be included. Cal Trans... you received a letter late probably at
41 the last hearing saying we need a mitigation bank here for Highway 60; State
42 Route 60. All of us who use State Route 60, please have such a thing. Please
43 make this developer be part of that. We need it. We can't just allow thousands
44 and thousands of additional trucks and traffic to impact State Route 60 without
45 any mitigation. The World Logistics Center will cast a toxic plume. You can go
46 to their documents. They have wonderful pictures of the toxic plume of cancer

1 that is going to cover this City. It goes out over Lake Perris even. It goes in
2 places it was never before seen east of San Bernardino almost all the way out to
3 Palm Springs. This is significant. This project will add to that as you heard a few
4 minutes ago from another speaker that this project will add to the cancer
5 problems of our area and actually beyond our area. That is why some people
6 are concerned about the warehousing in Moreno Valley because they know the
7 plumes and toxicity of these projects does not stop at the border of Moreno
8 Valley. At least this project is being somewhat honest with its traffic and trucks
9 and so forth. They mentioned that south on Moreno Beach this project will have
10 an impact. There is a housing development going in near the substation. This
11 project will go by that now. It says there is an impact at Alessandro and Moreno
12 Beach. It continues on to Nason and Moreno Beach there will be a significant
13 impact. For some reason it all disappears because the City has this kind of
14 bogus idea that beyond 5 miles there are no impacts. Well you know that Nason
15 is going to continue on all the way to 215 and vice versa, so at Heacock and
16 Perris and these other intersections there is going to be impacts, but this City
17 doesn't require those mitigations.

18
19 **CHAIR VAN NATTA** – Okay, your time is up now Mr. Hague.

20
21 **SPEAKER HAGUE** – So Alessandro is a truck route. Cactus is a truck route.
22 World Logistics Center isn't going stop them.

23
24 **CHAIR VAN NATTA** – Thank you for your comments. Our next speaker is
25 Monique Gordon. It's for Item 2 she says. Excuse me, oh for item 2. It was on
26 this list so we'll take it off. Okay, thank you. Seeing no more speaker slips for
27 the public comments and nobody else approaching the microphone there, I'm
28 going to close the public comment and we'll have questions from the
29 Commissioners.

30
31 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Excuse
32 me Chair. The applicant would have an opportunity to rebut if they choose to do
33 so.

34
35 **CHAIR VAN NATTA** – Exactly, thank you. Did you have anything else you wish
36 to comment on? Okay, seeing no request from the applicant for rebuttal then we
37 will go on. Were there any questions from the Commissioners of either Staff or
38 the applicant regarding the presentations?

39
40 **COMMISSIONER RAMIREZ** – Yes for me one of the biggest issues is traffic,
41 especially traffic along Highway 60. Now it is evident that eventually this entire
42 Highway 60 corridor is going to have to be redeveloped from approximately
43 where Frederick and Pigeon Pass is all way throughout to the east end. We
44 received this letter dated March 17th, 2014 recommending the City of Moreno
45 Valley coordinate a State sponsored program of collecting transportation
46 mitigation fees from development projects to make improvements to the State

1 highway system. My first question is have we started this program? If so can we
2 ask Prologis to contribute to the fees of this program?

3
4 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Good evening Chair and
5 Commissioners. I'm Michael Lloyd with Transportation Engineering Division. I'm
6 aware of that letter and we have received similar letters for other projects from
7 Cal Trans making a similar statement and if you'll notice in that it states a State
8 sponsored program, so we've been in a position where any type of fair share
9 payment program from developers to the State would need to be established by
10 the State even though the State is asking the City to take the initiative, so it's a
11 little confusing. We have had conversations ever since I've been at the City for
12 approximately seven to eight years now with Cal Trans and this topic comes up
13 regularly, however the State has made no movement. To put it into maybe a little
14 more perspective, the State really needs to initiate the dialogue with a regional
15 type of agency such as WRCOG or RCTC because it would make no sense for
16 Moreno Valley to collect developer impact fees and give it to the State when
17 other jurisdictions around us aren't doing so, so this was a regional effort and I'm
18 guessing why we haven't seen any movement from Cal Trans is there just hasn't
19 been any momentum on a regional basis. So to answer your question a little
20 more directly, yes we are aware of this and we've had conversations with Cal
21 Trans and my guess is those conversations will continue to occur, but as I
22 mentioned, it really needs to be focused on a regional basis very similar to our
23 TUMF program so that those regional impacts, where part of a regional effort to
24 address them and not just on city basis.

25
26 **COMMISSIONER RAMIREZ** – Very well, thank you.

27
28 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah
29 Michael is it correct to say that the current TUMF system actually does provide
30 some improvements related to the freeway?

31
32 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct. We do
33 collect fees as part of the TUMF program to address the ramp terminals at the
34 arterials. I believe Cal Trans' focus is really more on establishing a program to
35 establish a fee collection system for the actual mainline of the freeway, but John
36 you're correct. The fees that are collected as part of the TUMF regional program,
37 some of those monies are geared towards the ramps; the connections with
38 arterial streets.

39
40 **CHAIR VAN NATTA** – Okay any questions of the Commissioners?

41
42 **COMMISSIONER SIMS** – I do have some... I looked over the EIR and the Traffic
43 Impact Analysis Report and it is clear to me when I was reading through the
44 Traffic Impact Analysis that the cumulative analysis at build out with the
45 improvements does not include the World Logistics Center and so when you look
46 through the tables, specifically Table 4.11.j of the Traffic Impact Analysis it shows

1 that most intersections with the Prologis project with improvements will be at a
2 level of service C and D, but I repeat that those levels of service projections are
3 made without knowing the cumulative impacts of the World Logistics Center,
4 which is just within a mile of this facility and as we heard earlier today it is
5 eighteen times the size of the Prologis project. I think in the spirit of transparency
6 and care for the entire City, based on some of the City leadership support of the
7 World Logistics project, that in the absence of this project; the Prologis project
8 doing a cumulative traffic analysis that includes the World Logistics Center, I
9 believe the City should initiate a traffic study that includes an overall traffic impact
10 analysis for all of this magnitude of change in the land use for the warehouses. It
11 just seems like it's a piecemeal effect of unknown traffic impacts that we just
12 don't know about and so I would... I just think at this point it just seems like it's
13 hard to make a decision. I mean it seems like a good project; the Prologis.
14 We've heard about it. We've read about it, but there's just unknown in the
15 cumulative effect. We're making a big decision. You know we're opening the
16 gates to more and more warehouse reuse of land that wasn't speculated.

17
18 **CHAIR VAN NATTA** – At this point though we're kind of into asking questions
19 and not up for discussion and so do have questions or anything?
20

21 **COMMISSIONER SIMS** – So my first question is am I clear that the Prologis EIR
22 Traffic Impact Analysis does not include the cumulative effects of the World
23 Logistics Center?
24

25 **INTERIM PLANNING OFFICIAL ORMSBY** – That's correct and from a CEQA
26 standpoint it wouldn't be typically required because of the fact that the cumulative
27 impact list would be established during that notice of preparation period, which
28 occurred several years before the World Logistics project was submitted.
29

30 **COMMISSIONER SIMS** – Okay so my next question is in the EIR there is a
31 generation factor for jobs, so it's on page 4.10.5 of the EIR and there is a formula
32 in there that says one employee; the generation factor for employees for
33 warehouse use is one employee per 1,465 square feet of warehouse and in the
34 document it states that this equates to 1,532 jobs which I assume are permanent
35 jobs that would be expected to be created, so my question to Staff or the
36 applicant would be does this factor come from? Is it a Southern California
37 number? Is it a national average? You know how do we reconcile that? The
38 second question is how does that factor compare with actual job creation in
39 warehouses within the City of Moreno Valley?
40

41 **INTERIM PLANNING OFFICIAL ORMSBY** – The applicant would best address
42 that and I'll defer to them as which member of their team would like to address
43 that.
44

45 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah I'll
46 address your second question. On a warehouse facility by facility it varies quite a

1 bit. I would suggest that the average is close to that on a project. There are
2 projects that have one job for every 3,000 square and there are projects that
3 have one job for every seven or eight hundred square feet, but on average
4 something similar to one for every 1,500 square feet is probably not off the mark
5 on actual averages.

6
7 **SPEAKER NORTON** – Kent Norton with LSA. Again, Mr. Terell is correct. That
8 was an area wide average. The information was averaged over the Southern
9 California regional projects and so yes, a lot of projects would vary, but that
10 number appears to be fairly representative of warehouse projects in Western
11 Riverside County. Actually, the comments about the cumulative traffic, if I may
12 just very quickly answer that. Our traffic people indicated that the build out
13 analysis for Prologis even though it doesn't include the World Logistics Center
14 specifically, as I said the reason for that is the NOP was issued well before
15 Prologis was issued, well before any application for the World Logistics project
16 which is the time when the baseline is set for studies such as traffic, but the
17 Prologis traffic study does look at General Plan build out and there were more
18 trips... the existing land use I believe was mentioned earlier; the existing land
19 use for the project would actually generate more trips than this proposed Prologis
20 project, so the cumulative analysis for the General Plan EIR analysis actually
21 would show more trips than this project would actually generate, so I just wanted
22 to clarify that.

23
24 **COMMISSIONER SIMS** – But that is just for the Prologis area?

25
26 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Kent, if I
27 can... you are talking about General Plan build out on a City-wide basis?

28
29 **SPEAKER NORTON** – Right

30
31 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah, so
32 that would have allocated whatever the current land use is in the General Plan
33 city-wide and not just this property. That would be typically how the build out
34 would be done.

35
36 **SPEAKER NORTON** – If you'd like, Megan Macias, the Director of our Traffic
37 Group is here and she can answer any specific questions you have about the
38 traffic analysis if you like.

39
40 **COMMISSIONER LOWELL** - I had a question while you are still standing up
41 here. One of the public speakers beforehand, I believe his name was Michael
42 Lozeau... I forgot...

43
44 **SPEAKER NORTON** – Lozeau

45

1 **COMMISSIONER LOWELL** - He said there are new CEQA requirements that
2 would be in effect if the project went in today versus when the project was
3 conditioned in 2007. Could you enlighten us on what that would be if the project
4 went into the new set of conditions today?

5
6 **SPEAKER NORTON** – I don't have notes on that... I didn't... Could you expand
7 on that a little bit? I don't have that in my note.

8
9 **COMMISSIONER LOWELL** – That was from one of the public speakers. He
10 came up and he said that there would be new CEQA requirements if the project
11 went through today versus in 2007 when the project was presented to the City.

12
13 **SPEAKER NORTON** – Well you mean the requirements; the development
14 requirements on projects changed throughout time. The 2007 and 2008 period
15 was when the environmental baseline was set for the analysis in the EIR,
16 however when development comes on line when Prologis comes to pull building
17 permits for example, they would be required to meet the current development
18 requirements of the City as well as items like the California Green Building Code,
19 Title 24. Does that answer your question?

20
21 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Oh Kent,
22 as I recall the comment and obviously the person that still in the audience, they
23 could probably correct that if I have it wrong, that there other projects that have
24 been submitted after this project, therefore they should be reviewed because the
25 development landscape in the City is different. That's true, but there is a reason
26 why when projects are submitted and the baseline is submitted, it's not
27 constantly changed because theoretically a project... this is not what happened
28 in this case, but a project could have been submitted yesterday and somehow
29 because it was submitted yesterday before a decision on this project was made,
30 it has to be assessed, so it's kind of what I call an expose facto. At some point in
31 time there has to be a scope of work and that is what is reviewed so that the
32 applicant can rely on that and not constantly having to redo their studies as they
33 get closer and closer to a decision on their project. So there is a reason for the
34 rationale of not going back and adding additional projects after that baseline and
35 I believe that the comment was talking about that, that conditions have changed
36 which they have as far as what projects have been submitted to the City.

37
38 **COMMISSIONER LOWELL** – I appreciate that. Thank you very much but I
39 really kind of concerned; well not concerned but just curious how the CEQA
40 requirements... have they made dramatic changes between 2007 and 2014 or
41 are they pretty much standard.

42
43 **SPEAKER NORTON** – The CEQA requirements... the CEQA requirements have
44 changed incrementally other than since then greenhouse gases have been
45 added and some changes to the environmental checklist in the State CEQA
46 Guidelines have changed but the overall CEQA process remains the same and

1 just remember that development has to meet the current development
2 requirements of the City and that my reference to 2007 and 2008 is only
3 regarding the environmental baseline against which certain impacts are
4 measured; the existing conditions in 2007 and 2008 are used as the baseline in
5 the EIR to determine impacts.

6
7 **COMMISSIONER LOWELL** – Okay, thank you, I appreciate it.

8
9 **CHAIR VAN NATTA** – Okay Commissioners, does anybody else have any
10 questions?

11
12 **VICE CHAIR GIBA** – I may have missed this but could you I think Jeff, could you
13 respond to Mr. Wolterbeek’s concern about the Native American contact record?
14 I’m very concerned about it and I have that little sheet.

15
16 **ASSOCIATE PLANNER BRADSHAW** – The email exchange from earlier this
17 afternoon...what I can say with confidence is that the Tribal groups that the City
18 coordinated with, mitigation has been imposed on the project that the applicants
19 agreed to that would include tribal monitors per the request of those groups that
20 asked for such. The specifics in terms of what is summarized in Appendix B, I
21 would defer I think to Kent and I hate to make him walk back up again, but I think
22 he is going to be a little familiar with the content and the preparation of the
23 summary data than I am. I would defer to him.

24
25 **VICE CHAIR GIBA** – Thank you

26
27 **SPEAKER NORTON** – The information in Appendix B that Mr. Wolterbeek
28 referred to was some additional notifications that LSA assisted the City with by
29 notifying the Native American Tribes that are listed on the Native American
30 Heritage Commission’s list. We have a person who helps us coordinate those in
31 our Irvine office. It was an additional level of trying to reach out to the Tribes on
32 the City’s behalf and let them know about the project continuing on and as far as
33 I know all of the Tribes that were indicated were contacted. We used various
34 methods of contacting and Mr. Wolterbeek referred to a 1995 Federal case,
35 however remember that this is... we’re talking about CEQA of the CEQA process
36 and actually the SP18 notification process and consultation process between the
37 City and the Native American Groups is a separate State requirement, actually
38 even separate from the CEQA process, but I believe the City’s fulfilled all of its
39 requirements regarding SP18 and has consulted with tribes that indicated that
40 they would like to do that as evidenced by the substantial changes to the
41 mitigations measures in response to their comments on the Draft EIR.

42
43 **VICE CHAIR GIBA** – The last time we all met we had a lot of speakers and I
44 don’t know if this will affect you so...

45
46 **SPEAKER NORTON** – Maybe I should stay

1
2 **VICE CHAIR GIBA** – There was one in particular that really caught my eye and
3 so I wanted to... Michael this is probably going to be one of your questions
4 because you know me and traffic right... This was from Ms. Coggins... through
5 San Mateo Canyon and all the traffic goes through there as a short cut to Loma
6 Linda and Redlands; the 10 freeway or whatever. Ever since Sketchers has
7 been built truck traffic has increased past my house and either of you are
8 welcome to come by. When the trucks go by my windows rattle. I have
9 stopped... that's her comments and I did take a little trip up there and that road is
10 not exactly in the best of shape. Last time you mentioned that that is considered
11 an artery for truck traffic. It appears to me that when we looked at the traffic
12 mitigations there was nothing basically north of the 60. Everything dealt with
13 intersections and south of the 60. Was there any consideration at all for the
14 Redlands Boulevard traffic going through there because if this is starting to be a
15 big concern just with one warehouse in there, Aldi's is going to be building theirs
16 and if Prologis gets approved that adds to that and I'm not even going to talk
17 about the World Logistics Center. So is there anything that can be done about
18 that Redlands Boulevard? Can it be changed so that it is no longer a truck traffic
19 artery or can the streets and the roads be improved such that they will take some
20 pressure off of the homes and stuff going up? It is a beautiful route up that way
21 but it doesn't look like it should be a truck route.

22
23 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Michael Lloyd again with
24 Transportation Engineering. Yes Commissioner, action could be taken at the...
25 truck routes are established within the Municipal Code and action by City Council
26 could certainly change that, so it is something if Council took that up and directed
27 Staff, we would investigate and make a proposal to make a change to the truck
28 routes. I would note that Redlands does cross out of the City of Moreno Valley
29 into the County. The County portion of Redlands Boulevard is an established
30 truck route, so the City could certainly take action and say it is not a truck route,
31 however as soon as you cross into the County it is a truck route, so we now have
32 an enforcement problem, so it's not inconceivable or insurmountable to change
33 the designation, it would require a cooperative effort between the City and
34 County to have it removed as a truck route. So it is a possibility, however to my
35 knowledge, there has been no conversations to change that current designation.

36
37 **VICE CHAIR GIBA** – Is there any reason why we can't pursue that
38 conversation... it seemed to me that there were a couple of residents who
39 brought that concern up and that was the first time I've had an opportunity to
40 hear that and again if we are pursuing that direction what would we do? There is
41 your question what would we do as a City, a Commission and a Staff and how
42 would that affect the outcome of what we're doing this evening?

43
44 **TRANSPORTATION DIVISION ENGINEER LLOYD** – If Staff were directed to
45 investigate this and pursue it, Staff would contact the County and begin the
46 dialogue on how to remove the County's portion so that we're working in concert.

1 Assuming the County was amicable to the request we would then move forward
2 to work collectively I guess to have the portions removed; the designation
3 removed from the City as well as the County and it would require action as I
4 mentioned by our City Council and it would require action I believe at the County
5 level and I don't know to what level that would need to occur. I don't know if it is
6 handled administratively or if it would need to go to the Board of Supervisors. I'm
7 not familiar on how the County makes their designations on truck routes, so it
8 would require a little investigation on my part and certainly that dialogue with the
9 County would establish very clearly and quickly what needs to occur.

10
11 **VICE CHAIR GIBA** – So with that recommendation to the Council, could that
12 come from the Commission, but not necessarily effect the outcome of what we
13 determine here but also add that as a mitigation measure down the road?

14
15 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Vice
16 Chair Giba, I don't think it would be a mitigation measure on this project.

17
18 **VICE CHAIR GIBA** – okay

19
20 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – I don't
21 think it would be appropriate, because I would suggest that this project didn't
22 allocate any truck traffic onto Redlands Boulevard.

23
24 **VICE CHAIR GIBA** – That's going to be the natural flow as we've been seeing
25 and we may not have anticipated that I'm sure.

26
27 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – And not
28 to discount the public comments, because I don't live on Redlands Boulevard,
29 but I drive it quite often. It's very rare that I see a truck on Redlands Boulevard
30 and usually when I see it, it is a Coke truck or a Pepsi truck. I've seen others but
31 they don't have markings on them, but I know I've seen the Pepsi truck and the
32 Coke truck on there and they are making local deliveries in essence. But yes, it
33 would certainly... I don't know that it's appropriate to make that recommendation
34 to the Council as part of this action, but certainly separately the Commission
35 could suggest that and I would hope that if this project goes forward to the City
36 Council that those residents that are concerned about it will express those
37 concerns again directly to the City Council. But yes, it would be appropriate
38 probably separate from this project.

39
40 **VICE CHAIR GIBA** – Thank you John. Thank you Michael.

41
42 **COMMISSIONER LOWELL** – I have a question for Staff. The project proposes
43 a General Plan Amendment; I remember just recently that we approved the
44 Housing Element where we had to verify and look at where different types of
45 housing; residential, apartments, mixed use, all that was located. How would this
46 General Plan effect what we just recently approved?

1
2 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – It doesn't
3 affect it. This particular residential zoning was not counted as required to meet
4 the State guidelines. The State guidelines require that you have a certain
5 capacity in low, moderate and above moderate. In the low and moderate, this
6 was not counted towards that so it doesn't affect compliance with those
7 regulations. In the above moderate, the City was substantially over the regional
8 housing needs assessment that was provided to us. As I recall it was by a factor
9 or three or four times, so removal of residential in this particular area would not
10 impact a compliance of the Housing Element.

11
12 **COMMISSIONER LOWELL** – Even though there is some R15 that is going to be
13 removed, I would envision that would be apartments and...

14
15 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – For the
16 low and moderate income categories, the only ones that could be counted were
17 either specific projects; affordable housing projects that were under review or
18 R30, so R20, R15, R10, none of those were counted towards the regional
19 housing needs assessment.

20
21 **COMMISSIONER LOWELL** – I appreciate it, thank you.

22
23 **CHAIR VAN NATTA** – Any other questions? Yes go ahead.

24
25 **COMMISSIONER BARNES** – I have a question for Staff. Could you give me a
26 little background on the General Plan? When was it adopted and is it scheduled
27 for regular revision or is it cast in stone?

28
29 **INTERIM PLANNING OFFICIAL ORMSBY** – The General Plan was last updated
30 in totality in 2006 and it would be due to be updated roughly 10 years from then,
31 so we're looking at a few years still.

32
33 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah the
34 General Plan is not set in stone and the first General Plan was adopted in 1988
35 or 89.... 88, so it was 18 years from the first one to the first update and not to
36 cast aspersions on other communities, in Riverside they just updated their
37 General Plan a couple of years ago. Previous to that the latest update was in
38 1973; comprehensive. So General Plans can change up to four times a year.
39 Each element of a General Plan can be modified up to four times a year under
40 State law, so obviously you wouldn't make wholesale changes four times a year,
41 but it is not intended to be a... it is intended to be a living document, but
42 obviously the framework you need to look at comprehensively. They recommend
43 10 years. Sometimes it's a little bit longer than that.

44
45 **COMMISSIONER BARNES** – And I guess that's the point of my question, not
46 specific to this project, but the fact that we are considering making a change to it,

1 but it's an old document and we all know that a lot has happened in the
2 intervening time, so even discounting this project, it would be subject to review
3 and probably some substantial changes, so I think we need to keep that in mind
4 when consider making a change to it that it's dated.

5
6 **COMMISSIONER LOWELL** – Piggybacking on that last comment Mr. Terell, you
7 said the General Plan can be amended up to four times a year. Is this
8 amendment considered one of those four times?

9
10 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yes. I
11 believe we had... did we have one this year already? I don't believe so.

12
13 **INTERIM PLANNING OFFICIAL ORMSBY** – I don't believe we've had one this
14 year, but there are a couple perhaps in the pipeline, but this would be the first
15 one this year.

16
17 **COMMISSIONER LOWELL** – Thank you.

18
19 **COMMISSIONER SIMS** – Are there any general triggers of best practice in a city
20 planning department of when there is known development activity that is not
21 consistent with the current General Plan where there would be a stop in the
22 jurisdiction say maybe it is time to do a comprehensive General Plan
23 amendment? Perhaps a trigger such that x percent of the total city is being
24 redeveloped to a certain other type of land use?

25
26 **INTERIM PLANNING OFFICIAL ORMSBY** – There isn't any guidance in the
27 State General Plan Guidelines that I'm aware of and John might have some other
28 thoughts on that. I mean the other thing that should be considered is the General
29 Plan was updated in 2006, but we did go through a recession period. In some
30 respects there hasn't been as much change as there would generally be in that
31 same number of years as during a more active time period. Certainly there was
32 in the first couple of years but during the recession things were slower.

33
34 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Chris is
35 correct. There is no guidance that I'm aware of in planning literature on a set
36 percentage, because if you were looking at a substantial project you'd always
37 want to look at the impacts on the adjacencies anyways and I think as you
38 requested on this project some information perspective on you know what other
39 vacant land is available for this use, I think that's a reasonable question to ask
40 when any major change is made to the General Plan. How does this affect the
41 overall composition of the City as far as uses and how might that compare to
42 other communities? I think that is a reasonable question to ask whenever a
43 major change comes forward.

44
45 **CHAIR VAN NATTA** – I get to ask questions now? One question Planner
46 Bradshaw... was there any communication back and forth from the Auto Mall

1 about the increase of traffic going along Eucalyptus through the middle of the
2 mall there?

3
4 **ASSOCIATE PLANNER BRADSHAW** – I'm not aware of any such
5 communication.

6
7 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Maybe I
8 can answer that. When talking about a different subject I did talk to Glen Moss
9 who is the owner of the current dealerships in the Auto Mall and he was looking
10 forward to the concept of having more traffic come through the Auto Mall and he
11 did not express any concerns about this project. Then I asked him specifically do
12 you have any concerns and he said no. He is looking forward to that road going
13 through.

14
15 **CHAIR VAN NATTA** – Okay. Another question I think at our last meeting, we
16 were talking about the flow of traffic going through there and that this would
17 complete Eucalyptus over to Redlands Boulevard which would make from this
18 project probably as much traffic up getting onto the freeway on Redlands as on
19 Moreno Beach and had a concern about whether or not that intersection would
20 be able to handle it and is there anything going towards that area to improve the
21 access or traffic flow on and off of Redlands Boulevard.

22
23 **TRANSPORTATION DIVISION ENGINEER LLOYD** – You're correct that the
24 analysis did assume a split between the two interchanges. I don't recall off the
25 top of my head the exact split but it was roughly speaking about 50/50 utilizing
26 Redlands versus Moreno Beach Drive and the analysis did not find any direct
27 impacts at the Moreno Beach Drive interchange. It did identify some cumulative
28 impacts. Some of the mitigation measures identified for those cumulative
29 impacts have actually been implemented with the recent completion of the
30 Capital Improvement Project where Eucalyptus was connected to Moreno Beach
31 Drive and the southerly or eastbound ramps were reconstructed. So we are in
32 the process of getting those improvements in. The first phase of improvements
33 to the Moreno Beach interchange have been implemented and the second phase
34 I believe the design is wrapping up and should be done in the next year and it's a
35 matter of identifying a full funding package so it can go out to construction, so it is
36 in the process for Moreno Beach Drive.

37
38 **CHAIR VAN NATTA** – Okay how about Redlands?

39
40 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Redlands, I'm not aware
41 of any improvements at this point in time to actually reconstruct the interchange.
42 Just as a reminder, the Aldi project was conditioned to put in a traffic signal as
43 well as turn lane improvements for the westbound ramps or the ramps on the
44 north side of the interchange. This project is conditioned similarly. This project
45 was also conditioned as well as Aldi to install a traffic signal where Eucalyptus
46 will intersect with Redlands, so those were identified for both projects as direct

1 impacts and there were mitigation measures imposed on the project to address
2 those impacts.

3
4 **CHAIR VAN NATTA** – Does that mean they are going to be done?

5
6 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Yes

7
8 **CHAIR VAN NATTA** – When these are completed then there will be lights there.
9 There will be traffic signals, an additional off ramp from the freeway to Redlands
10 etc.

11
12 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct. Neither
13 project would receive a Certificate of Occupancy allowing them to utilize the
14 building until those improvements are complete and accepted by the City.

15
16 **CHAIR VAN NATTA** – Okay, then the other question of course, we know
17 Redlands Boulevard is a major artery going northbound up towards the Redlands
18 area; Loma Linda area, San Bernardino and so forth, because to get to the 10
19 freeway otherwise you would either have to go through the badlands and meet
20 up with the 10 there or go all the way to the 215 interchange, so it's not realistic
21 to expect that that is not going to continue to be a truck route as you said, only a
22 portion of it is within the City, so are there any plans to upgrade the road bed
23 there to make it more safe for truck traffic?

24
25 **TRANSPORTATION DIVISION ENGINEER LLOYD** – The roadway per our
26 General Plan is designated as a divided arterial, so that would mean an
27 additional lane in the northbound as well as the southbound direction so that we
28 would have a four lane facility with a median. So we'd have two lanes in each
29 direction. As of this time, funding has not been identified to move forward with
30 designer construction, so it is part of our Capital Improvement Program, so that
31 we've identified it as a need, however it is what is referred to as an unfunded
32 project.

33
34 **CHAIR VAN NATTA** – Are funds for that possibly going...are any funds going
35 towards that going to come from this project; from the Aldi project or from the
36 World Logistics Center?

37
38 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That would be established
39 based upon the yearly update or the yearly approval of the CIP; the Capital
40 Improvement Program where Staff works with Council to establish priorities and
41 identify funding, so the possibility is out there. When this project is complete and
42 has paid their DIF and TUMF the fees would be paid to the City. It would go into
43 the pool of funds for that.

44
45 **CHAIR VAN NATTA** – Does it come from DIF and TUMF fees?
46

1 **TRANSPORTATION DIVISION ENGINEER LLOYD** – It is a possibility and there
2 are other funding sources that the City utilizes to build roadways that would
3 include gas tax monies, Measure A monies. We pursue grant monies through
4 the State and the Federal Government, so we often to get a project out to bid in
5 construction, it's generally a pool or several funding sources to get it out to
6 construction.

7
8 **CHAIR VAN NATTA** – Well I can't see telling the people who live along
9 Redlands Boulevard which has always been an arterial that okay now we're not
10 going to make it not an arterial because the trucks are making noise, but I can
11 see where right now it is a hazard and there have been accidents on that road
12 because of the heavy traffic and there are trucks besides the Pepsi and Coke
13 trucks. I was coming down south on Redlands Boulevard from Redlands about
14 two weeks ago and a truck coming up the other way hit debris that was... asphalt
15 debris that was on the road and it went straight through my bumper, so I see that
16 happening. It could have gone through my windshield just as easily. It went
17 through my bumper instead. That is a hazardous road because of the conditions
18 that it is in and should be addressed sooner rather than later.

19
20 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah I
21 think one of things though and I don't know where you had that incident happen,
22 within the City limits is what... Redlands Boulevard within the City limits is part of
23 the City's development impact fee program and I'm not sure if it is a TUMF road
24 as well. It is okay, so fees are part of the system on which fees from any
25 development are collected and then it is a policy decision both the WRCOG level
26 as well as the City and County level of how to spend those monies and I'm
27 assuming if it is on the TUMF network inside the City, it is in the County as well.
28 So I understand...

29
30 **CHAIR VAN NATTA** – The funds from these project are going to go into that
31 fund which could be used there at the discretion of the City's planning...

32
33 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Well it
34 would be the City Council or the County Board of Supervisors

35
36 **CHAIR VAN NATTA** - ...deciding that that is an impact area?

37
38 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Correct;
39 yes

40
41 **CHAIR VAN NATTA** – Okay, another questions?

42
43 **COMMISSIONER BARNES** – Yeah I have a question of Staff. In the resolution
44 that would go to the City Council should this project be approved, one of the, or
45 the primary consideration to override the impacts that aren't sufficiently mitigated
46 is overriding considerations and it lists four of them. On page 126, the project will

1 provide development consistent of Municipal standards, codes and policies. This
2 project provides development, improves and maximizes economic viability of a
3 vacant site by transitioning the project to productive light industrial and there are
4 two more, but in reading through the documentation that we've been given I don't
5 find a lot of substance that supports those overriding considerations. If we are
6 going to elect to do that, what is the basis for those comments and what makes
7 them significant enough to override them.

8
9 **INTERIM PLANNING OFFICIAL ORMSBY** – I didn't see the information on that
10 particular page number, so I'm not actually able to take a look at that. I'm
11 thinking we might want to have the applicant...

12
13 **VICE CHAIR GIBA** – 227, just right next door... the bullet point. There are four
14 bullet points Chris.

15
16 **INTERIM PLANNING OFFICIAL ORMSBY** – Oh 227... okay, I'm think we may
17 want to have the applicant address that and the Environmental Consultant. They
18 prepared the overriding findings.

19
20 **APPLICANT CAVANAGH** – I'll let Kent address that. The one thing I would say
21 though it gets back to what is the right land use for the property and what is the
22 right use for the community and this sort of gets back to, is the current General
23 Plan designation the best use. I guess that's a soft answer to the question and
24 you know I have to... I was very disappointed when the City took the position that
25 they wanted to have a land use study done somewhat at our expense because I
26 thought we were kind of targeted in some ways because there was a lot of other
27 properties that could have been included in that, that weren't, but that aside, I
28 think the findings of the consultant that did the land use study somewhat answers
29 your question as to what is the best; the highest and best use for that land and it
30 is in conformance with what our proposed project is and that gets back to a lot of
31 the things that I said earlier that relate to job creation, traffic impacts that as Kent
32 said I believe are lessened by our proposed use than the current existing plan,
33 the fees that are created and more specifically on the fees, I would say that a lot
34 of the fees that are paid are fees that we don't get the benefit of. We don't
35 directly get the benefit of school fees, the taxing of the Police Department and
36 Fire Department is drastically less than compared to the current zoning, so there
37 are some hidden benefits and it sort of a bundled answer and Kent wrote that so
38 I'll let him respond to it, but that was a few things that I wanted to cover.

39
40 **SPEAKER NORTON** – As you are aware, the CEQA process is balancing act of
41 looking at the adverse impacts of a project and seeing if any benefits of that
42 project are outweighed by those benefits, so in the findings the statement of
43 overriding considerations as the Commissioner identified, there are four primary
44 ones and I'm not sure if you had a specific question about a specific one, but in
45 general as I'm sure you're aware, the new industrial uses would generate short
46 term as well as long term employment. They would make a considerable

1 infrastructure improvements to the area. They would develop the site in a
2 productive manner for light industrial uses and that development would have to
3 be consistent with the City's development guidelines for those uses. Those are
4 the benefits that have been identified for the project and those benefits have to
5 be weighed against the adverse impacts that the EIR identifies and that's the
6 City's; that's the heart of the CEQA process for the City.

7
8 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah and
9 to add onto that, that is one of the things that the policymakers; you have the
10 opportunity to override. Obviously it is not required, the opportunity based on
11 what you would see as the beneficial; whether it is economic, social or other
12 benefits you see of the project that outweigh the potential impact; the
13 environmental impact. So it's an opportunity; to some extent a value judgment,
14 but you've been provided with identifying some potential items that the
15 Consultant and Staff has concurred that would provide that benefit.

16
17 **COMMISSIONER BARNES** – Right, and I didn't ask the question with any pre-
18 judgment, it just seems like we're going through hundreds and hundreds of
19 pages of analysis and some of it negative and we're going to make a ruling
20 based on four sentences. To help me make the decision, I would like to see
21 some specific substance to those and again this is just a general observation. It
22 would help me to have some specifics of those things that basically explain those
23 to me in more detail as they relate to this project.

24
25 **SPEAKER NORTON** – I would say the EIR document in various places provides
26 quite a bit of that information. The project description itself describes in detail
27 the kinds of infrastructure improvements that will be required and the project will
28 install. It talks about the employment benefits that the project will generate. It
29 identifies the transition of the land uses from vacant to the proposed uses; yes
30 different than what it is designated for now, but that's where the General Plan
31 Amendment and Zone Change process and then indicating especially in a
32 number of mitigation measures that the City's development codes and
33 requirements will be followed and then the mitigation typically identifies actions
34 that have to be taken over and above simple compliance with established laws
35 and regulations, including the City's development or review process. So it is in
36 there; yes it's not all in this document as part of this. The findings are more
37 designed to outline the extent of the impacts and how those or to what degree
38 those are mitigated. We could certainly provide additional documentation as a
39 supplement to this for the statement of overriding considerations, but you
40 probably had enough to read regarding this project already, but we can certainly
41 provide that clarification if the Commission so desires.

42
43 **COMMISSIONER BARNES** – Thank you.

44
45 **CITY ATTORNEY CURLEY** – And if I might... lawyers have trouble being quiet.
46 Putting it in context your point is very well taken and let me walk you through just

1 a very few minor but critical elements. In the EIR, the CEQA process... if you
2 have unmitigated or problems that you haven't solved, you can't recommend
3 approval. That's basic, but and this is as you've heard the concept of balancing
4 or the concept of what is called overriding considerations and I'm going to go just
5 straight to the statute, because it's probably most convenient. If specific
6 economic, legal, social, technological or other benefits of a proposed project
7 outweigh the unavoidable adverse environmental impacts, you may then
8 consider that project acceptable. The key is, as it goes on and this is called the
9 statement of overriding considerations, which means what it says, those
10 statements must be supported by substantial evidence in the record. Substantial
11 evidence is defined in there as fact; fact backed by expert opinion or fact based
12 on in essence the circumstances, so you need meat on the bones. You
13 mentioned four sentences; that's pretty thin meat. We would need as was
14 offered to augment that to say the factors that are presented that allow you to say
15 the impacts that are there, while real in the balance are outweighed by the
16 benefits, that needs to be augmented in the statement of overriding
17 considerations, so it is clear to the world what you were thinking when you said
18 we will trump those defects or those problems if you will. The environmental
19 document again as was noted will state in it the objectives that this project is
20 trying to accomplish; bringing jobs. It is bringing development. It's bringing many
21 positives, so that is the objective they were aiming at. You then measure did
22 they hit those objectives. Did they carry off those good things and do those good
23 things outweigh the identified non-mitigated or just broadly stated bad things. If
24 you go back to elementary school where the teacher said show your work, two
25 plus two may be four, but they wanted to see you actually write that formula,
26 that's what you want to augment this with, your four sentences. Show the work,
27 put the meat on to support that legal, economic, social, technological or other
28 benefit. If you do that you've conformed to CEQA. You haven't left people
29 scratching their head. Why did Jeffrey Barnes say this was better than not, so
30 your point is well taken and that should be augmented. Keep in mind you are
31 recommending to the Council. Your recommendation can be augment that
32 statement of overriding considerations; put some more meat on those bones.

33

34 **COMMISSIONER BARNES** – Thank you.

35

36 **CHAIR VAN NATTA** – Okay you had a question also?

37

38 **VICE CHAIR GIBA** – Yes. I wondered if... well I actually have two but this is the
39 more important one. Would it be appropriate Jeff and Chris for you to just briefly
40 and don't go away, briefly go over the project alternatives so that we kind of have
41 a good idea of what those alternatives are on this EIR and its thing. Would that
42 be an appropriate question for you to do or too much to go into or...

43

44 **ASSOCIATE PLANNER BRADSHAW** – No I just want to make sure I'm
45 understanding the question.

46

1 **VICE CHAIR GIBA** – There are six alternatives to this project.

2
3 **ASSOCIATE PLANNER BRADSHAW** – There are alternatives that are
4 discussed in the EIR and then there also some alternatives suggested as actions
5 that the Planning Commission, and ultimately Council could take, so there is
6 some discussion of alternatives in the Staff Report that are distinct from
7 alternatives in the EIR. I just want to make sure that I'm responding to you with
8 the correct information.

9
10 **VICE CHAIR GIBA** – You know just clarify both of them if you would like very
11 briefly, but I was looking at page 215... adequacy of the range of project
12 alternatives... alternative 1 through 6. In other words you said alternative 1, no
13 project existing zoning and so on. And I ask that for a couple of reasons, as I
14 read through it, sometimes my brain just doesn't really digest it properly, but on
15 the other hand we've also got people here that might like to have better
16 understanding. Now before you address that, I do have one for Mr. Cavanagh
17 real quick if I may. Because in the EIR and you yourself invoked the 60
18 document; the State Route 60 Corridor Study as one reason or consideration
19 why this project should be approved, I went back to the document and on page
20 30 if I may just for the record says, the alternatives received mixed reviews from
21 the community and here are the bullet points... concerns about how new
22 development along corridor would lead to a loss of the existing rural lifestyle,
23 concerns about how residential adjacent to the freeway can impact the health,
24 desire for high and large lot homes, mixed input on whether additional family, a
25 broad desire for more realistic planning that reflects current market conditions,
26 support for utilizing future detention basins, concerns about the negative effects
27 of additional logistics warehouses and concerns about over-saturating the
28 corridor with retail uses. Then it goes on to say the City Staff and the consultant
29 team used the community's comments to refine the land use alternatives and
30 select a preferred alternative. I read that over five times. I couldn't see anything
31 in there that said we wanted a warehouse out in that location nor could I
32 understand how we could come to that conclusion selecting that alternative with
33 that warehouse there, because there were three or four more. So my question to
34 you if would help me please better understand this as this is... I would consider
35 this substantial evidence of the community's involvement in how they feel about
36 what should be out here. How do you draw your conclusions as to why we
37 should put a warehouse out there, especially the size of the warehouse that you
38 are suggesting?

39
40 **SPEAKER CAVANAGH** – Your question is interesting. I didn't write the land use
41 study, so I'm speaking absent their input here, but I would answer that in a
42 couple ways. One is that we looked at this property as an ideal location for the
43 product that we have proposed to build and the reason for that is its proximity to
44 the freeways and the population base that would provide labor and the amenity
45 base that would provide places for people to go eat and experience things
46 outside the workplace. Those are all key ingredients for what makes a good

1 location for building what we build. The other is the market demand and if you
2 looked at the existing zoning for business park that runs along the freeways not
3 only from our property but all the way east out through the Highland Fairview
4 project, that product type has struggled in good times and failed horribly in bad
5 times and so I would just suggest that the General Plan that was originally
6 created, perhaps got it wrong. I don't know the thought process that went into it
7 back into 2006 or prior to that, but it is not where the economy has gone in the
8 Inland Empire and what has driven our market and driven our entire economic
9 base in the Inland Empire has been warehouse distribution and that has been
10 documented and studied ad nauseam and I think we looked at that location and
11 felt it was an ideal location for what we wanted to do and I think that has been
12 proven out by Aldi wanting to be there and Sketchers wanting to be there and it is
13 a similar location going down the 215 corridor. I don't really differentiate the two
14 very much, also I would say I think it's better in some respects because it is right
15 on the freeway and most of the opportunities down the 215 corridor are away
16 from the freeway and that makes those less desirable in that regard. And then
17 the residential, you know that is sort of a decision that you make... does Moreno
18 Valley need more rooftops or does Moreno Valley need more jobs and I think that
19 answer has been proven out pretty clearly at least in my opinion and I have
20 heard that over and over again and you know the other piece of this that probably
21 doesn't get said but I'll say it is that most of the comments that get made at these
22 forums and the land use study and those opportunities for the public to come
23 forward, the people that come and state their opinion are usually the people that
24 have strong feelings against what is going on. The people that are supportive
25 usually are at home on their couch and that's just a fact of life and I don't know
26 what you'd do about that, but it is what it is and people experience that every
27 time you get together. It is very rare that I sit here and hear anybody come up
28 and say what a great job you are doing, so I mean that's just the life or the
29 experience that you have and we have when we are proposing something. I
30 don't know if that answers your question, but I think that... I'm trying to be Rami
31 and Associates in their absence.

32
33 **VICE CHAIR GIBA** – Thank you very much

34
35 **CHAIR VAN NATTA** – Unless we have any other questions let's go into our
36 Commissioner discussion. Thank you very much. Okay who would like to talk
37 about their conclusions first? Who wants to go first? Well I usually go last but I
38 can go first. I don't have a problem with that. My outlook on all of these things
39 when they come up is a little bit different than the experiences than the rest of the
40 Commission. I have a tendency to be very practical. Since I'm not an
41 Engineer... how many of them are up here... I don't always expect everything to
42 come out with all the perfect answers and with everything being exactly right. I
43 look at things in terms of alternatives and so we're looking here at highest and
44 best use perhaps of the land and highest and best use for the community and I'm
45 thinking really what we have is we have three options. We can either say leave
46 the land vacant, don't do anything with it, you know let's protect the little birds

1 and other creatures that are on the land and not disturb their habitat and you
2 know let's just go back and plant some more trees on it, which really isn't going
3 to help the community very much. We could look at what would happen if we just
4 developed it the way that it is already zoned to be developed; business park,
5 offices, some more residential and so forth and has been very correctly brought
6 up right now we don't need more rooftops. We need jobs. We need the
7 infrastructure that would be paid for by development that would increase the tax
8 base, put money in for schools, for Fire Department, for the TUMF fees, improve
9 the traffic flow by putting traffic lights and additional off-ramps and this sort of
10 thing and so that's what I'm looking at this in terms of it may not be a perfect
11 project. I don't think we'll ever see a perfect project, but I don't think there is any
12 demand in today's economy for Business Park, offices and so forth. We're
13 already seeing retail that is closing down. We lost the Best Buy a couple of years
14 ago. We are now losing the Office Max out there in that area because people
15 are not going to stores to buy things. They are going online. They're buying
16 things and what is needed in order to support that kind of an economy is
17 someplace to store, warehouse and distribute those items for people that are
18 buying them and so I see this type of a project as being something that is coming
19 along with our digital age, our information age and so forth as being something
20 that is meeting a need. If there was a need for what was originally zoned for that
21 area then we would probably have applicants saying you know we want to build a
22 business park. We want to build some offices there. We want to build more
23 houses. We don't have applicants for those things because there is not a
24 demand for them and so with the demand comes the need for them, with the
25 need comes the development and it's kind of where the money flows and so I'm
26 looking at this and thinking there is a lot that this project brings to the community.
27 There are some challenges of course and yes it is going to increase traffic, but
28 anything you put there is going to increase traffic. The original project as was
29 mentioned; the original zoning that was there, if it was built out that way it would
30 be even more traffic than what this particular project is, so I think it is an
31 attractive project. I think it fits well where it is. It is close to the freeway. It will
32 bring good things to Moreno Valley including jobs and even though there may be
33 some challenges to it, I think that the benefits outweigh the challenges and those
34 are my comments.

35
36 **COMMISSIONER SIMS** – I think the... a lot of this going through right now is
37 you... the warehouses on the east end is a big decision. The project end itself
38 seems to be a good project. I do have concerns. We're coming out of a steep
39 economic recession and the current thought is we don't need new rooftops and
40 maybe so. But I look at the commercial development that we have, especially as
41 we move out into the east end. I sometimes ponder with what would help
42 support Moreno Valley commercial. You know there is a lot of businesses that
43 have gone out of business. We have indoor swap meets and 99 cent stores and
44 different things and is that a function of the demographics of the City or is it a
45 function that we've been in a series of... we don't have the rooftops and we don't
46 have the population to support more restaurants, to support more service

1 oriented. We're losing businesses in Stonegate. The Best Buy moved out. The
2 Office Depot is closing. I happened to be in Office Depot the other day and it is
3 not because of the lack of business, it is because it is a tenant landlord
4 relationship that they are intending to change the occupancy because that space
5 is directly adjacent to a Best Buy or the former Best Buy. So what I worry about
6 is when we commit to such a large area within the City towards a warehouse;
7 warehousing, that's cast in stone. The City will seal its fate that that is what it is
8 going to be and you know I'm not an Economist. I don't understand long term
9 what that means, but there is a lot of change. The General Plan; a
10 comprehensive General Plan Amendment coming out of the recession and not
11 doing overlays and piecemeal fashion seems a more appropriate approach and
12 as far as the traffic study goes, you know I appreciate the comments made and
13 I'm not a Traffic Engineer per say. I did take a little bit of it in College and so
14 forth, but at the end of the day I just think the City; the leadership in the City has
15 come out in support of the World Logistics Center. It's a no commodity. The Aldi
16 project has gone through. Now the Prologis is here in front of us today. We
17 have 3,000 acres sitting just directly to the east and we don't have a cumulative
18 traffic impact analysis and it just seems inappropriate; it would seem appropriate
19 for transparency for the City at large to understand what the overall traffic impact
20 is and I think the City could fund and would do it quickly based on take the
21 cumulative work from the EIR for the World Logistics and the Prologis and do a
22 comprehensive look at that and perhaps even do a comprehensive General Plan
23 Amendment taking into account that we're moving out of a recession. So
24 anyhow, this is kind of a big decision tonight, so I would encourage just some
25 more comprehensive looks. We're coming out of something that was bad. The
26 economy is moving better in pockets. Is this the pocket... is this the hotbed of
27 what Moreno Valley will forever be is warehouse?
28

29 **COMMISSIONER LOWELL** – I echo Mr. Sims comments also. I echo Ms. Van
30 Natta's comments. My concerns are as a personal note, I like to evaluate
31 projects not only on their legality, meeting zoning and General Plan and what not.
32 I also like to look at the project on its entirety; if it's a good project in the right
33 location. I personally really like this project. I think the layout of the buildings; I
34 think the tenant; I think the property owner is a fantastic project. I do believe it is
35 in the wrong location. I believe it is too close to the residential developments. I
36 believe that the people that moved into the east end of the City did not anticipate
37 large warehouses coming in. I would approve this project if it were farther away
38 but I'm very hesitant to establish this large complex. It will add a book end to
39 that end of our City that will essentially allow the way for more and more
40 warehouses between this project and the World Logistics Center. I personally
41 think that we need to evaluate the grand scheme of things of basically reevaluate
42 our General Plan and see what the future of the City should hold and not amend
43 the General Plan tonight.
44

45 **CHAIR VAN NATTA** – Who would like to comment next?
46

1 **VICE CHAIR GIBA** – Well everything that everybody said is very relevant. It's
2 very important. I'm one of those that believes that we should have the proper
3 project in the proper place. It's always been my feelings. When we did the study
4 on the 60 Corridor, I was probably the most vocal about the fact that we didn't get
5 enough weigh in from the entire community as to how that area of our community
6 should be built up at all. I think there is a lot that the other people had spoken in
7 the previous meeting that we had and what Mr. Sims and Mr. Lowell said as well
8 as what Meli has said that all these things are very difficult to take into
9 consideration. This is a very nice project. It really is. When I looked at all the
10 plans and all the layouts, Prologis knows what they're doing. They build a very
11 nice facility. If they had built just Building 1 and just Building 2 with Eucalyptus
12 coming down underneath and not Buildings 3, 4, 5 and 6 going down into the
13 residential area it probably would be much more appealing considering we
14 already have Aldi's and Sketchers all along that 60 freeway corridor, but it's a
15 very large area covering dropping down into the residential neighborhood. The
16 traffic studies; absolutely correct Meli. If we put in the other types of facilities,
17 apartments, restaurants and whatever the original plan would have specified, we
18 may have more traffic. Yes, Prologis is putting a lot of money into upgrades and
19 repairs of our area, but I think what we need to start doing in this City is we need
20 to start getting a better vision for who we are and what we are. Sometimes we
21 take the easy way out. I'll give you an analogy. When I was a recruiter in the
22 Navy, Cat 4's were easy to come by. Those are the guys that were very low on
23 the scope but they really wanted to go into the Navy, but the Navy didn't need
24 Cat 4's academically, educationally and test score wise, but they were easy to
25 come by so every recruiter had a whole bunch of Cat 4's ready to go into the
26 Navy. The hard part was to go out there and find those Cat 1's and Cat 2's.
27 They were the high scoring people that they could put into the nuclear programs.
28 I think sometimes we're hurting ourselves. We're shooting ourselves in the foot
29 by not going out and searching for the proper projects for the proper locations
30 any more. We're changing this as there have been other comments made. We
31 have been changing. We're no longer the same City we were in 1984 when we
32 first incorporated and we also have a change of Councilmembers and we are a
33 whole different Commission here. Mr. Cavanagh I apologize to you that I was
34 not here in 2007. I don't know why that area was chosen. I don't know why the
35 decisions were made back then. They were difficult decisions to make I'm sure
36 on your part because you guys are builders of wonderful warehouses. I'm not
37 going to dispute that, but I'm having a very, very, very difficult time with this one
38 in that much like Mr. Lowell said a wonderful facility, but possibly in the wrong
39 location and back in 2007 you had a choice of a lot of other locations in the City
40 that you could have built that at and you chose to come to the east side for
41 whatever reasons. So it is a difficult one Mr. Sims; you're right and it is a
42 decision; I think a pivotal moment right now where we have to make a very hard
43 decision as to what we are going to do on that east side and so that's as one
44 individual would say, that's all I've got to say about that.
45

1 **COMMISSIONER BARNES** – I think the comment I'd like to add is that at least in
2 my perspective a decision on this project tonight does not in my mind cast the
3 dye for everything in the east half of Moreno Valley. The quality of the Prologis
4 project I think stands on its own merit and in the location that it's at, given the
5 surroundings and the things that have changed in the economy and the
6 development in that area, it deserves to be analyzed by itself and to lump it
7 together with what may happen in the east end, I think is not necessarily fair to
8 this project and I know that whichever way I vote on this project, does not mean
9 that I will vote the same way on what might come down the pike at some point,
10 so I agree with the Chairperson that I think at this point in time, knowing what we
11 know about the quality of the project and what their proposal is that I think it's a
12 good project and should stand on its own merits and I think that it does and
13 should something else east of it come down the pike, it will be reviewed on its
14 own merits at whatever point in time it comes before us and I don't think we
15 should penalize this project for what that project might be. So I think this is a
16 quality project that deserves consideration.

17
18 **COMMISSIONER RAMIREZ** – Well I think everybody made some valid points.
19 You know the bottom line is does the benefit outweigh the environmental impact
20 and the impact for the entire community. You know there is a lot of economic
21 impacts with this project. We're talking 19 million dollars in fees; 1.5 million
22 dollars a year in tax revenue. You know that is revenue that we can use to
23 support our public safety, our Police Department, you know hire crossing guards
24 and things of that nature. Yeah the project is relatively close to some
25 neighborhoods, but logistically it is located in an ideal spot which is close to the
26 freeway. If we can address the traffic issues such as making a recommendation
27 of that Redlands Boulevard corridor; truck corridor north of the freeway so that
28 can be eliminated, enhancing other truck routes such as Moreno Beach Drive
29 south from Eucalyptus as soon as you're going southbound past those apartment
30 homes. That is a very dangerous area. It is a very dangerous corridor. We're
31 talking about big trucks driving south or maybe even north and at some times
32 pedestrians are fighting for their lives just trying to walk or ride their bikes through
33 there, so I don't know if that is something that we can make as a
34 recommendation to our Capital Improvement Plan or what have you, but I think
35 it's a good project. Seeing no two jobs is very difficult. You know I have a job
36 and I'm sure most of you out there have a job too and coming from a family
37 whose dad used to leave at three in the morning to drive all the way to LA for
38 work and sit two hours in traffic on the way there and two hours in traffic on the
39 way back and didn't have a dad that was really very motivated to support the
40 family emotionally, so any time you can keep residents close to their job and
41 close to home that's a good thing. It means they'll be able to spend more quality
42 time with their families, so I like this project and I'm ready to vote yes for this.

43
44 **COMMISSIONER BAKER** – I guess I'll bring up the rear on this. I've really
45 thought a lot about this last month we've been on this and the deal is here the
46 economics of the whole United States and California has changed a hundred

1 percent. Like Meli was saying it's an ecommerce deal, that's why we have that
2 Amazon; what is that, a million plus square foot warehouse out here, the one
3 over in San Bernardino. People are just not going to the Best Buy's and Circuit
4 City's or even Office Max to buy their products anymore. If they can it online or
5 in the mail, that's what they're doing, so the number one thing we've got here is
6 there's a lot of things here that maybe we look at that aren't a hundred percent
7 where they need to be, but I think overall we've got to look at what's good for the
8 economic base for Moreno Valley and hopefully we can work through some of
9 the mitigation problems on the transportation. I know I'll do all I can to help on
10 that, but I think it's a good project. I've reviewed these people online and other
11 projects they've had. It's a top notch company we're dealing with here, so I'm for
12 it. It's a good project. I think need to move forward with this and like you said, if
13 there is some things we need to do on the transportation; I don't know how we
14 build that into a motion here, but I'd like to see the project move forward, okay.

15
16 **CHAIR VAN NATTA** – I do want to come back with just one little comment here
17 and a little bit of rebuttal. I'm looking at this and I've heard a couple of the
18 Commissioners say oh it's the right project but it's in the wrong place and I'm
19 looking at the map here and I'm seeing that this is bounded on the north by State
20 Route 60, on the west by the Auto Mall, on the east by Aldi and most of the south
21 border is that row of rocky hills that goes through there. It only abuts residential
22 area on the corner and yet it's separated by the Quincy Street Channel there, so
23 I don't really see that it is effecting existing residential all that much in this project.
24 I don't see anything that I would think would make a better fill for that spot than a
25 project of this type. What else are you going to put there? If you put residential
26 there, you're going to have residential in between the Auto Mall and Aldi. I mean
27 that doesn't make any sense to put anything there other than some sort of a
28 commercial development and as I mentioned earlier and as Commissioner Baker
29 acknowledged, this is the wave of the future. It's not turning Moreno Valley into a
30 City of warehouses. It's opening us up to what's happening for now and for the
31 future which is the distribution type centers and so forth and as another
32 Commissioner mentioned also, it does not mean that if we're approving this that
33 we're saying yes to warehousing all over the east side. Each project deserves
34 and each applicant deserves consideration for their project and for what it offers
35 and it needs to be weighed on its own merit. Yes, you have to look at the
36 cumulative effect, but there are other projects that have been proposed that have
37 not even come before us yet and I don't think we can say, oh let's hold off on
38 making a decision on this until we see what this other project is going to do. I
39 don't think that would be fair to the applicant and I don't think that would be fair to
40 the City of Moreno Valley. We can certainly use as Commissioner Ramirez
41 commented, we can certainly use the revenue that it's going to bring to the City
42 to improve things and the jobs that it will bring and I think it's a good project.

43
44 **COMMISSIONER SIMS** – I like to note here. I tend to agree with Commissioner
45 Giba that I'd be more supportive. I think the Prologis is a good project. I
46 checked them out as well and did my research on it and the project end itself is a

1 nice looking project. I tend to agree that part of the project south of what would
2 be Eucalyptus is what disturbs me most about it. I think along the freeway
3 seems reasonable but anyhow... those houses are you know Sand Wedge; the
4 back end of the property is directly adjacent to existing residential homes and
5 more likely than not over time you'll see more warehouse goes up to between
6 Redlands Boulevard and this project all along Eucalyptus, so that whole
7 neighborhood will be impacted. But anyhow needless to say, you know the right
8 place for the right kind of development. There are 1504... I asked City Staff the
9 commercial brokerage provided. There are 1504 acres within the City of Moreno
10 Valley and Perris available that is already zoned for industrial warehouse. You
11 drive along the 215 freeway. There is a bunch of vacant land already there with
12 railroad, freeway. It's all warehouse, so you know is this the right place. We
13 have all the south entry into the City that's warehouse. You have Alessandro
14 and Cactus bound with warehouse and distribution, its proximity to large
15 industrial with the March Air Reserve Base. This just seems kind of moving
16 warehouses into the east end. It's our last entry portal into the City. That's what
17 we're going to be seen as is as people coming out from a nice weekend and nice
18 areas out in the desert, they're going to be coming into warehouses. There is
19 going to be a fly-in Pilot station with Subway at the intersections, so anyhow I
20 know this project stands on its own and it's a nice project. It is a pivotal decision
21 I personally believe as a Commissioner.

22

23 **VICE CHAIR GIBA** – No I never implied that it had anything to do with any other
24 warehousing. My concern was is... as a matter of fact I think I even stated that
25 for you. If this warehouse was Building 1 and Building 2 with Eucalyptus then
26 you have these warehouses along the 60 and that's great, but as Mr. Sims said
27 and I don't know if Mr. Lowell mentioned it as well, it's the extension down into an
28 area that makes it very difficult. It begins to see warehouse tops. That area to
29 me could be better developed for other reasons.

30

31 **CHAIR VAN NATTA** – For example?

32

33 **VICE CHAIR GIBA** – To stay within the same context is what you originally. It
34 might take us awhile Ms. Meli. It might take us a lot of work, but to use some
35 vision as to who you can go out and actually bring to those locations rather than
36 sit around and wait for the only answer we seem to find, which is a warehouse
37 project and we do have good warehouse projects and this is a beautiful
38 warehouse project. There is no argument whatsoever. I never said that it wasn't
39 well done, but there is probably a better location for it and I don't believe the east
40 side is the best location, at least that location originally was some of the plans
41 that were put forward from this document. There were other alternatives for
42 building small light industrial, which what it was originally; mixed use facilities.
43 The vision was given to me John Terrell when I first came on in 2011 and he took
44 me through there. He said this is mixed use and there should be some
45 apartments. There should be some houses there. There should be some light
46 industrial there, restaurants, hotels. That's the kind of vision and that's the kind

1 of thing that will support the east side and its growth and not only that, support
2 that hospital corridor back behind it, so as you come in, you come into
3 warehouses and you still have a hospital corridor that they will build, but not right
4 away, so I too feel that it's probably not the... I honestly say if you just build
5 Buildings 1 and 2, you'd probably have the perfect fit there you know, but that's
6 just my opinion.

7
8 **CHAIR VAN NATTA** – No and discussing this here, but if you only put buildings
9 north of Eucalyptus then what are going to put south of Eucalyptus? You're not
10 going to put other types of properties facing Eucalyptus that are going to be
11 different than what you've put on the north side. I mean you are looking at this
12 here and you're saying okay just complete this area here with those and leave
13 this something else. Well what else would you put other than going on both
14 sides of Eucalyptus with a similar...?

15
16 **VICE CHAIR GIBA** – What's wrong with hotels? What's wrong with restaurants?

17
18 **CHAIR VAN NATTA** – Because there's no hotels or restaurants that want to
19 come out there right now and there are other places that will be available for
20 them.

21
22 **VICE CHAIR GIBA** – If you show them what you can do with it Meli, they can do
23 it, but your premise is usually very different from mine and you say... you know I
24 kinda say if... you say you can't build it they won't come and you've got to have a
25 market for it. If you don't go out and actually go for that market, you take your
26 vision and you go and you try to actually sell what you have. Look I use the
27 recruiter example. I put in over 126 people in this area in five years. I had to go
28 to a lot of kids. I had to talk on a lot of telephones, meet a lot of parents, test and
29 evaluate a lot of people to get those kids into the service. We have to do the
30 same thing with our City. We may have to go out and do a little bit of work.

31
32 **CHAIR VAN NATTA** – But when you are looking at a project of this type. Okay
33 let's say for example you want to have a hotel come in. I don't know of any
34 hotels that come in and build next to an Auto Mall. That's not the kind of area
35 that they would come to. You know if we want to attract the higher end retail and
36 we want to attract the hotels and so forth, we have to have the jobs and other
37 things that are going to attract them to the area and when you are looking at it
38 here, all of this along here along this side, it's all those hills and everything and
39 you've got commercial there, you've got the freeway there, you've got
40 commercial here, so you only have this one corner here that abuts the
41 residential, which may or may not stay residential in the future.

42
43 **VICE CHAIR GIBA** – To the east of that there is still open land that you continue
44 to grow and I go back to their document. I think one person said the State Route
45 60 Study was a good start and within this study they talked about key guidance

1 for future development; pedestrian bicycle connectivity, neighborhood
2 connectivity and all kinds of potential futures right next to that Auto Mall.

3
4 **CHAIR VAN NATTA** – But it wasn't all in this section right here necessarily.
5 There was also some talk...

6
7 **VICE CHAIR GIBA** – Exactly

8
9 **CHAIR VAN NATTA** - ... about the other side north of the 60 and other areas
10 too. I think once you start in this area here, it's like this whole thing goes
11 together. It's all in a square there basically and developing it all together just
12 makes sense because they brought together a comprehensive plan that brings it
13 all together that it does not look... when you look at the pictures of the project;
14 the concepts of the project, it doesn't look like a bunch of big square box
15 warehouses, it looks like a commercial development. There is a mix of sizes. A
16 mix of different layouts of the buildings and so forth. It's not like one big box
17 warehouse after another. It's laid out attractively.

18
19 **VICE CHAIR GIBA** – Good points.

20
21 **CHAIR VAN NATTA** – Thank you.

22
23 **VICE CHAIR GIBA** – We just agree to disagree agreeably

24
25 **CHAIR VAN NATTA** – That's fine. If we all agree, then most this wouldn't be
26 necessary. We could just have one person up here if we were just saying the
27 same thing.

28
29 **VICE CHAIR GIBA** – Thank you Meli.

30
31 **CHAIR VAN NATTA** – Okay, any other comments from... further discussion?

32
33 **COMMISSIONER BAKER** – One thing I would like to add. On these big
34 projects... you know we talk about the streets, but the infrastructure that it's
35 going to provide in that end of town; like I'm talking the water, the sewer and the
36 electric. I don't know how much of that is there, but it has to be a definite
37 improvement that they are going to bring into that area. It is isn't probably there
38 right now. Am I correct there? I mean is that bringing in water, sewer and
39 electric... or electric is probably there, but...

40
41 **COMMISSIONER SIMS** – I live out there towards that area and we have water
42 and sewer at our house.

43
44 **COMMISSIONER BAKER** – I mean up and down Redlands Boulevard?

45
46 **COMMISSIONER SIMS** – Somehow we struggle through... we make it.

1
2 **CHAIR VAN NATTA** – No, we’re talking about Quincy

3
4 **COMMISSIONER BAKER** – I’m talking about...

5
6 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** –
7 Commissioner Baker, yes there is sewer and water extended to that general
8 vicinity. This project would... the major infrastructure that this project if it were
9 approved would provide is extending Eucalyptus Avenue from the Auto Mall to
10 the Aldi site, so it would continue that road, so you could go I guess almost from
11 one end of the City to the other on Eucalyptus once that area is developed. And
12 then underneath that road would be the water, sewer and electric lines that would
13 connect a gap. So it exists in that area, they would just be closing that gap. If I
14 had to say what is the major infrastructure this will provide is? It is most likely the
15 road improvements.

16
17 **CHAIR VAN NATTA** – Okay through here all the way through to... giving an
18 alternative to driving on the 60. Also if somebody wanted to get from this side to
19 that side without getting on the freeway, they could.

20
21 **COMMISSIONER SIMS** – I do want to have one last poke at this thing. You know
22 the east end of the area, there are people that have moved out to the east end.
23 Those are larger lots; half acre; you know larger kind of things and does have the
24 potential for making... in fact the development that this... the housing that’s
25 directly that this project now abuts and Meli as you suggest as it goes east that it
26 will logically fill in and then that’s where that Adam Hall Nursery is. That will all
27 become a big box or boxes or something like that. Those are all half acre
28 homes. Those people who moved out there 20 years ago, based on the
29 investment they made and based on the trust of the City for the General Plan to
30 be rural residential out there, now will have big boxes right next to it. There are
31 significant amount of areas within the City where projects like this could coexist in
32 an area that’s not intrusive on residential areas and anyhow, we are going to
33 disagree on this and that’s fine. I get it, but it’s just people make investments.
34 The investor in Stonegate I’m sure when they went and did their thing, they didn’t
35 anticipate a five or six year economic downturn, but rooftops are what support it.
36 Why is the Canyon Springs area so well? There’s obviously problems in Moreno
37 Valley with the commercial when you look at the Moreno Valley Mall. That is a
38 very under-utilized, under-whelming commercial center. Why is that? Why is
39 Stonegate having trouble? Why are things right in the heart of the City get
40 boarded up and they go pretty ratty; our commercial development? I don’t why.
41 I’m not an economist, but I just think there is reason we need... there’s not a bad
42 thing having more residential in a well thought out, well planned residential and
43 we can set our mark and have parks. You know look at the City of Eastvale.
44 That’s one of the most affluent City’s in all of Southern California. It’s not by the
45 coast. It’s pierced by major freeways. It’s probably located... it does very well.
46 There’s like 500 or 600 hundred thousand dollar home is the median price in that

1 thing. They don't have warehouses. They commercial supporting a very higher
2 end, but they planned it that way. There were very conscientious. They set very,
3 very strict limits. They created some community service districts. They have an
4 abundance of parks. The residents pay dearly for that. We could do stuff like
5 that here, but we have to have the vision and we have to go for it and set that.

6
7 **CHAIR VAN NATTA** – I'll give you a reason why we're having problems with our
8 retail and part of it is that people have to drive through Eastvale area to get to
9 jobs. Eastvale is thriving because they are closer to jobs and they are closer to
10 the higher paying jobs, so when people have to drive as you were mentioning,
11 your father. When people have to drive an hour or two to get to work, they quite
12 often stop and do their shopping where it is that they are working. If we bring
13 more jobs here, we will also by bringing the jobs, enhance the retail and enhance
14 the shopping and everything else like that. House tops don't work if you don't
15 work if you don't have jobs for the people who live in them. Okay, well we're
16 definitely split on this. It will be interesting to see how it goes, but we will need a
17 motion before we can take a vote on it.

18
19 **COMMISSIONER LOWELL** – I have one quick question of Staff. Last time this
20 came before us there were options that we had to vote on yes or no. I don't see
21 that in here. One of the recommendations is just to approve everything blanketly.
22 Do we have the option of voting option A, B or C like we did last time?

23
24 **ASSOCIATE PLANNER BRADSHAW** – Those alternatives are in the March 13th
25 Staff Report and they are still available there for reference.

26
27 **COMMISSIONER LOWELL** – I don't have that in front of me unfortunately.

28
29 **ASSOCIATE PLANNER BRADSHAW** – We can provide a copy to you. We still
30 have them for reference here. The recommendation in that same March report is
31 the same recommendation we carried into tonight's report. We didn't try and
32 provide all those alternatives in formal recommendation language, but we do
33 have the alternatives for reference. The first was to approve the project as it's
34 proposed, but to condition two of the warehouse buildings to not be built for the
35 first 18 months of approval. That was one of the options. Alternative two of
36 those suggested was to deny the General Plan Amendment and Zone Change
37 for the two sites; Buildings 1 and 2 which are the two sites located immediately
38 adjacent to the Auto Mall, but approve the proposed land use changes for the
39 remainder of the project site. This would prevent warehouse facilities from
40 developing along those two sites immediately adjacent to the Auto Mall and the
41 third alternative was to deny the land use changes and through that denial, deny
42 the project as presented to you this evening.

43
44 **COMMISSIONER LOWELL** – But there is no option to deny the General Plan
45 Amendment but approve the balance of the project as it stands?
46

1 **ASSOCIATE PLANNER BRADSHAW** – The project as proposed... we didn't
2 suggest that alternative.

3
4 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – Yeah can
5 you clarify... the General Plan Amendment affects most of the property, so are
6 you saying approve part of the General Plan Amendment and not another part?
7

8 **COMMISSIONER LOWELL** – I don't have last month's information in front of me,
9 so there was a map on there that showed where the zoning would change and
10 I'm not familiar with exactly how those zones lay out because I don't have that
11 map in front of me today.
12

13 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR TERELL** – The quick
14 answer is if you wanted to only approve part of the project, for example the part
15 north of Eucalyptus. The project would...we'd need to take that back and revise
16 the exhibits, because the General Plan Amendment didn't match up exactly to
17 Eucalyptus Avenue. So if a majority of the Commission wanted to pursue what I
18 call an alternative to the project as proposed, we would need to revise that and
19 bring that back to you.
20

21 **VICE CHAIR GIBA** – How do we do that John? I mean is there some kind of a
22 motion you'd make for saying can we look at another alternative for this project?
23

24 **CHAIR VAN NATTA** – I don't think we should.
25

26 **CITY ATTORNEY CURLEY** – If I might... what is before you is the applicant's
27 request that is for you to recommend to the Council. You know you are not
28 deciding it. Under the statute, you have the duty as the Planning Advisory Body
29 to give the Council the decision maker, your thoughts on it, so you could go
30 through the one through seven and certify the EIR, but if it was your pleasure to
31 augment the statement of overriding considerations that would be a
32 recommendation. I'm just dropping down here. Number four, General Plan
33 Amendment. A recommendation would be to approve part of it; you know lot one
34 and two or however you want to designate it and not the rest and go on... Zone
35 Change, we recommend you approve part or not. The Council will get that. They
36 will consider your advice. They have the privilege to say thank you, we're going
37 to do just that. Thank you but we're not going to listen to you at all. Thank you
38 somewhere in between.
39

40 **CHAIR VAN NATTA** – That's happened before
41

42 **CITY ATTORNEY CURLEY** – So they will take your advice as their land use
43 advisors, but you're not the bottom line, so in each one of these, depending on
44 how creative you want to be on your recommendation, but you could give Staff
45 here the narrative; you know, approve lot one and two or this or that. That's what
46 would get written up in the recommendation for the Council's consideration.

1
2 **CHAIR VAN NATTA** – I think what we have here is a proposal that has been
3 brought after much work between Staff and the applicant and after much delay of
4 time and everything like that. We have a project that’s their vision of what they
5 would like to do with the property and I think we should make a decision whether
6 we’re going to say yes go ahead to the City Council and this is our
7 recommendation or whether we’re going to say no we don’t like it and let them
8 make their decision on that. But I think as it stands, is how we should vote on it
9 because all we’re doing is making a recommendation.

10
11 **COMMISSIONER LOWELL** – I agree. I think we’ve been leading them on a little
12 too long so we need to make a decision, yes or no.

13
14 **VICE CHAIR GIBA** – I agree and I think I’ve already made my recommendations.

15
16 **COMMISSIONER LOWELL** – When we vote on this are we going to vote on
17 items one through seven blanketly or are we going to vote on item 1 by itself, 2
18 by itself, 3 by itself and so on.

19
20 **CHAIR VAN NATTA** – No, let’s just read the whole thing; the recommendation,
21 approve, read the whole seven and then we’ll yeah or nay.

22
23 **COMMISSIONER LOWELL** – I understand.

24
25 **CHAIR VAN NATTA** – Commissioner Baker would you make the motion.

26
27 **COMMISSIONER BAKER** - Okay I move that we **APPROVE** Resolution No’s.
28 2014-09 and 2014-10 and thereby **RECOMMEND** that the City Council take the
29 following actions:

- 30
31 1. **CERTIFY** that the Environmental Impact Report (EIR) for the Prologis
32 Eucalyptus Industrial Park Project (Attachments 5 and 6) has been
33 completed in compliance the California Environmental Quality Act;
34
35 2. **ADOPT** the Findings and Statement of Overriding Considerations
36 regarding the Final EIR for the Prologis Eucalyptus Industrial Park Project
37 attached hereto as Exhibit A to Attachment 2;
38
39 3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the
40 proposed Prologis Eucalyptus Industrial Park Project attached hereto as
41 Exhibit B to Attachment 2;
42
43 4. **APPROVE** General Plan Amendment application PA07-0082 as shown for
44 Exhibit A to Attachment 3;
45

- 1 **5. APPROVE** Zone Change application PA07-0081 as shown on Exhibit B to
2 Attachment 3;
3
4 **6. APPROVE** Master Plot Plan PA07-0083 and related Plot Plans PA07-
5 0158 through PA07-0162, subject to the attached conditions of approval
6 included as Exhibit C to Attachment 3;
7
8 **7. APPROVE** Tentative Parcel Map 35679 (PA07-0084), subject to the
9 attachment conditions of approval included as Exhibit D to Attachment 3.

10
11 **CITY ATTORNEY CURLEY** – And if I might add, does that include the
12 augmented conditions that were on your dais this evening? I assume it did, but
13 so the record is complete. You have two colored sheets, a purple and a blue
14 one. I think your intent was to include that. It was part of the second? Alright
15 disregard me. Never mind.

16
17 **COMMISSIONER BARNES** – Second

18
19 **CHAIR VAN NATTA** – Okay we have a motion and a second. We will go to a
20 roll call vote please.

21
22 **COMMISSIONER SIMS** – No

23
24 **COMMISSIONER LOWELL** – With all due respect I vote no

25
26 **COMMISSIONER BAKER** – Yes

27
28 **COMMISSIONER BARNES** – Yes

29
30 **COMMISSIONER RAMIREZ** – Yes

31
32 **VICE CHAIR GIBA** – No

33
34 **CHAIR VAN NATTA** – Yes

35
36 **CHAIR VAN NATTA** – Okay so we have 4 yesses and 3 no's and the motion
37 passes. And could somebody do something about the air conditioning.

38
39 **COMMISSIONER LOWELL** – I agree

40
41 **COMMISSIONER BARNES** - I'll second that

42
43 **INTERIM PLANNING OFFICIAL ORMSBY** – We will try to take care of that.

44
45 **CHAIR VAN NATTA** – And Staff...
46

1 **INTERIM PLANNING OFFICIAL ORMSBY** - Just a wrap up for this item, the
2 Planning Commission recommendation will be referred to the City Council for
3 final action.

4
5 **CHAIR VAN NATTA** – And I’m doing nothing until somebody turns the air
6 conditioner back up a little. Yeah 5 minutes.

7
8 (RECESS)
9
10
11
12
13
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**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects and the Approval of the
ProLogis Eucalyptus Industrial Park
(State Clearinghouse No. 2008021002)**

I. INTRODUCTION

The City Council of the City of Moreno Valley (this “Council”), in certifying the EIR for the Prologis Eucalyptus Industrial Park and approving Tentative Parcel Map 35679 and a Site Plan authorizing the construction of up to approximately 2,244,638 square feet of distribution warehouse space (the “Project”), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (“EIR”) was prepared by the City of Moreno Valley (“City”) acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, unless specifically identified, the Notice of Preparation (“NOP”), Notice of Availability & Completion (“NOA/NOC”), Draft EIR (“DEIR”), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR (“FEIR”), and the Mitigation Monitoring and Reporting Program (“MMRP”) will be referred to collectively herein as the “EIR.” These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the eastern portion of the City of Moreno Valley. The Project site consists of ten parcels totaling approximately 122.8 net acres located south of and adjacent to SR-60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel.

The Project site is vacant and supports mainly weedy vegetation. The major road that provides access to the Project site is Eucalyptus Avenue. Land adjacent to the Project site includes vacant land east and south of the proposed Project site, SR-60 to the north, and the Moreno Valley Auto Mall and the City

of Moreno Valley Fire Station No. 58 northwest of the Project site. Existing single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the Project site.

2. Project Description

The Project site is approximately 122.8 acres in size. The proposed Project includes the construction and operation of a warehouse facility comprising six buildings consisting of a total of approximately 2,244,638 square feet. The Project site is divided into northern and southern areas. The northern area, north of the future Eucalyptus Avenue, would contain approximately 1,030,377 square feet of warehouse uses divided between two buildings (No. 1 and 2). Development in the southern area, south of the future Eucalyptus Avenue, would consist of approximately 1,214,261 square feet of warehouse uses divided among four separate buildings (No. 3 through 6). The master and individual building plans, including grading, landscaping, elevations, and selected line of sight plans. The proposed Project includes the construction of asphalt/concrete surfaces in parking and driving areas, and landscaping along the perimeter and roadway frontages.

The Project site is currently designated Residential in the City's General Plan. The site is zoned as Business Park (BP), Business Park/Mixed Use (BPX), Residential 15 District (R15), Residential 5 District (R5), and Residential Agriculture 2 (RA-2). The zoning is not consistent with the existing General Plan land use and the Project is not consistent with the General Plan and zoning. Therefore the Project will require a General Plan Amendment which would change the designation to Business Park and a Zone Change that would change the zoning of the site to Light Industrial (LI).

3. Actions Covered by the EIR

The EIR will support the following discretionary and non-discretionary approvals:

- General Plan Amendment to amend the Land Use Element resulting in a change of land use designations for the southern portion of the project site (approximately 71.3 acres) from Residential 15, Residential 5, and Residential Agriculture to Business Park.
- General Plan Amendment to amend the Circulation Element including (1) elimination of undeveloped Quincy Street from Eucalyptus Avenue to Encilia Avenue; and (2) realignment of Encilia Avenue from its current alignment such that its westerly terminus is located at Moreno Beach Drive instead of the current General

Plan westerly terminus at Eucalyptus Avenue. The segment between Quincy Channel and Moreno Beach Drive would be classified as a Collector.

- Change of Zone resulting in a change from Business Park (BP), Business Park Mixed-Use (BPX), Residential 15 (R15), Residential 5 (R5), and Residential Agriculture (RA-2) to Light Industrial (LI) on the project site.
- Modification of the Primary Animal Keeping Overlay (PAKO) zone district per the recommended change of zone.
- Modification of the Master Plan of Trails to eliminate trail segment along the west side of the Quincy Channel north of the future Eucalyptus Avenue and add a segment along the north side of Eucalyptus Avenue from the Quincy Channel to the west boundary of the project site.
- Approval of a Master Plot Plan and five related Plot Plans.
- Tentative Parcel Map approval.
- Certification of the Environmental Impact Report.
- Final Parcel Map, public improvement agreement, and related securities approval.
- Issuance of an encroachment permit for any construction work done in any City-controlled ROW. Encroachment permit issuance requires approval of improvement plans, public improvement agreement execution with securities posted, and satisfying those conditions of approval required prior to grading.
- Approval of a Storm Water Pollution Prevention Plan (SWPPP) to accommodate site runoff during construction.
- Approval of a Preliminary Water Quality Management Plan (P-WQMP) and Final Water Quality Management Plan (F-WQMP) to mitigate for post-construction runoff flows (non-discretionary).
- Issuance of a Grading Permit that requires approval of a grading plan, approval of the final drainage study, approval of the F-WQMP, obtaining an Notice of Intent and Water Discharge Identification Number, obtaining a WQMP#, and satisfying those conditions of approval required prior to grading (non-discretionary).
- Issuance of a Building permit. The comprehensive building permit includes building, plumbing, mechanical, and electrical permits (non-discretionary).

Approvals and permits required by other agencies include:

- Approval from the City and Riverside County Flood Control and Water Conservation District (RCFCWCD) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened
- Approval of Quincy Channel improvements from the RCFCWCD
- A Section 404 Permit from the U.S. Army Corps of Engineers (USACE)
- A Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB)
- A Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW)
- Encroachment permits from Caltrans for any construction work done in any State-controlled right of way(i.e., SR-60)

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Provide industrial warehouse facilities that meet the substantial and unmet demands of businesses located in the City and County;
- Provide new industrial development that is attractive and minimizes conflicts with the surrounding existing uses;
- Provide a variety of new employment opportunities for the citizens of Moreno Valley and surrounding communities;
- Encourage warehouse distribution services that take advantage of the area's close proximity to various freeways and transportation corridors;
- Encourage new development consistent with the capacity and municipal service capabilities;
- Provide infrastructure improvements to meet phased Project needs in an efficient and cost-effective manner;

- Cluster industrial warehouse uses near access points to the state highway system to reduce traffic congestion on surface streets and to reduce air pollutant emissions from vehicle sources;
- Develop land uses that provide the City with a positive revenue/cost ratio and provide needed infrastructure in a timely fashion;
- Address community circulation, both vehicular and pedestrian, utilizing available capacity within the existing circulation system, and provide fair share improvements to various future-year deficient intersection or road segments; and
- Reduce peak hour vehicle trips, energy and water consumption compared to existing General Plan land uses.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the Notice of Preparation/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On February 4, 2008, the City circulated a Notice of Preparation (“NOP”) and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project’s DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On February 13, 2008, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from February 4 to March 4, 2008. Written comments on the NOP were received from 22 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with:
 - Change in use from established General Plan and zoning designations. This issue was discussed in Section 4.1, Aesthetics, and Section 4.8, Land Use, of the DEIR;

- Short-term and long-term air pollutant emissions including dust and diesel particulates from truck exhaust that could negatively affect nearby residential uses. This issue was discussed in Section 4.3, Air Quality, of the DEIR;
 - Short-term and long-term noise impacts that could affect nearby residential uses. These issues were discussed in Section 4.9, Noise, of the DEIR;
 - Potential impacts to future planned school sites were addressed in Section 4.8, Land Use, of the DEIR;
 - Potential water-related impacts (drainage, water quality of runoff from the project) were addressed in Section 4.7, Hydrology and Water Quality, in the DEIR;
 - Project truck traffic causing congestion on local roads, intersections, and freeway ramps, primarily on Redlands Boulevard, and impacts to vehicular, bicycle, and pedestrian safety. These issues were discussed in Section 4.11, Transportation, of the DEIR;
 - Impacts to aesthetics from loss of views, loss of neighborhood character, and increased night lighting as this area transitions from previously planned residential and business park uses to industrial uses along the south side of SR-60. These issues were discussed in Section 4.1, Aesthetics, and 4.8, Land Use, of the DEIR; and
 - Potential loss of biological or cultural (archaeological) resources by grading and development of the site, and suggestions to consult with local Native American tribes per SB 18. These issues were discussed in Section 4.4, Biological Resources, and 4.5, Cultural Resources, of the DEIR.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information, analysis, and mitigation to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Geology and Soils; (2) Mineral Resources; (3) Public Services; (4) Recreation; and, (5) Forest Resources.

- As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR State Clearinghouse No. 2008021002 for the Eucalyptus Industrial Park project was filed with the State Clearinghouse on July 17, 2012, and the Notice of Availability (NOA) of the Draft EIR was filed with the Riverside County Clerk on July 18, 2012.
- The Draft EIR was circulated for public review for a period of 48 days, from July 18, 2012 to September 4, 2012. Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet. A total of thirteen (13) comment letters were received on the DEIR. Ten of the comment letters received were from Federal, State, regional, or local agencies. Three comment letters were received from private organizations or conservation groups – no letters were received from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 2.0 of the FEIR.
- On (date) in accordance with *Public Resources Code* Section 21092.5, the City provided written responses to public agencies that commented on the DEIR.
- On (date), Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On (date), this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding Considerations, and the further recommendations in the Staff Report, and approved the Project (collectively the “Approvals”).

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of LSA Associates, Inc. (“LSA”) to prepare the EIR for the Project. LSA has prepared the EIR under the supervision, direction and review of

the City with the assistance of an independent peer review (Willdan Engineering). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City’s independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c) (3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings, and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City’s environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 of the DEIR and Section 3.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 2.0 of the FEIR.

The EIR evaluated thirteen major environmental categories for potential impacts including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Transportation, Utilities and Service Systems, and Greenhouse Gases and Global Climate Change. Both Project-specific and cumulative impacts were evaluated. Of these thirteen major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. Aesthetics

a. Light and Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to light and glare with the adherence to established City ordinances and development guidelines, therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.1 identifies no sources of light or glare on the Project site. Development of the Project site would introduce new sources of light and glare into the area in the form of street lighting, parking lot lighting, and security lighting for the buildings. Lighting within loading

areas (areas within the public view include the loading areas of Buildings 1, 2, and 3) will be directed downward so as to not Project lighting into the sky. The overall increase in ambient light in the area is expected to be incremental with compliance with the City’s development standards for lighting. The proposed Project will incrementally increase the amount of daytime glare in the Project area from introducing windows and metal fixtures into the area. All development in the City, which includes light generated from warehouse buildings and parking lots, is required to adhere to lighting requirements contained in the City’s Municipal Code. The Project is consistent with General Plan policies and Municipal Code requirements regarding light and glare, therefore, no impacts associated with this issue would occur and no mitigation is required (DEIR, pgs. 4.1-8 to 4.1-9).

b. Light and Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to light and glare with the adherence to established City ordinances and development guidelines, therefore, no mitigation is required.

Facts in Support of the Findings: Section 4.1 identifies no sources of light or glare on the Project site. Development of the Project site would introduce new sources of light and glare into the area in the form of street lighting, parking lot lighting, and security lighting for the buildings. Lighting within loading areas (areas within the public view include the loading areas of Buildings 1, 2, and 3) will be directed downward so as to not Project lighting into the sky. The overall increase in ambient light in the area is expected to be incremental with compliance with the City’s development standards for lighting. The proposed Project will incrementally increase the amount of daytime glare in the Project area from introducing windows and metal fixtures into the area. All development in the City, which includes light generated from warehouse buildings and parking lots, is required to adhere to lighting requirements contained in the City’s Municipal Code. The Project is consistent with General Plan policies and Municipal Code requirements regarding light and glare, therefore, no impacts associated with this issue would occur and no mitigation is required (DEIR, pgs. 4.1-8 to 4.1-9).

2. Air Quality

a. Construction-Chronic Health Risk Impacts

Potential Significant Impact: Whether the Project would expose sensitive receptors to substantial pollutant concentrations.

For Maximum Individual Cancer Risk (MICR), the applicable thresholds are:

- An increased cancer risk greater than 10 in 1 million (1.0×10^{-5}) at any receptor location; or
- A cancer burden greater than 0.5.

For non-cancer chronic Hazard Index (HI); the applicable threshold is:

- A cumulative increase for any target organ system exceeding 1.0 at any receptor location.

Findings: Potential impacts of the Project related to construction-chronic health risks are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to sensitive receptor health risks and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the only toxic air pollution emissions in any significant quantity associated with the construction of the Project occur from diesel-powered equipment exhaust. A screening health risk assessment was performed according to the published Office of Environmental Health Hazard Assessment (OEHHA) health risk techniques.¹ According to the health risk assessment, the cancer risk due to construction of the Project is less than the threshold of 10 in 1 million. Therefore, health risks would be less than significant and no mitigation is required. (DEIR, pgs. 4.3-13 to 4.3-14)

b. Operational-Acute Health Risk Emission Impacts

Potential Significant Impact: Whether the Project would expose sensitive receptors to substantial pollutant concentrations.

For MICR, the applicable thresholds are:

¹ OEHHA, *Air Toxics Hot Spots Program Risk Assessment Guidelines*, August 2003, Appendix D, *Risk Assessment Procedures to Evaluate Particulate Emissions from Diesel-Fueled Vehicles*.

- An increased cancer risk greater than 10 in 1 million (1.0×10^{-5}) at any receptor location; or

For non-cancer chronic and acute HI; the applicable threshold is:

- A cumulative increase for any target organ system exceeding 1.0 at any receptor location.

Findings: Potential impacts of the Project related to operational-acute health risks are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to operational-acute health risks and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, a screening level health risk assessment was performed for the operational emissions associated with the proposed Project based on the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* guidance. The operations expected to occur at this facility will not emit any toxic chemicals in any significant quantity other than vehicle exhaust. According to the health risk assessment the nearest residences would experience a cancer risk of 4.33 in 1 million, which is below the 10 in 1 million threshold. The nearest residences would also experience a chronic HI of 0.0016 and an acute HI of 0.0000088. Both the chronic and acute HI would be below the chronic and acute HI threshold of 1.0. Since the operational phase of the proposed Project would not exceed any of the long-term acute health risk assessment thresholds, a less than significant impact would occur. No mitigation is required. (DEIR, pgs. 4.3-14 to 4.3-18)

c. **Operational-Carcinogenic and Chronic Health Risk Emission Impacts**

Potential Significant Impact: Whether the proposed Project would expose sensitive receptors to substantial pollutant concentrations.

For MICR, the applicable thresholds are:

- An increased cancer risk greater than 10 in 1 million (1.0×10^{-5}) at any receptor location; or

For non-cancer health risk HI; the applicable threshold is:

- A cumulative increase for any target organ system exceeding 1.0 at any receptor location.

Findings: Potential impacts of the Project related to operational-carcinogenic and chronic health risk emission impacts are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to health risks related to operational emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the closest residences to the Project would be exposed to a lifetime inhalation cancer risk of no more than 4.33 in 1 million, a 30-year inhalation cancer risk of no more than 3.88 in 1 million, and nearby workers a 40-year career inhalation cancer risk of no more than 1.5 in 1 million. The chronic health risk index is significantly less than the threshold of 1.0, in this case 0.0016 for residents and workers. No significant carcinogenic or chronic health risks would occur from Project-related traffic. No significant health risk would occur from Project-related truck traffic, and no mitigation is necessary. (DEIR, pg. 4.3-18)

d. Air Quality Impacts to Adjacent Future Development

Potential Significant Impact: Whether the proposed Project would expose sensitive receptors to substantial pollutant concentrations.

Findings: Potential impacts of the Project related to air quality impacts to adjacent future developments are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to air quality impacts to adjacent future development and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, based on the land use assumptions for the future L-Aquila D’Pietra (LADP) Project, residential development would be located along the southern Project boundary between the proposed Project and the proposed LADP. It is anticipated that the proposed Project site would be fully developed prior to the occupation of any dwelling units in LADP; therefore, no construction-related air quality impacts to adjacent sensitive receptors would result from development of the proposed Project.

The primary health risk is from heavy-duty truck emissions is diesel particulate exhaust. According to the screening-level assessment, the future residential units south of the Project site would be exposed to an unmitigated inhalation cancer risk of approximately 4.3 in 1 million, which is less than the threshold of 10 in 1 million. The corresponding chronic and acute hazard indices would be approximately 0.0016 and 0.000088, which is less than the threshold of 1.0 for the chronic hazard index and acute hazard index. Since the screening-level analysis overall Project health risks are below established thresholds, any detailed assessment would also produce less than significant health risk levels. Therefore, a less than

significant impact associated with future uses that may occupy adjacent properties subsequent to development of the proposed Project would occur. No mitigation is required. (DEIR, pgs. 4.3-18 to 4.3-19)

e. Long-Term Microscale (CO Hotspot) Impacts

Potential Significant Impact: Whether the proposed Project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. For CO, the applicable thresholds are:

- California State one-hour CO standard of 20.0 ppm; and
- California State eight-hour CO standard of 9.0 ppm.

Findings: Potential impacts of the Project related to long-term microscale emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to long-term microscale emissions and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the highest one-hour CO concentration experienced at any of the intersections in the Project vicinity would not exceed the one hour CO State standard of 20 ppm. Based on the *Air Quality Analysis* prepared for the proposed Project, the proposed Project would contribute, at most, a 0.1 ppm increase to the one-hour CO concentrations for all scenarios. This is below the 1.0 ppm increase threshold. Also the highest eight-hour CO concentration experienced at any of the intersections in the Project vicinity would not exceed the eight-hour CO state standard of 35 ppm. Based on the *Air Quality Analysis* prepared for the proposed Project, the proposed Project would contribute, at most, a 0.1 ppm increase to the eight-hour CO concentrations for all scenarios. This is below the 0.45 ppm increase threshold. Since the proposed Project would not exceed the one-hour or eight-hour CO concentration standards, it is reasonable to conclude that no CO hot spots would occur. Therefore, the proposed Project would not have a significant impact on local air quality for CO and no mitigation measures would be required. (DEIR, pgs. 4.3-19 to 4.3-20)

f. Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.3 of the DEIR, the Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required. (DEIR, pg. 4.3-20)

3. Biological Resources

a. Habitat Fragmentation/Wildlife Movement

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to habitat fragmentation and wildlife movement are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to habitat and wildlife movement and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the proposed Project site is isolated from regional wildlife corridors by existing barriers including urban development, agricultural uses, and roadways. Land uses adjacent to the Project site include fallow agricultural land to the south and east, commercial uses to the west, and residential uses to the north across SR-60. Due to the nature of development occurring in the Project area and the current condition of the Project site, it is highly unlikely that the Project site is utilized as a wildlife movement corridor, with the exception of the Quincy Channel. The proposed Project will not affect the majority of Quincy Channel, thus allowing wildlife to continue using the existing channel to traverse the site. The quality of on-site habitat has been diminished due to the previous and frequent ground disturbance and past agricultural activities. In addition, the

existing roadways and infrastructure features further isolate the Project site from natural areas. Due to the disturbed condition of the Project site, the nature of development to the southeast and west, the intervening presence of roadways and infrastructure, and adherence to City development standards identified in the Municipal Code, development of the proposed Project will not result in significant habitat fragmentation or substantially affect established wildlife corridors or wildlife movement. A less than significant impact would result and no mitigation is required. (DEIR, pg. 4.4-23)

b. Adopted Policies and Ordinances

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to adopted policies and ordinances are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in conflict with local policies or ordinances and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, city policies or ordinances identified in the General Plan protecting biological resources include: mitigation of impacts to riparian areas or other natural sensitive communities (Policy 7.4.1), preservation of natural drainage courses in their natural hydrological state (Policy 7.4.3), and City fulfillment of obligations set forth within any agreements and permits related to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) implementation (Policy 7.4.5).

The Quincy Channel, located adjacent and to the east of the proposed Project site, is considered a sensitive natural habitat due to the value it provides as nesting sites and foraging sites for migratory birds. The proposed Project would be designed to minimize encroachment into this natural area through setback requirements established in Sections 9.16.120 and 9.05.040 of the City's Municipal Code, thus preserving this habitat area in its natural state pursuant to the City's General Plan. At the northeast corner of Building 2, the development plans call for a minimum setback from Quincy Channel due to the topography and alignment of the creek. From that point, the plan provides a setback and landscaped buffer area between the drainage area and the structures proposed on the site that widens and varies from 25 to 50 feet (including the flood control access road). Therefore, the proposed Project would not conflict with local policies or ordinances protecting biological resources and a less than significant impact would occur. No mitigation is required. (DEIR, pg. 4.4-24)

c. Adopted Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to adopted habitat conservation plans are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in conflicts with local habitat conservation plans and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the Project site is located within the Western Riverside County MSHCP, however, the Project site is not within any MSHCP criteria cell or habitat linkage. Furthermore, the Project site is not located within an MSHCP mammal or amphibian survey area; a Narrow Endemic Plant Species Survey Area or Criteria Area Plant Species Survey Area; or a riparian, wetland, or vernal pool habitat/species survey area. A habitat assessment for the burrowing owl is required under the MSHCP. While the Project site is not within any MSHCP conservation areas, the Project is still subject to provisions of the MSHCP. In particular, the Project applicant will be required to provide payment of mitigation fees and adhere to the requirements established in the MSHCP. Pursuant to agreements with the USFWS and the CDFG, the payment of the mitigation fee prior to the issuance of a building permit by the City, and compliance with applicable provisions of the MSHCP provides full mitigation under CEQA, FESA, and CESA for impacts to the species and habitats covered by the MSHCP. Therefore, development of the proposed Project will not conflict with the provisions of the MSHCP. A less than significant impact would occur and no mitigation is required.

In addition to the MSHCP, the Project site is within the boundaries of the Stephens Kangaroo Rat Habitat Conservation Plan (SKR HCP) established by the County of Riverside. Development of the proposed Project will not conflict with the provisions of the SKR HCP. The payment of a local mitigation fee prior to issuance of a grading permit by the City will be required. There are no other requirements for the Project under the SKR HCP and a less than significant impact would occur with payment of the fee and no further mitigation is required. (DEIR, pg. 4.4-24)

d. Endangered and Threatened Species

Potential Significant Impact: Whether the Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as endangered or threatened in local or

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

Findings: Potential impacts of the Project related to endangered and threatened species are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to endangered or threatened species and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, no species listed by the State and/or Federal Government as Endangered or Threatened was identified on site during the field surveys; however, Swainson's hawk, a State-listed species, and Stephens' kangaroo rat, a federally and State-listed species, have a low potential to occur on the site.

The Project site is not located within any USFWS designated critical habitat . Swainson's hawk would be expected to occur on the site, if at all, only during migration as foraging individuals. Swainson's hawk is covered by the MSHCP. Mitigation for covered species consists of participation in the MSHCP.

The Project site is also within the SKR HCP Fee Area. The proposed Project site is not within an SKR Core Area. The SKR HCP provides Take Authorization for the SKR within its boundaries, and no surveys or additional measures are required other than paying a development fee prior to issuance of a grading permit by the City. In the absence of a significant impact, no mitigation is warranted. (DEIR, pg. 4.4-25)

e. Cumulative Biological Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probably future projects would incrementally effect biological resources.

Findings: Potential impacts of the Project related to cumulative biological impacts are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the proposed Project would not make a cumulatively considerable contribution to impacts on endangered or threatened species, riparian habitat or natural plant communities, jurisdictional waters, habitat fragmentation, wildlife movement, local policies and ordinances, or habitat conservation plans. There are no projects that would, in combination with the proposed Project, produce a significant impact to non-listed sensitive species.

Therefore, there are no significant cumulative impacts anticipated to occur that are associated with biological resources. With implementation of Project-level Mitigation Measures 4.4.6.1 through 4.4.6.3, the Project's contribution to cumulative biological impacts will not be cumulatively considerable and no additional mitigation is required. (DEIR, pgs 4.4-30 to 4.4-31)

4. Cultural Resources

a. Historical Structures and Features

Potential Significant Impact: Whether the Project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

Findings: Potential impacts of the Project related to historical structures and features are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to historical structures and features and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, no structures or unique features are currently located within the Project limits. An online title search was conducted and historic maps were reviewed to determine the potential for structures and/or the remains of former sites of buildings or resources within the Project limits. No evidence of past structures or historic features was identified, nor was evidence of such structures identified during the on-site cultural resource survey or the records search. As no evidence has been identified to suggest the presence of past or current structures on site, no impacts related to historic structures or features will occur. In the absence of a significant impact, no mitigation is warranted. (DEIR, pg.4.5-5)

b. Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to human remains are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to human remains and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, the Project site was utilized for agricultural production. No evidence suggesting the Project site has been utilized in the past for human

burials has been identified.² In the unlikely event human remains are discovered during grading or construction activities, State law (Health and Safety Code §7050.5) requires that no further disturbance shall occur until the County Coroner has made determination of the origin and disposition pursuant to Public Resources Code 5097.98. Because adherence to provisions of Health and Safety Code §7050.5 is required of all development projects, and because adherence to the requirements in State law sufficiently mitigates for potential impacts to human remains, no significant impact related to this issue will occur. Because potential impacts associated with this issue are less than significant, no mitigation is required. (DEIR, pg. 4.5-5)

c. Cumulative Cultural Resources

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have a cumulative significant impact on cultural resources.

Findings: Potential impacts of the Project related to cumulative cultural resources are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to cultural resources and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.5 of the DEIR, on-site sediments and cumulative archaeological and paleontological discoveries elevate the potential for the on-site presence of archaeological and paleontological resources. The proposed Project includes measures to identify, recover, and/or record any archaeological or paleontological resource that may occur within the Project limits. Although unlikely to occur, potential impacts associated with human remains would be reduced to a less than significant level through adherence to existing State law. There are no projects that would, in combination with the proposed Project, result in any significant cumulative impacts on historical, archaeological, or paleontological resources, or cumulative impacts to human remains. Therefore, the Project will not make a significant contribution to any cumulatively considerable impacts associated with cultural resources, and no mitigation is required. (DEIR, pg. 4.5-8)

5. Hazards and Hazardous Materials

a. Routine Transport, Use, or Disposal of Hazardous Materials and Reasonable Foreseeable Upset and Accident Conditions

² Chapter 5.10 Cultural Resources, City of Moreno Valley General Plan Final EIR, July 2006.

Potential Significant Impact: Whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Also, whether the Project would create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials.

Findings: Potential impacts of the Project related to routine transport, use or disposal of hazardous materials and/or the risk of upset or accidental release of hazardous materials into the environment are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to routine transport, use or disposal of hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: Two *Phase I Environmental Site Assessments* (ESAs) were prepared for the proposed Project site. During the on-site inspection, no hazardous materials handling, storage, or disposal areas were observed. Additionally, no evidence of stressed vegetation, discolored water, or pools of liquid was observed during the on-site reconnaissance. However, because the Project site has been historically utilized for agricultural production and because of the close proximity to SR-60, soil samples were taken in various parts of the Project site to further evaluate the potential contamination on the site. Laboratory results indicated no detectable concentrations of hydrocarbon compounds in the samples collected. However, there were detectable concentrations of organochlorine pesticides and PCBs in samples collected from possible drainage accumulation and pesticide usage on site. These concentrations were within the allowable Preliminary Remedial Goals (PRGs) for the Project.

During the Project's construction and operation, it is likely that materials such as fuels, lubricants, solvents, cleansers, and paints will be transported to and from the site. The use and transport of these materials and all potentially hazardous materials would be handled according to the appropriate State and Federal regulations. Adherence to existing regulations as they relate to the handling and transport of potentially hazardous materials during construction would reduce impacts associated with this issue to a less than significant level and no mitigation is required. (DEIR, pgs. 4.6-6 through 4.6-11)

b. Hazardous Material Sites

Potential Significant Impact: Whether the Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Findings: Potential impacts of the Project related to hazardous material sites are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the

Project will not result in significant impacts due to hazardous material sites and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, a database review was conducted for both of the Phase 1 ESAs conducted for the Project site. Based on the database review, the Project site is not included on the State of California Hazardous Waste and Substances Site List (Cortese list) pursuant to the California Code (Section 65962.5). The Project site is not listed in the NPL; Corrective Action Order Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list; Emergency Response Notification System (ERNS) list; Resource Conservation and Recovery Act System; Toxic Release Inventory System (TRIS); CAL-SITES Database for Annual Work Plan; California Department of Toxic Substances Control (DTSC); Regional Water Quality Control Board (RWQCB); California Waste Management Board (CWMB); Solid Waste Information System (SWIS); Waste Management Units Database System (WMUDS); California Border Zone Properties (Deed Restriction Properties); DTSC Hazardous Waste and Substances Site List (Cortese list); or any Leaking Underground Storage Tank (LUST) database.

Because the Project site is not identified on a list of hazardous materials sites, the potential that the development of the site would create a significant hazard to the public or environment is less than significant. In addition, the results of the site investigations performed by RM Environmental indicate that no significant amount of any hazardous material exists on site. Therefore, impacts associated with this issue are less than significant and no mitigation would be required. (DEIR, pgs. 4.6-11 through 4.6-12)

c. Existing or Proposed Schools

Potential Significant Impact: Whether the Project would create hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings: Potential impacts of the Project related to existing or proposed schools are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to existing or proposed schools and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, at the time the NOP for the proposed Project was released, the Moreno Valley Unified School District (MVUSD) had identified three potential school sites within the Project vicinity. Of these potential school sites, High School #5 was the closest planned school to the Project site as it was to be located on the adjacent parcel east of the Project site. Due to MVUSD concerns regarding the placement of schools in areas that may be rezoned with

warehousing uses, MVUSD has made a decision to abandon the development of these school facility projects on the identified sites.³ Therefore, no planned school facilities would be located adjacent to or within 0.25 mile of the Project site. Since there are no schools planned, proposed, or operating within 0.25 mile of the Project site, no impacts associated with this issue would occur and no mitigation is required. (DEIR, pgs. 4.6-12 through 4.6-13)

³ *Resolution No. 2007-08-8*, Board of Education of the Moreno Valley Unified School District, April 15, 2008.

d. Emergency Response Plan

Potential Significant Impact: Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Findings: Potential impacts of the Project related to emergency response plans are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to emergency response plans and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, in February 2006, the County of Riverside, in cooperation with the cities and special districts, completed its Emergency Operations Plan (EOP). The EOP establishes the emergency organization, assigns tasks, specifies general procedures, and provides for coordination of planning efforts of the various emergency staff and resources.

Construction activities that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the passage of people and vehicles through/around any required road closures. During the operational phase of the proposed Project, on-site access for fire and emergency vehicles would be required to comply with standards established by the City Public Works Department. The size and location of fire suppression facilities (e.g., hydrants) and fire access routes would be required to conform to Fire Department standards. As required of all development in the City, the operation of the proposed Project would be required to conform to applicable Uniform Fire Code standards. The submittal of such plans would be considered a condition of approval, which would be part of the permitting process initiated by the applicant and approved by the City in accordance with City standards. As with any development, access to and through the Project would be required to comply with the required street widths, as determined in the General Plan Circulation Element, and the Uniform Fire Code. Therefore, implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No significant impact would occur and no mitigation is required. (DEIR, pg. 4.6-13)

e. Wildland Fires

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildland.

Findings: Potential impacts of the Project related to wildland fires are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildland fires and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, the Project site is not located within a “High Fire Hazard Area” or within an area susceptible to wildfires identified by the City of Moreno Valley. Areas surrounding the Project site consist of urban, built, and open space. Because of lack of abundant vegetation and the extensive amount of development within the vicinity of the Project site, on-site and adjacent areas do not have the capability to support a wildfire. The proposed uses on site do not typically create a fire hazards nor are they subject to wildland fire hazards due to the type of construction materials used. The Project will be designed and constructed to comply with adopted standards and guidelines for fire protection. Irrigated landscaping will surround Project buildings, and are required to include fire suppression features by law. Due to the location of the fire station adjacent to the Project in the northwest corner and the low probability that the Project site would be subject or susceptible to wildland fires, no significant impact related to this issue would occur. No mitigation is required. (DEIR, pgs. 4.6-13 through 4.6-14)

f. Cumulative Impacts from Hazards and Hazardous Materials

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would cumulatively increase the risk of hazardous materials and exposure to hazardous materials.

Findings: Potential impacts of the Project related to cumulative hazardous materials impacts are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to cumulative hazardous materials and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.6 of the DEIR, the proposed Project would not result in significant cumulative impacts associated with the routine transport, use, and disposal of hazardous materials; or the emission or handling of hazardous substances. As areas of the eastern portion of Moreno Valley continue to develop, the amount of truck traffic is expected to increase in proportion to the amount of industrial or commercial development that take place in the area. The trucks traveling in the area of the Project and the surrounding areas may contain hazardous materials as well as contribute to emission in the cumulative area. Accidental spills and leaks are unplanned occurrences. It is impossible to predict the occurrences of such events and the likelihood of such events occurring in close proximity to

each other at the same time is very small; therefore, such events cannot be considered cumulatively significant.

As anticipated in the City's General Plan, demographic increases, continued retail and service demands, and the availability of vacant property will lead to the new residential, commercial, and industrial development in the City and surrounding area. While the project-specific hazardous material impacts of individual development projects will be addressed separately in future CEQA documents, anticipated future development will contribute, through increases in the number of locations that sell, store, transport, or dispose of hazardous materials, to a cumulative increase in risk for hazardous material incidents. As with the proposed Project, it is anticipated that future development projects will be required to adhere to applicable local, State, and Federal requirements that regulate the use, release, storage, sale, and transport of hazardous materials. Such compliance would ensure that the proposed Project will not make a significant contribution to a cumulatively considerable impact in this regard, and no mitigation measures for cumulative impacts are required. (DEIR, pg. 4.6-14)

6. Hydrology, Drainage, and Water Quality

a. Groundwater

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level

Findings: Potential impacts of the Project related to groundwater are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to groundwater and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the proposed Project would obtain water service from the EMWD. It is anticipated that the proposed Project would primarily utilize imported water purchased from Metropolitan. In the event that imported water is not available, this imported water would be supplemented by local groundwater sources.

The implementation of the existing West San Jacinto Groundwater Basin Management Plan would ensure that local groundwater resources are conserved and groundwater overdraft does not occur. If the use of groundwater supplies was necessary, the proposed Project would be required to comply with any future water use restricting regulations further minimizing impacts to groundwater supply.

As identified in the City's General Plan, the proposed Project would not interfere with groundwater recharge as the Project site is not identified as a groundwater recharge area.⁴ Therefore, the proposed Project would not interfere with groundwater recharge activities. Impacts associated with this issue are less than significant and no mitigation measure is required. (DEIR, pg. 4.7-14)

b. Flooding-Related Impacts

Potential Significant Impact: Whether the Project would place within a 100-year flood hazard area structures that would impede or redirect flood flows.

Findings: Potential impacts of the Project related to flooding are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to flooding and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, flooding in the City of Moreno Valley could result from intense storms resulting in rapid runoff. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) identify areas subject to flooding during the 100-year storm.⁵ Based on these FIRMs and the Project site does not fall within a 100-year flood zone.⁶ The proposed Project is industrial in nature and the implementation of the proposed Project would not result in the placement of housing within a 100-year floodplain. Because the Project site does not lie within a 100-year floodplain and does not include housing, impacts related to this issue are less than significant. No further discussion or mitigation is required. (DEIR, pgs. 4.7-14 through 4.7-17)

c. Drainage Pattern-Related Impacts

Potential Significant Impact: Whether the Project would substantially alter the existing local drainage patterns of the site and substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on or off site.

Findings: Potential impacts of the Project related to drainage patterns are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to drainage patterns and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the proposed Project would alter the existing drainage patterns and affect surface runoff; however, several BMPs would be designed

⁴ Section 5.7 Hydrology/Water Quality, City of Moreno Valley General Plan Final Program EIR, City of Moreno Valley, July 2006.

⁵ The term "100-year" is a measure of the size of the flood, not how often it occurs. The "100-year flood" is a flooding event that has a one percent chance of occurring in any given year.

⁶ FEMA DFIRM Data, 2008.

and installed on site to minimize these alterations, resulting in a less than significant impact. Development of the Project site would result in increased impervious surfaces in the form of roadways, parking lots, and industrial warehouse buildings. The proposed Project incorporates six detention/sedimentation basins for both water quality and quantity control purposes. The Project would also include vegetated swales, detention/sedimentation basins, and sand filters.

Under post-development conditions, all on-site flows would be routed to Quincy Channel. This drainage pattern would mimic the existing drainage pattern, which has flows draining to the Quincy Channel and the unnamed dry wash to the south. Since the unnamed dry wash connects to Quincy Channel farther south of the Project, all flows under existing conditions drain into Quincy Channel. Flows in Quincy Channel are routed to the Perris Valley Storm Drain where flows continue onto the San Jacinto River and eventually reach Lake Elsinore.

Increased runoff from the site could result in substantial erosion of local drainage ways and siltation of downstream receiving waters. However, with the proposed drainage system installed on site, the proposed Project would not produce any post-development peak flow leaving the site larger than the pre-development peak flows leaving the site for the analyzed storms. In addition, because the implementation of various BMPs will reduce off-site flow velocity and volume, erosional runoff and silt volumes would be minimized to the greatest extent practical. Because the proposed Project would maintain existing drainage patterns on site and implement BMPs that would minimize erosion and generation of silt on site, impacts associated with this issue are less than significant and no mitigation measures are required. (DEIR, pg. 4.7-17)

d. Hydrology and Water Quality Cumulative Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have significant cumulative impacts on hydrology and water quality.

Findings: Potential impacts of the Project related to cumulative hydrology and water quality impacts are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant cumulative impacts to hydrology and water quality and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, increases in the amount and extent of development in the City and surrounding areas will increase the potential for pollutants in runoff, which in turn would affect water quality. The Project's water quality impacts will be mitigated through on-site detention/sedimentation basins and other water pollution control mechanisms such as

vegetated swales, sand filters, and storm drain inlet filters. Similar requirements will be placed on all other development in the Project vicinity by the City and the RWQCB, further reducing the potential for cumulative impacts. Since all development within the City is required to account and mitigate for their individual water quality impacts before runoff leaves each individual site, it is reasonable to conclude that water quality would be maintained throughout the cumulative area. Adherence to NPDES, SWPPP, and WQMP requirements will reduce any such cumulative water quality impact to a less than significant level.

Groundwater recharge policies and practices implemented by the RWQCB and local agencies will ensure groundwater supplies are maintained at appropriate levels. As such, no significant cumulative groundwater supply impacts are anticipated to occur with the development of the proposed Project.

The drainage system for the proposed Project would be designed so that runoff from the Project site after Project development is directed to on-site treatment BMPs and flow volumes would be equal to or less than historic conditions at any given discharge location. This same requirement will be placed on all other development in the vicinity of the Project site by the City of Moreno Valley. Therefore, the proposed Project will not make a significant contribution to any cumulatively considerable impacts related to drainage or water quality and no mitigation is required. (DEIR, pgs. 4.7-28 through 4.7-29)

8. Land Use and Planning

a. Physically Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the physically dividing an established community are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to a physical divide of an established community and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 of the DEIR, land uses adjacent to the Project site include residential uses to the southeast, vacant land to the south, commercial uses to the west, SR-60 and residential uses to the north, and active hay/alfalfa production uses to the east. The Project site does not contain any existing housing, nor does the site complement or constitute part of a community or neighborhood. Based on this information, the proposed Project will physically divide an existing established community. No impact related to this issue would occur; therefore, no mitigation is required. (DEIR, pgs. 4.8-4 through 4.8-5)

b. Conflict with Any Applicable Habitat or Natural Community Conservation Plan

Potential Significant Impact: Whether the Project would conflict with any applicable habitat conservation plan or natural community conservation plan.

Findings: Potential impacts of the Project related to the conflict with any applicable habitat conservation plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to a conflict with any applicable habitat or natural community conservation plan and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 in the DEIR, the Project site is located within the MSHCP area.⁷ The Project site is not within an MSHCP criteria cell or habitat linkage. Furthermore, the Project site is not located within an MSHCP mammal or amphibian survey area, Narrow Endemic Plant Species Survey Area (NEPSSA), Criteria Area Plant Species Survey Area (CAPSSA), or a riparian, wetland, or vernal pool habitat/species survey area.⁸

While the Project site is not within any conservation area delineated in the MSHCP, the Project is still subject to provisions of the MSHCP. In particular, the Project proponent will be required to provide payment of mitigation fees and adhere to the requirements established in the MSHCP. Pursuant to agreements with the USFWS and the CDFW, the payment of the mitigation fees and compliance provisions of the MSHCP provides full mitigation under the CEQA, FESA, and CESA for impacts to the species and habitats covered by the MSHCP. Since the City has adopted the MSHCP and its requirements and provisions, and since the Project is within the City, the proposed Project would be required to adhere to applicable MSHCP requirements and fees. Therefore, the proposed Project would not conflict with any applicable HCP and no significant impact associated with this issue would occur. No mitigation would be required. (DEIR, pg. 4.8-4)

c. Cumulative Land Use Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and foreseeable future projects would incrementally affect biological resources.

Findings: Potential impacts of the Project related to cumulative land use impacts are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of

⁷ City of Moreno Valley General Plan Final Program EIR, Figure 5.9-4 Reche Canyon/Badlands Area.

⁸ <http://www.rctlma.org/gis/rciprepgen.html>, site accessed December 4, 2007.

the Project will not result in significant cumulative impacts related to land uses and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.8 of the DEIR, implementation of the proposed Project represents establishment of new land uses within the currently undeveloped Project site that would result in an intensification of permitted land uses associated with a land use change from Business Park and Residential to Light Industrial uses, changes to the General Plan Circulation Element, and the loss of the Primary Animal Keeping Overlay (PAKO) associated with the RA-2 zone. However, the proposed Project is generally consistent with regional plans and planning efforts, although it is not fully consistent with the SCAG's RTP and Compass Blueprint Plan because it eliminates some housing in favor of industrial employment uses. It will incrementally improve the City's long-standing jobs/housing ratio, which is also a regional goal of the various SCAG plans. It is also not consistent with existing General Plan land use designations, objectives and policies, nor is it consistent with existing zoning designations on the site. For these reasons, a General Plan Amendment and Zone Change are proposed for consideration by the City.

The proposed changes in land use will also result in a loss of up to 584 (R-15) multi-family residential units, many of which could have contributed to the City's affordable housing supply at some point in the future. However, this was determined to be a less than significant Project impact on local housing because the City's Housing Element identifies over twice as much potential affordable housing as the City's RHNA allocation, so it will not make a significant contribution to a cumulatively considerable impact on regional housing.

The Project would also not make a similar cumulatively considerable land use impact relative to dividing an established community or conflicting with an approved habitat conservation plan and no mitigation is required. (DEIR, pgs. 4.8-17 to 4.8-18)

8. Noise

a. Airport Noise

Potential Significant Impacts: Whether a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would result in exposure of people residing or working in the Project area to excessive noise levels. Or if a Project within the vicinity of a private airstrip, would expose people residing or working in the Project area to excessive noise levels.

Findings: Potential impacts of the Project relating to airport noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to airport noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the proposed Project site is located approximately 5 miles northeast of the March Air Reserve Base. Aircraft operations from the airport currently contribute intermittent single-event noise. However, the proposed Project is not identified as being within the noise or safety contours delineated for the MARB Airport. The proposed Project is not located within two miles of a public or private airport; therefore, the proposed Project would not have the potential to expose people to excessive noise levels from airport operations and no impact regarding this issue would occur with implementation of the proposed Project. No mitigation is required. (DEIR, pg. 4.9-10)

b. Ground-Borne Vibrations

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the Project site is not located near steel-wheeled trains. Additionally, roadways in the Project area are either paved or would be paved and would not result in traffic driving over rough roads. Construction activities for the Project site do not include blasting or pile driving. The primary vibratory source during the construction of the proposed Project would be large bulldozers. Based on published data, typical bulldozer activities generate an approximate vibration level of 0.089 in/sec at a distance of 25 feet. At the distance of the nearest residence to the Project boundary (about 50 feet) the estimated vibration level will be 0.0415 in/sec. While heavy-duty earthmoving equipment would be used during the construction phase of the Project, the level of vibration would not be excessive or permanent, nor would it exceed the level at which building damage typically occurs. Therefore, impacts from construction-related groundborne vibration construction would be less than significant and no mitigation is required. (DEIR, pg. 4.-11)

c. Long-Term Traffic Noise

Potential Significant Impact: Whether the Project would result in a substantial temporary, periodic, and/or permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Findings: Potential impacts of the Project related to long-term noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to long-term noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, the *Noise Impact Analysis* (Appendix H) indicates that implementation of the proposed Project would result in relatively minor changes in traffic noise levels except along Eucalyptus Avenue between Moreno Beach Drive and Driveway A. The largest Project-related increase in traffic noise would be along Eucalyptus Avenue/Fir Avenue between Auto Mall Drive and Redlands Boulevard. This segment would experience a 13.6 dBA increase over the baseline (with the Project) scenario and a 13.3 dBA increase over the baseline (with the Project) scenario in opening year (2012). In addition, the roadway segment along Eucalyptus Avenue between Moreno Beach Drive and Auto Mall Drive would experience a 4.5 dBA increase over the baseline scenario in 2012. However, no noise-sensitive uses exist or are planned near either roadway segment.

For the Project build out year (2035) analysis, the greatest increase in noise levels is along Eucalyptus Avenue between Auto Mall Drive and Redlands Boulevard, where an increase of up to 1.3 dBA is predicted, with the ambient noise level predicted to be 71.6 dBA at 50 feet from the centerline of the street. In addition, the greatest increases in noise levels associated with the General Plan Build Out Year is along Eucalyptus Avenue between Auto Mall Drive and Redlands Boulevard, where an increase of up to 0.9 dBA is predicted, with the ambient noise level predicted to be 73.0 dBA at 50 feet from the centerline of the street. However, no noise-sensitive uses exist or are planned near the roadway segment. Therefore, noise impacts at the roadway segments where an increase of more than 3.0 dBA would occur are considered less than significant because there are no sensitive receptors located along the roadway segments that would be affected. All other roadway segments would have an increase in noise of less than 3.0 dBA, which would not be perceptible to the human ear in an outdoor environment. Therefore, impacts would be less than significant and no mitigation measures would be required for off-site areas. (DEIR, pgs. 4.9-11 to 4.9-19)

d. Long-Term Operational Noise

Potential Significant Impact: Whether the Project would cause exposure of persons to or generation of noise levels in excess of standards established in the City of Moreno Valley General Plan, Moreno Valley Municipal Code, or applicable standards of other agencies.

Findings: Potential impacts of the Project related to long-term operational noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to long-term operational noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, potential long-term stationary noise impacts would primarily be associated with operations at the proposed warehouse and the light industrial uses. The proposed on-site uses would generate noise from truck delivery, loading/unloading activities at the loading areas, and other noise-producing activities within the parking lot. Through distance divergence, attenuation, and building shielding these sources of noise would be reduced to less than significant levels; and no mitigation is required. (DEIR, pgs. 4.9-20 to 4.9-22)

e. Noise Impacts to Adjacent Future Development

Potential Significant Impact: Whether the Project would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Findings: Potential impacts of the Project related to noise impacts to adjacent future development are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to noise impacts to adjacent future development and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.9 of the DEIR, based on the land use assumptions for the future LADP Project, residential development would be located along the southern Project boundary between the proposed Project and the proposed LADP. It is anticipated that the proposed Project site would be fully developed prior to the occupation of any dwelling units in LADP; therefore, no construction-related noise impacts to future adjacent sensitive receptors would result from development of the proposed Project. Also, the proposed on-site uses would generate noise from truck delivery, loading/unloading activities at the loading areas, and other noise-producing activities within the parking lot. Through distance divergence, attenuation, and building shielding these sources of noise

would be reduced to less than significant levels. Therefore, a less than significant impact would occur to adjacent future development and no mitigation is required. (DEIR, pgs. 4.9-23 to 4.9-24)

f. Cumulative Noise Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future Project would cause cumulative noise impacts within the City of Moreno Valley.

Findings: Potential impacts of the Project related to cumulative noise are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Construction crew commutes and the transport of construction equipment, materials, and fill to the site for the proposed Project would incrementally increase noise levels on access roads leading to the site. Secondary sources of noise would include noise generated during excavation, grading, and building erection on the Project site. Although it is unlikely that adjacent properties will be developed at the same time as the proposed Project, if adjacent properties are developed at the same time as the proposed Project, implementation of the stated mitigation measures in Section 4.9 of the DEIR would render the cumulative impacts of the proposed Project to less than significant levels.

Section 4.9 of the DEIR compared cumulative noise levels that would occur both with and without the Project. According to the analysis the proposed Project would not expose sensitive uses located adjacent to area roadways to excessive noise levels. The future roadway noise assessment concludes that there will be no significant roadway noise impacts associated with cumulative and cumulative plus Project conditions. Therefore, there are no projects that would, in combination with the proposed Project, produce significant noise impacts to sensitive land uses from on-site operational noise. Thus, no cumulatively considerable noise impacts are expected to occur in this area, and the proposed Project will not make a significant contribution to cumulative noise impacts, so no mitigation measures are required. (DEIR, pg. 4.9-27)

9. Population and Housing

a. Population Growth

Potential Significant Impact: Whether the Project would induce substantial population growth in an area, either directly (e.g., new homes and businesses) or indirectly (e.g., extension of roads and infrastructure).

Findings: Potential impacts of the Project related to population growth are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to population growth will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.10 of the DEIR, the development of the proposed on-site warehouse distribution uses would create new jobs in the local economy. The proposed Project would generate up to 1,532 job opportunities.⁹ The new employment opportunities resulting from development of the proposed warehouse uses would improve the City's current jobs-to-housing ratio by providing jobs to local residents. While the places of residence of the persons accepting employment provided by the proposed uses is uncertain, due to the City's projected jobs-to-housing ratio, it is reasonable that a large percentage of these jobs would be filled by persons already living within the City or Project area; therefore, no significant increase in population of the City would result from the development or operation of the proposed on-site uses. In the absence of a significant impact, no mitigation is required. (DEIR, pgs. 4.10-3 to 4.10-5)

b. Displace Substantial Housing/People

Potential Significant Impact: Whether the Project would displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere.

Findings: Potential impacts of the Project related to displacement of housing or people are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to displacement of housing or people will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.10 of the DEIR, the Project site has not been historically utilized for residential uses, and no residential structures are currently located within the Project limits. The construction and operation of the proposed on-site uses would neither displace existing housing or residents nor require the construction of replacement housing elsewhere in the City. However, the areas currently zoned for residential uses on the site could support up to 681 units. Approximately 80 percent of that potential new housing was in the R15 category, which is considered high enough density to support affordable housing programs. In addition, a portion of the Project site is shown in the latest Housing Element for the City (2008–2014) as a potential location for affordable housing in the future (2011 Housing Element, Vacant Properties Inventory). Development of the site as proposed could

⁹ 1 employee/1,465 square feet of warehouse use × 2,244,419 square feet of warehouse uses = 1,532 employees.

eliminate as many as 681 housing units from the site, with 80 percent of those units (548) at a density that is generally accepted as helping to promote housing affordability (15 units per acre) on a regional level. These changes may incrementally hinder the City's ability to achieve its affordable housing goals in the future. However, the proposed Project would not reduce the City's potential pool of affordable housing to below its RHNA number; therefore, it would not create a significant impact related to the City's Housing Element, and no mitigation is required. (DEIR, pg. 4.10-6)

c. Cumulative Population and Housing Impacts

Potential Significant Impact: Whether the Project could cause an increase in population that is substantial in relation to the past, current, and probable future projects.

Findings: Potential impacts of the Project related to cumulative impacts of the proposed Project on housing or population are discussed in detail in Section 4.10 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to cumulative impacts on housing or population will occur as a result of development of the Project and, therefore, no mitigation is required.

Fact Supporting the Findings: The project includes development of 2.2 million square feet of new industrial uses, but would eliminate the potential for up to 681 new residential units, most of which would be in the R15 category, which can support affordable housing programs. The proposed industrial uses would provide additional employment opportunities for City and area residents. The proposed project, together with the other developments identified in Chapter 3, will serve existing and future cumulative demands for both housing and employment within the City. The proposed uses would not induce significant population or housing growth in areas where growth was not previously anticipated.

10. Transportation

a. Air Traffic Patterns

Potential Significant Impact: Whether the Project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the proposed Project site is located approximately 5.5 miles northwest of the March Air Reserve Base and is not within the designated safety zones or the flight paths established for this facility.¹⁰ The proposed Project does not consist of any uses that would cause changes to air traffic volumes or otherwise affect air traffic patterns. Additionally, the proposed Project does not include any visual, electronic, or physical hazards to aircraft in flight and is not anticipated to disrupt or alter air traffic patterns, including either an increase in traffic levels or a change in location. As such, no impacts associated with this issue would occur and no mitigation is required. (DEIR, pg. 4.11-16)

b. Design Features or Incompatible Uses

Potential Significant Impact: Whether the proposed Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to design features or incompatible uses are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to design features or incompatible uses will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, roadway improvements in and around the Project site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection control as well as incorporate design standards tailored specifically to site access requirements.

The final design of all roadways and intersections within the Project site access would be reviewed by a licensed professional civil engineer to ensure adequate safety when traveling to and from the Project site. The proposed Project does not include any sharp curves or dangerous intersections in its design. Adherence to applicable existing requirements of the City of Moreno Valley consistent with the City's Circulation Element Objectives 5.1 (create a safe, efficient, and neighborhood-friendly street system), 5.5 (maximize efficiency of the local circulation system by using appropriate policies and standards to design, locate, and size roadways), and 5.11 (eliminate obstructions that impede safe movement of vehicles, bicyclists, and pedestrians) and other agencies would reduce impacts associated with this issue to a less than significant level and no mitigation is required. (DEIR, pgs. 4-17)

¹⁰ March Air Reserve Compatibility Plan, December 29, 2004. [http://www.rcaluc.org/filemanager/plan/old//March%20Air%20Reserve%20Base%20\(MARB\).pdf](http://www.rcaluc.org/filemanager/plan/old//March%20Air%20Reserve%20Base%20(MARB).pdf). Accessed June 3, 2008.

c. Inadequate Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the developers of the proposed Project would be required to design, construct, and maintain structures, roadways, and facilities to provide for adequate emergency access and evacuation. Construction activities, which may temporarily restrict vehicular traffic, would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. The proposed Project design would be submitted to and approved by the City's Fire and Police Departments prior the issuance of building permits. Adherence to applicable existing requirements of the City of Moreno Valley and other agencies would reduce impacts associated with this issue to a less than significant level and no further discussion is required. (DEIR, pgs. 4.11-17 to 4.11-18)

d. Inadequate Parking Capacity

Potential Significant Impact: Whether the Project would result in inadequate parking capacity.

Findings: Potential impacts of the Project related to parking capacity are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to parking capacity will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the preliminary site plan indicates that 1,091 automobile parking spaces are provided, which includes spaces for employees, drivers, and handicap spaces, and is well above the minimum requirement of 562 spaces. The design of the proposed Project would be required to comply with parking standards prior to final site plan approval. Adherence to parking standards contained in the Zoning Code would ensure that the proposed Project would not result in inadequate parking capacity. Impacts associated with parking capacity are less than significant and no mitigation is required. (DEIR, pg. 4.11-18)

e. Alternative Transportation

Potential Significant Impact: Whether the proposed Project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.11 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.11 of the DEIR, the design of the Project would be required to adhere to applicable City of Moreno Valley standards that support and/or facilitate alternative modes of transportation, including but not limited to pedestrian pathways and sidewalks consistent with the City's Circulation Element Objective 5.8. Through the City's Project review process, policies, plans, and/or programs supporting alternative transportation would be reviewed and incorporated as applicable. Consequently, a less than significant impact would occur as a result of the proposed Project and no mitigation is required. (DEIR, pg. 4.11-18)

11. Utilities and Service Systems

a. Solid Waste Facilities

Potential Significant Impact: Whether the Project would be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs.

Findings: Potential impacts of the Project related to solid waste facilities are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, based on a solid waste generation of 0.006 pound per square foot per day for industrial uses, the proposed Project is anticipated to generate approximately 6.73 tons of solid waste per day (2,456 tons/year). Solid waste from the proposed Project would be hauled by Waste Management of Inland Valley and transferred to the Badlands Sanitary Landfill, located in Moreno Valley, northeast of the Project site. The volume of solid waste generated by the proposed Project per day represents 0.17 percent of the current permitted throughput and 0.29 percent of the current surplus capacity at the Badlands Sanitary Landfill. As adequate daily surplus capacity exists at the receiving landfill, development of the proposed Project would not

significantly affect current operations or the expected lifetime of the landfill serving the Project area. No significant solid waste disposal impact would occur and no mitigation is required. (DEIR, pgs. 4.12-3 to 4.12-4)

b. Solid Waste Reduction

Potential Significant Impact: Whether the Project would fail to comply with applicable Federal, State, and local statutes and regulations related to solid waste.

Findings: Potential impacts of the Project related to solid waste reduction are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to solid waste reduction will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the Project include paper products, glass, aluminum, and plastic.

Additionally, the proposed Project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the Badlands Sanitary Landfill is reduced in accordance with existing regulations. Impacts are considered less than significant and require no mitigation. (DEIR, pg. 4.12-4)

c. Solid Waste Cumulative Impacts

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have an incremental impact on solid waste.

Findings: Potential impacts of the Project related to cumulative solid waste are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to solid waste will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the Badlands Sanitary Landfill has an estimated closure date of 2016, the City's waste hauler will also use other County landfills in the area (e.g., Lamb Canyon Landfill and El Sobrante Landfill). The estimated closure date of the Lamb Canyon Landfill is 2023 and the estimated closure date of the El Sobrante Landfill is 2030. With planned expansion activities of landfills in the Project vicinity and projected growth rates contained

within the City's General Plan EIR, sufficient landfill capacity would exist to accommodate future disposal needs through City build out in 2030. Therefore, build out of the City General Plan would not create demands for solid waste services that would exceed the capabilities of the County's waste management system. Consequently, cumulative impacts associated with solid waste within the City would be considered less than significant and no mitigation is required. (DEIR, pg. 4.12-5)

d. Construction or Expansion of Water Treatment Facility

Potential Significant Impact: Whether the Project would require the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

Findings: Potential impacts of the Project related to construction or expansion of water treatment facilities are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts that would cause the construction or expansion of water treatment facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the water demand required for the proposed Project totals 0.04 and 0.03 percent of the 2015 and 2035 projected Eastern Municipal Water District (EMWD) supplies. The amount of water demand would be within the existing available supply even with a reduction in deliveries from the State Water Project (SWP). Imported sources of water will be supplemented by an increase in desalination of brackish groundwater, recycled water use, and water use efficiency, and implementation of aggressive conservation measures by the EMWD. The proposed Project would not require the construction of new water treatment facilities or expansion of existing facilities, which could cause significant environmental effects. Impacts related to this issue would be less than significant and no mitigation is required. (DEIR, pgs. 4.12-15 to 4.12-16)

e. Adequate Water Supply

Potential Significant Impact: Whether the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed.

Findings: Potential impacts of the Project related to adequate water supply are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to adequate water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the anticipated water demand for the proposed Project is substantially less than what is identified for the General Plan land uses and what was used in the formulation of the 2010 Urban Water Management Plan. The water demand required for the proposed Project would total 0.05 and 0.04 percent of the EMWD's 2015 and 2035 supplies. The Project's water consumption represents substantially less than 1 percent of the consumption yearly capacity and because the EMWD indicates that water to service the Project's proposed industrial uses is available, no significant water supply impacts would occur with implementation of the industrial use, and no mitigation would be necessary. (DEIR, pg. 4.12-17 to 4.12-22)

f. Cumulative Impacts to Water Supply Services

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would have a cumulative impact to water supply services.

Findings: Potential impacts of the Project related to cumulative water supply services are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to water supply services will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the projected demand for the EMWD service area for the year 2015 is 213,900 acre-feet per year (AFY). The cumulative projects including the proposed Project would make up approximately 0.11 percent of the projected demand for 2015. For the year 2035, the EMWD service area projected demand is 302,200 AFY. The proposed Project would consist of 0.63 percent of the Project water demand. As the cumulative projects including the proposed Project constitute less than one percent of the projected water demand in both 2015 and 2025, the cumulative impact of the proposed Project would be less than significant.

Metropolitan Water District (Metropolitan) will continue to rely on the plans and policies outlined in its Regional Urban Water Master Plan (RUWMP) and Integrated Regional Water Plan (IRP) to address water supply shortages and interruptions (including potential shut downs of SWP pumps) to meet water demands. Metropolitan has also analyzed the reliability of water delivery through the SWP and the Colorado River Aqueduct. Metropolitan's IRP and RUWMP conclude that, with the storage and transfer programs developed by Metropolitan, there will be a reliable source of water to serve its member agencies' needs through 2035. The EWMD is a member agency of Metropolitan and would have water supplies for projected growth through 2035 in wet, dry, and multiple-dry years, so cumulative impacts to water supply would be less than significant. The proposed Project would connect to existing conveyance

infrastructure and adequate treatment capacity is available, so the proposed Project would not make a significant contribution to any cumulatively considerable impacts on water supply or infrastructure and no mitigation is required. (DEIR, pg 4.12-22)

g. Wastewater Treatment Requirements

Potential Significant Impact: Whether the Project would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB).

Findings: Potential impacts of the Project related to wastewater treatment requirements are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater treatment requirements will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would result in a connection to the sewer line underlying the future Eucalyptus Avenue. The EMWD expects this sewer to be in service once it is necessary for demand expected from the proposed Project. It is anticipated that all wastewater generated by the proposed Project would be routed to and treated by the Moreno Valley Regional Water Reclamation Facility (MVRWRF). The MVRWRF is a Publically Owned Treatment Works (POTW), so operational discharge flows treated at the MVRWRF would be required to comply with the Waste Discharge Requirements (WDRs) for that facility. Compliance with condition or permit requirements established by the City and WDRs at the MVRWRF would ensure that discharges into the wastewater treatment facility system from the operation of the proposed Project would not exceed applicable Santa Ana RWQCB wastewater treatment requirements. Expected wastewater flows from the proposed Project will not exceed the capabilities of the serving treatment plant, so no significant impact related to this issue would occur and no mitigation would be required. (DEIR, pg. 4.12-24)

h. Wastewater Treatment Capacity and/or New or expanded Wastewater Treatment Facilities

Potential Significant Impact: Whether the Project would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it lacks adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Also, whether the proposed Project would require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Findings: Potential impacts of the Project related to wastewater capacity are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to wastewater capacity will occur as a result of development of the Project and no new wastewater treatment facilities or expansion of existing facilities would be required, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would result in a connection to the sewer line underlying the future Eucalyptus Avenue. The EMWD expects this sewer to be in service once it is necessary for demand expected from the proposed Project. It is anticipated that all wastewater generated by the proposed Project would be routed to and treated by the MVRWRF. The MVRWRF is a POTW, so operational discharge flows treated at the MVRWRF would be required to comply with the WDRs for that facility. Compliance with condition or permit requirements established by the City and WDRs at the MVRWRF would ensure that discharges into the wastewater treatment facility system from the operation of the proposed Project would not exceed applicable Santa Ana RWQCB wastewater treatment requirements. Expected wastewater flows from the proposed Project will not exceed the capabilities of the serving treatment plant, so no significant impact related to wastewater would occur and no mitigation would be required. (DEIR, pg. 4.12-25)

i. Cumulative Impacts to Wastewater Facilities

Potential Significant Impact: Whether the Project in connection with past, current, and probable future projects would result in cumulative impacts to wastewater facilities.

Findings: Potential impacts of the Project related to cumulative wastewater facilities are discussed in detail in Section 4.12 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to wastewater facilities will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would not have a cumulatively significant impact on wastewater infrastructure because the proposed Project would not require the expansion of existing infrastructure; only connections to existing infrastructure would be required by the Project. By adhering to the wastewater treatment requirements established by the Santa Ana RWQCB through the NPDES permit, wastewater from the Project site that is processed through the MVRWRF would meet established standards. As the wastewater from all development within the service area of the MVRWRF would be similarly treated under the NPDES, no cumulatively significant exceedance of Santa Ana RWQCB wastewater treatment requirements would occur.

The proposed Project would not result in significant impacts to wastewater treatment or wastewater treatment facilities. The MVRWRF also plans expand the capacity of the wastewater facility. The ultimate expansion of the MVRWRF will allow it to process 41 mgd of wastewater. The wastewater generation of the listed cumulative projects represents 4.8 percent of the future capacity of the 2013 expansion and 2.5 percent of the ultimate expansion of the MVRWRF. The projected wastewater generation of the cumulative projects represents a small percentage of the average wastewater capacity and, because there are no projects that would, in combination with the proposed industrial uses, result in any significant impact related to wastewater treatment or cause significant environmental effects, the Project will not make a significant contribution to any cumulatively considerable impacts associated with wastewater and no mitigation is required. (DEIR, pg. 4.12-26)

11. Global Climate Change

a. Greenhouse Gas Plan, Policy, Regulation Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to greenhouse gas plans, policies, or regulation consistency are discussed in detail in Section 4.13 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related greenhouse gas plans, policies or regulations will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: According to Section 4.13 of the DEIR, the proposed Project includes a variety of physical attributes and operational programs that would generally contribute to a reduction in operational-source pollutant emissions including GHG emissions. Future development that would occur under the proposed Project would be consistent with state and local greenhouse gas emission reduction strategies and policies. The Project would implement appropriate GHG reduction strategies and would ensure that it does not conflict with or impede implementation of reduction goals identified in AB 32, Governor’s Executive Order S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor. In addition, the Project would also be subject to all applicable regulatory requirements, which would also reduce the GHG emissions of the Project. Therefore, the proposed Project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions. Impacts are considered less than significant and no mitigation is required. (DEIR, pgs. 4.13-10 to 4.13-17)

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
- II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including biological resources, cultural and paleontological resources, hydrology, drainage, and water quality, noise (short-term construction), transportation (local intersections), utilities, and global climate change (individually and cumulatively) were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program (MMRP) adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. Air Quality

a. Localized Construction Equipment Exhaust Emissions Impacts

Potentially Significant Impact: The EIR evaluated and concluded that the Project has the potential to exceed short-term construction thresholds.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to sensitive or special status species to less than significant:

- 4.3.6.3A** *Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).*
- 4.3.6.3B** *Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction access roads shall be paved at least 100 feet onto the site from the main road.*
- 4.3.6.3C** *Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all streets within the construction site shall be swept once per day if visible soil materials are carried to adjacent streets.*

Facts in Support of the Finding: SCAQMD has developed LST methodology that can be used to determine whether or not a project may generate significant adverse localized air quality impacts. LSTs represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable Federal or State ambient air quality standard and are developed based on the ambient concentrations of that pollutant for each source receptor area. The emissions of concern from construction activities are NOX, CO, PM₁₀, and PM_{2.5} resulting from on-site combustion emissions from construction equipment and on-site fugitive PM₁₀ dust from construction site preparation activities.

According to Section 4.3 of the DEIR, the air pollutant emission rates for the proposed construction activities are below the localized construction thresholds at the nearest sensitive receptor for CO, NO_x, PM₁₀, and PM_{2.5}. Thus, no mitigation is required. However, implementation of **Mitigation Measures 4.3.6.2A through 4.3.6.2M** and the incorporation of these additional requirements as **Mitigation Measures 4.3.6.3A through 4.3.6.3C** are designed to track both standard requirements and mitigation measures as part of the project's Mitigation Monitoring and Reporting Program (MMRP). Therefore, impacts related to construction exhaust emissions are less than significant. (DEIR, pgs. 4.3-29 to 4.3-30)

2. Biological Resources

a. Candidate, Non-listed Sensitive, or Other Special Status Species

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to affect migratory bird species and 15 non-listed special status species, including burrowing owl.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to sensitive or special status species to less than significant:

4.4.6.1A *If tree removal or clearing and grubbing activities must take place during the general nesting season (February 1 through August 31), a nesting bird survey shall be conducted within seven (7) days prior to any vegetation disturbance activities. If passerine birds are found to be nesting or there is evidence of nesting behavior inside the impact area, an exclusion buffer, to be determined by the appropriate agency (e.g. the City, County, and/or CDFG), shall be set in place around the nest where no vegetation disturbance will be permitted. For raptor species, such as hawks and owls, this buffer may be as large as 500 feet. A qualified biologist shall closely monitor nests until it is determined that they are no longer active, at which time construction activity in the vicinity of nests may continue.*

4.4.6.1B *Prior to site grading, a pre-construction survey shall be required for the burrowing owl to confirm the presence/absence of this species from the site. The survey shall be conducted by a qualified biologist within 30 days prior to ground disturbance, and in accordance with MSHCP survey requirements, to avoid direct take of burrowing owls. If burrowing owls are determined to occupy the project site or immediate vicinity, the City of Moreno Valley Planning Department shall be notified and avoidance measures as identified in Mitigation Measure 4.4.6.1C shall be implemented. Implementation of avoidance measures shall be executed pursuant to the MSHCP, the California Fish and Game Code, and the MBTA, and according the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and reviewed the City of Moreno Valley, the County of Riverside, and/or by the CDFG.*

4.4.6.1C *As recommended in the BUOW Survey and Mitigation Guidelines prepared by the CBOC, no disturbance to an occupied burrow shall occur within approximately 160 feet of an occupied burrow during the non-breeding season (September 1 through January*

31), or within approximately 250 feet of an occupied burrow during the breeding season (February 1 through August 31). For unavoidable impacts, passive relocation of burrowing owls shall be implemented. Passive relocation shall be conducted by a qualified biologist in accordance with procedures set forth by the MSHCP and California Burrowing Owl Consortium. Passive relocation of occupied burrows supporting a breeding pair of burrowing owls shall be conducted outside of the breeding season pursuant to the California Fish and Game Code and the MBTA.

Facts in Support of the Finding: According to Section 4.4 of the DEIR, one non-listed special status species, grasshopper sparrow, was observed on the site during the burrowing owl survey. Fourteen other non-listed special status species, including burrowing owl, have a low to moderate potential to occur on the site based on existing habitat quality. None of these species is listed as Threatened or Endangered under State or Federal law, all are relatively widespread, and the site does not contain high quality habitat for any of them. Therefore, any impacts to these species by the Project would not be considered significant. Neither additional surveys nor additional conservation measures for these species will be required for the proposed Project, with the exception of burrowing owl.

The planning area may support habitat for bird species protected under the California Fish and Game Code and Migratory Bird Treaty Act (MBTA). If clearing and grubbing activities take place during the general bird nesting season (February 1 through August 31), potential impacts to bird species protected under the California Fish and Game Code and MBTA may occur, therefore **Mitigation Measure 4.4.6.1A** is required.

The Project site also contains habitat suitable to support the burrowing owl. Although burrowing owl was not found on the site during the focused survey, the species is highly mobile, so there is a potential that at some future date prior to Project development, this species may occupy the site. This is a potentially significant impact requiring **Mitigation Measures 4.4.6.1B and 4.4.6.1C**. Implementation of the above-listed mitigation measures would reduce impacts to migratory bird species and non-listed sensitive species to a less than significant level. (DEIR, pgs. 4.4-25 to 4.4-27).

b. Riparian Habitat or Other Sensitive Natural Communities

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to permanently affect 0.36 acre of riparian/riverine habitat and to temporarily affect 0.35 acre of riparian/riverine habitat.

Finding: Implementation of the following mitigation measures will reduce the potential adverse impacts to riparian habitat or other sensitive natural communities to less than significant:

4.4.6.2A *As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. CDFW and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.*

4.4.6.2B *Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.*

Facts in Support of the Findings: According to Section 4.4 of the DEIR, the Project site consists of highly disturbed land from which most natural vegetation has been removed by regular disking for weed abatement and historical citrus cultivation. No special status species plants were recorded on site within the southern and western drainages due to the site's long-standing disturbances and the fact that on-site soils may not be capable of supporting most sensitive plant species.

However, implementation of the proposed Project would result in permanent impacts on 0.36 acre of riparian/riverine areas as a result of the construction of the detention basins, and drain outlets. In addition to permanent impacts, the proposed Project would result in temporary impacts on 0.35 acre of riparian/riverine areas associated with construction activities. Minimal intrusion into the drainages would be necessary and no construction is anticipated in the drainages themselves.

Following construction, temporary impact areas would be restored to their pre-construction contours and revegetated per a Habitat Mitigation and Monitoring Plan (HMMP) to be written for the Project site. The HMMP would be developed to address temporary impacts on riverine/riparian areas subject to jurisdiction under the MSHCP, waters of the United States subject to jurisdiction under Section 404 of the Clean Water Act (CWA), waters of the state subject to jurisdiction under Section 401 of the CWA, and jurisdictional streambeds subject to jurisdiction under Sections 1600–1616 of the California Fish and

Game Code. Therefore, the proposed mitigation design is directed at providing adequate mitigation based on impacts on the largest jurisdictional area (namely, CDFW jurisdictional streambeds). Because implementation of the proposed Project would have impacts on riparian/riverine areas on site, mitigation would be required. Implementation of the **Mitigation Measures 4.4.6.2A and 4.4.6.2B** would reduce impacts to riparian habitat to a less than significant level. (DEIR, pgs. 4.4-29 to 4.4-27)

c. Jurisdictional Waters/Wetlands

Potential Significant Impact: The EIR evaluated and concluded that the Project has the potential to permanently affect 0.051 non-wetland waters of the United States (US) and 0.362 acre of CDFW jurisdictional area, and to temporarily affect 0.054 acre of non-wetland waters of the U.S. and 0.33 acre of CDFW jurisdictional area.

Findings: Implementation of the following mitigation measures will reduce the potential adverse impacts to jurisdictional waters and wetlands to less than significant:

4.4.6.3A *The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFW. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.*

Facts in Support of the Findings: According to Section 4.4 of the DEIR, there is a clear connection to drainages associated with the San Jacinto watershed, and all three drainages (western, southern, and eastern) located on or adjacent to the Project site are determined to be jurisdictional waters of the United States. Implementation of the proposed Project would result in permanent impacts to 0.051 acre (354 linear feet) of non-wetland waters of the US and waters of the State and 0.362 acre (440 linear feet) of state streambed associated with the eastern, southern, and western drainages. In addition to permanent impacts, the proposed Project would result in temporary impacts to 0.054 acre (332 linear feet) of non-wetland waters of the US and waters of the State and 0.33 acre (547 linear feet) of State streambed associated with construction activities. This is a significant impact requiring mitigation.

The proposed on-site restoration of temporary impact areas and the long-term enhancement of off-site riparian/riverine habitat managed by Santa Ana Water Authority provides adequate mitigation for identified impacts to on-site jurisdictional areas. Implementation of the recommended **Mitigation**

Measure 4.4.6.3A would reduce impacts to jurisdictional waters to less than significant levels. (DEIR, pgs. 4.4-29 to 4.4-30)

3. Cultural Resources

a. Prehistoric Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on significant archaeological resource pursuant to Section 15064.5.

Finding: Implementation of the following mitigation measures will reduce the impact to unique archaeological resources to less than significant:

4.5.6.1A *Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.*

4.5.6.1B *Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.*

4.5.6.1C *If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.*

4.5.6.1D *Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:*

"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."

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

American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

Facts in Support of the Finding: Based on Section 4.5 of the DEIR, a reconnaissance pedestrian-survey for the Project site was conducted in November 2007. Although the Project site is located within the Moreno Hills Complex, no archaeological resources were identified on the Project site during the field survey, and the cultural resource assessment concluded the Project would have no significant impacts; however, there is a potential for Project grading to disturb previously undiscovered cultural resources. While there is no recorded or surface evidence that archaeological resources are present on site, the Project is located in an area with a high potential of containing prehistoric archaeological resources. Therefore, a potential exists that excavation and construction activities may uncover previously undetected prehistoric or historic cultural resources. This is a potentially significant impact under CEQA and requires mitigation. Adherence to the above **Mitigation Measures 4.5.6.1A through 4.5.6.1E** would reduce potential impacts to archaeological resources to a less than significant level. (DEIR, pgs. 4.5-6 to 4.5-7)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on significant paleontological resource or site or unique geologic feature.

Findings: Implementation of the following mitigation measures will reduce the impact to unique paleontological resource or unique geologic feature to less than significant:

4.5.6.2A *Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision of a trained paleontological monitor during on-site soil disturbance activities. The monitoring for paleontological resources shall be conducted during the rough-grading phase of the project. In the event that paleontological resources are unearthed or discovered during excavation, Mitigation Measure 4.5.6.2C shall apply. Conversely, if no paleontological resources are unearthed or discovered on site during excavation, no additional action is required.*

4.5.6.2B *The paleontological monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples of soil shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.*

4.5.6.2C *If paleontological resources are unearthed or discovered during excavation of the project site, the monitoring for paleontological resources shall be conducted on a full-time basis for the duration of the rough-grading of the project site. The following recovery processes shall apply:*

- *Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.*
- *All fossils collected during the project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.*
- *A report documenting the results of the monitoring and salvage activities and the significance of the fossils shall be prepared.*
- *All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.*

4.5.6.2D *Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:*

“If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to

evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.”

Facts in Support of the Findings: According to Section 4.5 of the DEIR, the proposed Project site is located within an area that has a high potential to contain near-surface Pleistocene fossils.¹¹ The paleontological literature search indicated that there is potential for significant, nonrenewable resources that to encountered during onsite construction activities. Therefore, a paleontological resources impact mitigation program (PRIMP), including excavation monitoring by a qualified paleontologist, is recommended for earthmoving activities in Pleistocene sediments on the Project site with potential to contain significant, nonrenewable paleontological resources. Although no paleontological resources were identified on site during the field survey, because of the location of the Project site and associated sensitivity for paleontological resources, the potential exists that paleontological resources maybe uncovered during construction. Adherence to the **Mitigation Measures 4.5.6.2A through 4.5.6.2D** will reduce potential impacts to paleontological resources to a less than significant level. (DEIR, pgs. 4.5-7 to 4.5-8)

4. Hydrology, Drainage, and Water Quality

a. Construction-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate water quality standards or waste discharge requirements during construction phases of the Project in form of increased soil erosion, sedimentation, or storm water discharges.

Findings: Implementation of the following mitigation measures will reduce the impact to construction-related water quality to less than significant:

4.7.6.1A *Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of storm water associated with construction activities.*

4.7.6.1B *Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall submit to the City of Moreno Valley a Storm Water Pollution*

¹¹ Ibid.

Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include (but shall not be limited to) the following:

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP.*
- No materials of any kind shall be placed in drainage ways.*
- Materials that could contribute nonvisible pollutants to storm water must be contained, elevated, and placed in temporary storage containment areas.*
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences.*
- The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.*
- Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary.*
- The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.*

In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

4.7.6.1C *Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project:*

- *The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Moreno Valley and the representatives of the Regional Water Quality Control Board.*

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the construction and grading phases of the project site would require the disturbance of surface soils and removal of existing orange groves and vegetative cover. During the construction period, grading and excavation activities would result in exposure of soil to storm runoff, potentially causing erosion and sediment in runoff. If not managed through Best Management Practices (BMPs), the runoff could cause erosion and increased sedimentation in local drainage ways such as the Quincy Channel. The potential for chemical releases is present at most construction sites in the form of fuels, solvents, glues, paints, and other building construction materials. However, implementation of construction practices and adherence to existing water quality regulations and **Mitigation Measures 4.7.6.1A** through **4.7.6.1C** would reduce these impacts to a less than significant level. (DEIR, pgs. 4.7-21 to 4.7-23)

b. Operational-Related Water Quality Impacts

Potential Significant Impact: The EIR evaluated and concluded that the Project could violate water quality standards or waste discharge requirements during the operational phases of the project in the form of increased soil erosion, sedimentation, or urban runoff.

Findings: Implementation of the following mitigation measure will reduce the impact to operational-related water quality to less than significant:

4.7.6.2A *Prior to grading plan approval and the first issuance of a grading permit by the City, the project applicant shall receive approval from the City of Moreno Valley for a Final Water Quality Management Plan (F-WQMP). The F-WQMP shall specifically identify pollution prevention, site design, source control, and treatment control BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. BMPs to be implemented in the F-WQMP may include (but shall not be limited to) the following:*

- *Required landscaped areas shall not use decorative concrete or impervious surfaces.*
- *Landscape plans shall incorporate native and drought-tolerant plants, trees, and shrubs. Landscaping shall be maintained weekly and maintenance contractor will properly dispose of all landscape wastes.*
- *Irrigation systems shall be inspected monthly by the landscape contractor to check for overwatering, leaks, or excessive runoff to paved areas. Timers will be used to prevent overwatering.*
- *Signage will be inspected and maintained twice a year for legibility.*
- *Outdoor Loading/Unloading truck docks shall be kept in a clean and orderly condition with weekly inspections, continuous monitoring and immediate clean up of spills.*
- *Parking area maintenance shall be swept or vacuumed at least quarterly, if there is any trash or debris in between the routine sweeping, it shall be swept or vacuumed immediately.*
- *Trash enclosures will be inspected and maintained weekly or as needed by maintenance contractor.*
- *On-site extended detention/sedimentation basins and sand filters will treat all of the site's runoff via vegetated swales and will be maintained and inspected at least twice a year and prior to October 1.*
- *Additional BMPs will be documented in the WQMP and utilized if necessary.*

In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

Facts in Support of the Findings: According to Section 4.7 of the DEIR, the proposed Project would result in the conversion of existing on-site permeable surfaces to impermeable surfaces, thereby altering the current drainage pattern. Upon development of the proposed on-site uses, storm runoff from the roadways, parking lots, and buildings may carry a variety of pollutants such as sediment, pathogens, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser

extent) trace metals such as zinc, copper, lead, cadmium, and iron, which may lead to the degradation of storm water in downstream channels. These impacts to water quality are considered significant impacts that require mitigation. **Mitigation Measure 4.7.6.2A** has been identified to reduce impacts to water quality to less than significant.

The proposed Project would also incorporate on-site drainage that would have hydrodynamic infrastructure components that would meet City and County water quality requirements. Through the use of site design BMPs, source control BMPs, and treatment control BMPs, the resulting pollutant loads coming from the proposed Project would be reduced thereby ultimately reducing pollutants discharged from urban storm water runoff to surface water bodies. Because adherence to the requirements of the NPDES permit, which include implementation of the BMPs outlined in the WQMP, would be required by the City during the operation of the proposed Project, potential water quality impacts resulting from storm water and urban runoff would be reduced to a less than significant level. (DEIR, pgs. 4.7-23 to 4.7-26)

c. **Drainage Capacity-Related Impacts**

Potential Significant Impact: The EIR evaluated and concluded that the Project could create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Findings: Implementation of the following mitigation measure will reduce the impact to drainage to less than significant:

4.7.6.3A *Prior to the approval of a rough grading plan, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations.*

Facts in Support of the Findings: According to Section 4.7 of the DEIR, development and operation of the proposed Project would result in the generation of the additional storm water flows that would be above those generated in existing site conditions. With the construction and maintenance of adequate storm water drainage systems, through the adherence of **Mitigation Measure 4.7.6.3A**, impacts would be less than significant. In addition, the design and installation of the proposed drainage improvements will be required to adhere to applicable City and County standards. (DEIR, pgs. 4.7-26 to 4.7-28)

5. **Noise**

a. Short-Term Construction Noise

Potential Significant Impact: The EIR evaluated and concluded that noise levels from grading and other construction activities for the proposed Project may range up to 91 dBA at the closest residences southeast of the Project site for very limited times when construction occurs near the Project's boundary. Construction-related noise impacts from the proposed Project would be potentially significant.

Finding: Implementation of the following mitigation measures will reduce potential short-term construction noise impacts to less than significant:

4.9.6.1A *During all project site excavation and grading on site, the project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.*

4.9.6.1B *The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site.*

4.9.6.1C *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest to the project site during all project construction.*

4.9.6.1D *During all project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer for specific construction activities that must be conducted outside of the permitted time periods.*

Facts in Support of the Finding: According to Section 4.9 of the DEIR, two types of short-term noise impacts could occur during the construction of the Project. First, construction crew commutes and the transport of construction equipment and materials to the site for the proposed Project would incrementally increase noise levels on access roads leading to the site. The second type of short-term noise impact is related to noise generated during excavation, grading, and building erection on the Project site. Construction of the proposed Project is expected to require the use of scrapers, bulldozers, and water and pickup trucks. The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders.

Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. The maximum noise level generated by each scraper on the proposed Project site is assumed to be approximately 87 dBA L_{max} at 50 feet from the scraper. Each bulldozer would generate approximately 85 dBA L_{max} at 50 feet. The maximum noise level generated by water and pickup trucks is approximately 86 dBA L_{max} at 50 feet from these vehicles. Each doubling of the sound sources with equal strength increases the noise level by three (3) dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, the worst-case composite noise level during this phase of construction would be 91 dBA L_{max} at a distance of 50 feet from the active construction area.

The nearest noise-sensitive receptor locations to the Project site are existing residences approximately 50 feet to the southeast. These nearest residents may be subject to short-term, intermittent, maximum noise reaching 91 dBA L_{max} , generated by construction activities on the Project site. This noise level would exceed the City's exterior noise standard of 60 dBA¹² CNEL for residential uses. However, no significant construction noise impacts would occur if construction of the proposed Project would occur within the permitted hours of 6:00 a.m. to 8:00 p.m. of any working day, and within the permitted hours of 7:00 a.m. and 8:00 p.m. on Sundays and Federal holidays. Compliance with the construction hours specified in the City's Municipal Code would result in construction noise impacts that are less than significant. While impacts would be considered less than significant as long as construction activities occur within the designated hours identified in the City's Municipal Code, mitigation measures have been identified to reduce the noise levels that would expose nearby sensitive receptors to noise levels in excess of the City's noise standards.

With adherence to the City's designated construction hours and with implementation of the proposed **Mitigation Measures 4.9.6.1A through 4.9.6.1D**, potential short-term construction noise impacts would be reduced below the level of significance. (DEIR, pgs. 4.9-25 to 4.9-27)

6. Transportation

a. **Future Year 2035 with Project Conditions (Intersection) Traffic and Level of Service**

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

¹² Chapter 11.80.030 Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley.

Findings: Implementation of the following mitigation measures will reduce the impact related to future traffic LOS to less than significant:

4.11.6.4A. *Prior to issuance of a Certificate of Occupancy the project applicant shall construct the following traffic improvements:*

- *Redlands Boulevard/SR-60 Westbound Ramps. Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*
- *Redlands Boulevard/Fir Avenue/Eucalyptus Avenue. If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and add a northbound left-turn lane and a southbound left-turn lane.*

If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.

4.11.6.4B *Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:*

- ***Moreno Beach Drive/SR-60 Eastbound Ramps.*** *The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location. This project is scheduled to go into construction by the end of this year and completed by the end of 2013.*
- ***Redlands Boulevard/SR-60 Westbound Ramps.*** *Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*
- ***Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.*** *If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal. This improvement is*

listed in the City's DIF program. Add a northbound left-turn lane and a southbound left-turn lane.

4.11.6.4C *Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program:*

- **Moreno Beach Drive/SR-60 Eastbound Ramps.** *The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Cottonwood Avenue.** *Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Alessandro Boulevard.** *Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Redlands Boulevard/SR-60 Westbound Ramps.** *Install a traffic signal. This improvement is listed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Add a northbound through lane. The Redlands Boulevard/SR-60 Interchange reconstruction would implement the northbound through lane. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.*
- **Redlands Boulevard/SR-60 Eastbound Ramps.** *The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** *Install a traffic signal. Add a westbound right-turn lane and provide overlap phasing for the westbound right turns. Add a westbound left-turn lane and an eastbound left-turn lane. These improvements are programmed in the City's DIF program. Add a northbound left-turn lane a southbound*

through lane and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

- **Redlands Boulevard/Eucalyptus Avenue.** Add a southbound right-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMFs would mitigate the significant impact at this location.
- **Redlands Boulevard/Alessandro Boulevard.** Add a southbound left-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMFs would mitigate the significant impact at this location.

4.11.6.4D Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program. At some locations, the DIF and TUMFs would not fully mitigate the projects impact. For these locations, additional improvements shall be implemented by the project applicant prior to the issuance of a certificate of occupancy for the project:

- **Nason Street/Eucalyptus Avenue.** Add a northbound right-turn lane. This improvement is programmed in the City's DIF; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.76%) toward restriping the westbound approach to provide dual left-turn lanes
- **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.4%) toward modification of the traffic signal to provide overlap phasing for the eastbound right-turn lane.
- **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.

- **Moreno Beach Drive/SR-60 Eastbound Ramps.** *The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Eucalyptus Avenue.** *Convert the existing eastbound through lane to a left-turn lane and the eastbound right-turn lane to a shared through/right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 8.63%) toward modification of the traffic signal to provide right-turn overlap phasing for the westbound right turn.*
- **Moreno Beach Drive/Cottonwood Avenue.** *Add a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Alessandro Boulevard.** *Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Redlands Boulevard/SR-60 Westbound Ramps.** *Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact.*
- **Redlands Boulevard/SR-60 Eastbound Ramps.** *The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** *Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, and a westbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, southbound left-turn lane, northbound through lane, northbound left-turn lane. These*

improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

- **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

4.11.6.4E Prior to issuance of building permits, the project applicant shall implement the following improvements, either through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley as noted below:

- **Nason Street/Eucalyptus Avenue.** Add a northbound right-turn lane and an eastbound right-turn lane. These improvements are programmed in the City's DIF; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.6%) toward modification of the traffic signal to provide right-turn overlap phasing for the eastbound and northbound right turns.
- **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in

Mitigation Measure 4.11.6.4D would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.35%) toward the addition of an eastbound left-turn lane and modification of the traffic signal to provide overlap phasing for the westbound right-turn lane.

- **Moreno Beach Drive/SR-60 Westbound Ramps.** *The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/SR-60 Eastbound Ramps.** *The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Eucalyptus Avenue.** *Restripe eastbound approach to dual left-turn lanes and add a northbound through lane, a westbound through lane, and a southbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 5.17%) toward modification of the traffic signal to provide right-turn overlap phasing for the southbound right-turn lane.*
- **Moreno Beach Drive/Cottonwood Avenue.** *Add a southbound through lane, a northbound through lane, an eastbound left-turn lane, an eastbound through lane, a westbound through lane, and a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.*
- **Moreno Beach Drive/Alessandro Boulevard.** *Add 2 southbound through lanes, add 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.*

- ***Auto Mall Drive/Eucalyptus Avenue.*** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would mitigate the significant impact at this location.
- ***Redlands Boulevard/SR-60 Westbound Ramps.*** Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Therefore, payment of the DIF would mitigate the significant impact at this location.
- ***Redlands Boulevard/SR-60 Eastbound Ramps.*** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF would mitigate the significant impact at this location.
- ***Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.*** Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, a westbound right-turn lane with overlap phasing, and a southbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, a southbound left-turn lane, a northbound through lane, a northbound left-turn lane, and a northbound right-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the TUMF would also partially mitigate the significant impact at this location. In addition, the project shall pay a fair share (calculated to be 10.44%) of the cost of adding a southbound left-turn lane.
- ***Redlands Boulevard/Eucalyptus Avenue.*** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane, a northbound through lane, a southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.
- ***Redlands Boulevard/Cottonwood Avenue.*** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at

this intersection. In addition, add a northbound through lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.

- ***Redlands Boulevard/Alessandro Boulevard.*** *Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, a southbound through lane, a westbound through lane, and an eastbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF would mitigate the significant impact at this location.*

4.11.6.4F *If the Encilia Avenue and Quincy Street Connection plan is implemented as part of the proposed project, then prior to issuance of building permits, the project applicant shall implement the following improvements: In addition to those identified in **Mitigation Measure 4.11.6.4E**, either through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley as noted below:*

- ***Moreno Beach Drive/Eucalyptus Avenue.*** *Restripe the southbound shared through/right-turn lane to a southbound through lane. This improvement is programmed in the City's DIF program; therefore, payment of the DIF would mitigate the impacts of the project at this intersection.*
- ***Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.*** *Pay the fair share (calculated to be 10.84%) to add a southbound right-turn lane.*
- ***Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue.*** *Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program. In addition, add a northbound left-turn lane, northbound through lane, southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF program. Therefore, payment of the DIF and TUMF would fully mitigate the impact of the project at this intersection.*
- ***Moreno Beach Drive/Encilia Avenue.*** *Install a traffic signal, add a northbound through lane, southbound left-turn lane, and a southbound through lane. This improvement is*

programmed in the City's DIF program; therefore, payment of the DIF would mitigate the impacts of the project at this intersection.

Facts in Support of the Findings: Future Year (2035) with Project conditions considers the addition of traffic generated by the proposed project to Future Year (2035) Baseline conditions. The addition of project traffic to the Future Year (2035) scenario would result in conditions exceeding City and Caltrans LOS standards at twelve intersections.

All of the intersections that are forecast to experience a deficient LOS with the proposed project would also operate with a deficient LOS without the proposed project. Although the proposed project does not cause these intersections to operate at an unsatisfactory LOS, it does contribute to the worsening of the intersections' LOS and therefore mitigation would be required to offset the cumulative impact of the project.

Freeway mainline and ramp junctions were evaluated in the Future Year 2035 plus Project condition. Nine segments are forecast to operate at an unsatisfactory level of service in the Future Year 2035 Cumulative plus Project condition. The Traffic Study for the proposed Project also analyzes the Future Year 2035 plus Project conditions a.m. and p.m. peak hour ramp merge-diverge volumes and levels of service for the freeway segments on SR-60. Nine ramp junctions are forecast to operate at an unacceptable level of service in the future Year 2035 plus Project condition. (DEIR pgs. 4.11-25 to 4.11-27)

According to Section 4.11 in the DEIR, with the implementation of the recommended improvements, the minimum level of service standards would be maintained for the Future Year (2035) with Project scenario and impacts would be reduced to a less than significant level for all identified intersections. In addition, reconstruction of the interchanges at the location of the deficient freeway ramp intersections identified in **Mitigation Measure 4.11.6.2D** are already programmed into the TUMF program. It is anticipated that by future year (2035) improvement to the identified freeway ramps and intersections would be built through the TUMF process and coordination by Caltrans, WRCOG, and the City of Moreno Valley. Because the project would pay its fair-share cost associated with these improvements and because such improvements are anticipated to be constructed by the future year (2035), impacts associated with this issue are less than significant after the identified mitigation measures have been implemented. (DEIR, pg. 4.11-35)

**b. General Plan Build Out With Project Conditions (Intersection)
Traffic and Level of Service Impacts**

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Findings: Implementation of **Mitigation Measure 4.11.6.4E** will reduce the impact related to General Plan buildout to less than significant.

Facts in Support of the Findings: General Plan Build Out with project conditions considers the addition of traffic generated by the proposed project to General Plan Build Out baseline conditions. An intersection LOS analysis was conducted to determine General Plan Build Out intersection performance. The addition of project traffic to the General Plan Build Out scenario would result in conditions exceeding City and Caltrans LOS standards at 13 intersections.

All of the intersections that are forecast to experience a deficient LOS with the proposed project would also operate with a deficient LOS without the proposed project. Although the proposed project does not cause these intersections to operate at an unsatisfactory LOS, it does contribute to the worsening of the intersections' LOS and therefore mitigation would be required to offset the cumulative impact of the project. (DEIR, pg. 4.11-28)

According to Section 4.11 of the DEIR, with the implementation of the recommended improvements, the minimum level of service standards would be maintained for the General Plan Build Out with Project scenario and impacts would be reduced to a less than significant level for all identified intersections. However, as noted previously, improvements to the freeway intersections and infrastructure are under the authority of Caltrans. In addition, the deficient freeway ramp intersections identified in **Mitigation Measure 4.11.6.2E** are already programmed into the TUMF program. It is anticipated that by the General Plan Build Out, improvements to the identified freeway ramps and intersections would be built through the TUMF process and coordination by Caltrans, WRCOG, and the City of Moreno Valley. Because the project would pay its fair-share cost associated with these improvements and because such improvements are anticipated to be constructed by the future year (2035), impacts associated with this issue are less than significant after the identified mitigation measures have been implemented. (DEIR, pg. 4.11-37)

7. Utilities and Service Systems

a. Storm Water Drainage Requirements

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Findings: Implementation of the following mitigation measures will reduce the impact to storm water drainage to less than significant:

4.7.6.3A *Prior to the approval of associated project rough grading plan, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations.*

Facts in Support of the Findings: According to Section 4.12 of the DEIR, the proposed Project would route storm water flows from the Project site into Quincy Channel after flows are routed through a combination of water quality basins and sand filters. Due to the installation of impervious surfaces on the Project site, the post-development flows would be higher than the pre-development flows. To avoid a significant impact to the existing drainage capacity, the post-development flows coming from the proposed Project site are required to be equal to or less than pre-development flows.¹³ To reduce flows to below or equal to pre-development conditions, the on-site storm water flows would be routed to the on-site detention basins¹⁴ before flows are routed off site. While the increase in impervious surfaces attributable to the proposed Project would contribute to a greater volume and higher velocity of storm water flows, the proposed Project's water quality basins would accept and accommodate runoff that would result from project construction at pre-project conditions.

As identified in the Preliminary Hydrology Calculations¹⁵ prepared for the Project, to adequately contain and store the greatest volume that would be generated, the Project site would require a minimum storage volume of 13.6 acre-feet. The proposed amount of storage area (20.3 acre-feet) is greater than the required amount of storage area. Based on this, it appears there is excess capacity of 6.7 acre-feet (20.3 acre-feet – 13.6 acre-feet = 6.7 acre-feet) of storage area available from the on-site detention basins; therefore, the proposed Project appears to have adequate drainage capacity that would result in post-development flows being reduced to pre-development flows before leaving the Project site. However, to ensure that impacts associated with on-site drainage capacity are reduced to a less significant level, the

¹³ As part of the MS4 Permit issuance requirements, projects must identify any Hydrologic Conditions of Concern and demonstrate that changes to hydrology are minimized to ensure that post-development runoff rates and velocities from a site do not adversely affect downstream erosion, sedimentation, or stream habitat.

¹⁴ A detention basin is an area where excess storm water is stored or held temporarily and then slowly drains when water levels in the receiving channel recede. In essence, the water in a detention basin is temporarily detained until additional room becomes available in the receiving channel.

¹⁵ *Preliminary Hydrology Calculations for ProLogis Park Moreno Valley-Eucalyptus TPM 35679*, Thienes Engineering, November 4, 2008.

Mitigation Measure 4.7.6.3A has been identified to reduce potential impacts to less than significant levels. (DEIR, pgs. 4.12-16 to 4.12-17)

8 Global Climate Change

a. Greenhouse Gas Emissions

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect due to the generation of greenhouse gas emissions (GHGs).

Findings: Implementation of the following mitigation measures will reduce the impact related to greenhouse gas emissions to less than significant:

4.13.6.1A *Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that building features have been incorporated in building plans as required by Title 24 of the California Code of Regulations. These features include but are not limited to the following:*

- *Exterior windows shall utilize window treatments for efficient energy conservation.*
- *Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets, dual-flush toilets minimizing water consumption by 20 percent from the Building Standards Code baseline water consumption shall be used.*
- *Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating) shall be commissioned by the Commissioning Authority.*
- *Per CALGreen Code, restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.*

4.13.6.1B *Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project:*

- *Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.*

- *Use of “Green Building Materials,” such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.*
- *Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions.*
- *Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants.*
- *Design the project building to exceed the California Building Code’s (CBC) Title 24 energy standard, including, but not limited to, any combination of the following:*
 - *Increase insulation such that heat transfer and thermal bridging is minimized.*
 - *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
 - *Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.*
- *Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping.*
- *Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings.*
- *Install light-colored “cool” roof and cool pavements.*
- *Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.*
- *Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas.*

4.13.6.1C *Prior to the issuance of occupancy permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been be incorporated into the operation of the project:*

- *The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HCF) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO₂]) for refrigeration and fire suppression equipment.*
- *Provide vegetative or man-made exterior wall shading devices for east-, south-, and west facing walls with windows.*
- *Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:*
 - *Install drought-tolerant plants for landscaping.*
 - *Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water.*
 - *Install water-efficient irrigations systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.*
- *Provide employee education about reducing waste and available recycling services.*

Facts in Support of the Findings: Future development that could occur on the proposed Project site could generate GHG emissions during construction and operation activities. It is anticipated that the majority of energy consumption (and associated generation of GHG emissions) would occur during the project's operation (as opposed to its construction). The total GHG emissions over the entire construction process are expected to be 2,700 metric tons. Based on a comparison of the proposed Project to the South Coast Air Quality Management District tiered interim GHG significance criteria, the most applicable screening threshold listed is the Industrial at 10,000 ton per year (tpy) CO₂e. The long-term project operational GHG emissions for the proposed Project are 79,000 tpy CO₂e and exceed this threshold; therefore, the project operational GHG emissions are significant. In order to ensure that the proposed Project complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32, the Governor's EO S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor, **Mitigation Measures 4.13.6.1A through 4.13.6.1C** shall be implemented. The mitigation measure would contribute to a reduction in GHG emissions from energy, mobile, and water

usage sources. With implementation of the identified mitigation measures, the proposed Project's GHG emissions would be reduced to less than significant levels.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: aesthetics (individually and cumulative), agricultural resources (individually and cumulative), air quality (individually and cumulative), cumulative population and housing, and transportation. In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the Project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Aesthetics (Individual and Cumulative Impacts)

a. Scenic Vistas

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have adverse effects on one or more scenic vistas, notably views of the Box Springs Mountains, the Badlands, Moreno Peak, and the Russell Mountains.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.1 of the DEIR, the nearest sensitive permanent visual receptor to the Project would be the existing single-family residences to the southeast across future Encilia Avenue. In general, views for the residences southeast of the site will change from vacant land to industrial buildings with extensive landscaping including rows of citrus trees to help provide a visual buffer. Permanent views for residences north of SR-60 and transient views for travelers on SR-60 will change as the tops of the proposed industrial buildings will partially block views of the mountains to the

south. Despite the provision of ornamental landscaping and citrus trees along the northern, western, and southern boundaries, implementation of the proposed Project would obstruct background views of the distant Box Springs Mountains for residences southeast of the Project, foreground and midground views of travelers on SR-60, and background views of the Mount Russell Range for residences north of SR-60 and along Pettit Street. This obstruction of views is a significant visual impact of the proposed Project. The sizes, heights, and general locations of buildings on the site are limited by the types of uses being proposed as part of this Project. Therefore, there is no feasible mitigation available to reduce impacts related to the loss of this viewshed. Since there is no feasible mitigation available to reduce adverse effects on scenic vistas, impacts associated with this issue would remain significant and unavoidable. (DEIR, pgs. 4.1-9 to 4.1-17)

b. Scenic Resources and Scenic Highways

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have adverse effects on one or more scenic vistas, including views of the Box Springs Mountains and the Badlands for both residents and travelers on SR-60.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas and scenic highways will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.1 of the DEIR, the City of Moreno Valley identifies SR-60 as a local scenic road.¹⁶ According to the City's General Plan, the man-made environment is equally important as natural landforms in terms of scenic values (e.g., buildings, landscaping and signs). Agricultural uses, such as citrus groves, are one example of a man-made environment that constitutes a visually pleasing feature.

Existing views for motorists traveling eastbound and westbound on SR-60 consist of noise attenuation walls, commercial and residential development, landscaping, parking lots, open space, and orange groves in addition to the mountains and badlands in the distance. Development of the proposed Project would alter the existing view by introducing large industrial buildings adjacent to the freeway. Existing eastbound views on SR-60 would be altered with the development of the proposed Project. Motorists would still view noise attenuation walls, urban development, landscaping, and scattered trees as they look

¹⁶ *Conservation Element, Figure 7-2 Major Scenic Resources*, City of Moreno Valley General Plan, adopted July 11, 2006.

to the south, although these views would be of short duration for motorists traveling at normal freeway speeds.

The proposed Project would have highly reflective surfaces at the taller (43 feet) glass veneered office towers, but would not result in development along ridge lines. The proposed Project would result in an increased number of large bulk structures, but would include colors and materials that are compatible with the existing environment. The proposed ornamental landscaping and citrus trees would provide some visual screening. However, the proposed Project would result in the obstruction of most of the Mount Russell Range for motorists traveling on SR-60, so the proposed buildings would obstruct the view of a scenic feature. The proposed Project meets criteria in both the moderate and major visual intrusion categories. In an overabundance of caution, the worst-case scenario is utilized. Therefore, it is anticipated that based on Project design features, the proposed Project would have a major visual intrusion (i.e., significant impact) for motorists traveling on SR-60. Incorporation of the proposed building façades and ornamental landscaping design features will soften the visual appearance of the buildings from SR-60; however, the obstruction of local views will still be significant, and there are no feasible mitigation measures available that would reduce these impacts to less than significant levels. Therefore, impacts associated with this issue would remain significant and unavoidable. (DEIR, pgs. 4.1-17 to 4.1-19)

c. Existing Visual Character or Quality of Site and its Surroundings

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have adverse effects that change the general character of the Project site (e.g., loss of open area), the components of the visual settings (e.g., landscaping and architectural elements), and the visual compatibility between proposed site uses and adjacent land uses.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to the existing visual character of the site will remain significant and unavoidable.

Facts in Support of the Finding: The significance of visual impacts is inherently subjective as individuals respond differently to changes in the visual characteristics of an area. Development of the proposed Project would change the existing character of the Project site from open space to a more urbanized setting with large industrial buildings. The change in the character of the site would constitute a significant alteration of the existing visual character of the Project site.

According to Section 4.1 of the DEIR, the proposed Project features a variety of architectural elements including façade accents such as corner treatments and roof trim. The Project also provides variation in wall planes that serve to avoid an institutional appearance and break up the bulk of the buildings. This variation would create shadow lines at various times of the day. The proposed ornamental landscaping would replace the scattered weedy vegetation. Landscaping on the site would be provided in accordance with City Municipal Code Chapter 9.17, which requires the installation of landscaping on site and the planting of one tree for every 30 linear feet of building dimension that is visible from the parking lot or public right-of-way. As part of conditions of approval for the proposed Project, orange trees would be planted on the northern portion of the Project site adjacent to SR-60 and along the perimeter of the proposed Project site adjacent to the public right-of-way or residential zoning.

Since the Project site is currently vacant, suburban development of any type would cause a fundamental change in the visual characteristics of the Project site. In addition, the site is currently planned for industrial, business park, single-family, and multifamily uses, which would be different in appearance from the proposed industrial warehouse buildings. Of these uses, the lower density housing (R2) is currently designated adjacent to the existing residences southeast of the Project site.

The proposed Project would replace the existing vacant parcel and citrus groves with development that is visually compatible with the existing commercial development to the west and the existing and the

approved Ridge industrial development to the east, but it will not be compatible with the residential uses to the southeast or farther to the north across SR-60.

Incorporation of the proposed building façades and landscaping design features will soften the visual appearance of the buildings from both SR-60 and nearby residences; however, the fundamental change in visual character of the area will still be significant. Even with compliance with the City’s General Plan and Municipal Code development guidelines for industrial development, including the 250-foot buffer between industrial and residential land uses, the anticipated fundamental change in views expected in this area will be significant. Due to the heights and masses of buildings needed to accommodate the proposed land uses, no feasible mitigation is available that would reduce these potential impacts to less than significant levels. Therefore, impacts associated with this issue would remain significant and unavoidable. (DEIR, pgs. 4.1-19 to 4.1-21)

d. Cumulative Aesthetics Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could in connection with past, present, and probable future projects adversely affect one or more scenic vistas.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this cumulative impact to a level of less than significant. Accordingly, Project-related cumulative impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The development of the proposed Project would partially obstruct views of surrounding mountain ranges from current vantage points near the Project structures. However, vistas would not be completely obstructed from viewpoints through parking circulation areas, openings between rows of buildings or trees, or at the end of vehicular rights-of-way. Development of lands within the City, particularly along SR-60, would result in the cumulative conversion from open space to a more urbanized land use. The proposed Project would continue a recent development trend in the City to expand industrial uses along the south side of SR-60 east of the City’s Auto Center. This development trend has not yet been incorporated into the City’s General Plan. The proposed Project, in conjunction with other cumulative projects, would be developed in a manner consistent with existing development trends in the City. Since other cumulative projects in the area would include similar distribution uses, it can be anticipated that such uses would have a similar design and massing as the proposed Project. Since the proposed Project would obstruct views of the surrounding mountains, it can be reasonable to conclude that similar warehouse distribution uses would also obstruct views of the surrounding mountains. In

addition, General Plan Policy 7.7.4 in the Conservation Element requires the designation of SR-60 as a local scenic roadway. Therefore, the proposed Project, in combination with other cumulative projects in the eastern portion of the City and along SR-60 would have a cumulatively significant and unavoidable impact on aesthetics (i.e., views and scenic resources) in this portion of the City. (DEIR, pgs. 4.1-21 to 4.1-22)

2. Agricultural Resources (Individual and Cumulative Impacts)

a. Conversion of State Designated Farmland

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could impact 82.5 acres of Prime Farmland.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to state designated farmland will remain significant and unavoidable.

Facts in Support of the Finding: Section 4.2 of the DEIR identifies several potential agricultural conservation measures contained in the City's General Plan that include: enrolling productive agricultural land into a Williamson Act Contract; providing protection to ongoing agricultural operations from complaints and nuisance complaints from adjacent new development; protecting productive agricultural land subject to conversion through the purchase of or transfer of its development rights; purchasing conservation easements on existing agricultural land to ensure that the land is never converted to urban uses; and donating funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

The potential agricultural conservation measures identified in the DEIR are not considered to be feasible by the City for the following reasons:

Williamson Act Contracts: Williamson Act contracts are entered into voluntarily by property owners and the City cannot force owners to participate in this program. In addition, Williamson Act contracts will result only in temporary preservation of agricultural land since property owners have the option of non-renewal of these contracts at any time after the ten-year contract period ends.

Protecting Existing Agricultural Operations: Providing protection for ongoing agricultural activities from new developments, such as buffers between agricultural operations and new development or requiring the

notification and disclosure of agricultural activities to the purchasers adjacent properties, will not permanently protect agricultural land.

Transfer of Development Rights, Conservation Easements, or Agricultural Conservation Bank: The purchase or transfer of development rights, purchase of conservation easements, or donation of funds to assist in the conservation of agricultural land would need to be implemented to ensure the preservation of agricultural land. As stated previously, the City anticipates the conversion of agricultural land within the City and does not set aside land for permanent preservation. The current General Plan does not include any agricultural designations. The City allows agricultural uses in all land use designations as an interim use until such time as the land is developed per the vision identified in the General Plan. One of the goals stated in the City's recent General Plan is the "...orderly conversion of agricultural lands." For this reason, the City expects that the majority of the land within the City will be converted to urban uses, although some agriculture will continue as interim uses, as allowed by the City's Development Code for all zoning categories. The existing and continued reduction in productive agricultural operations within the City is produced by several factors including; urbanization in the City and Inland Empire resulting in dramatically increasing land prices; high water and labor costs; environmental regulation (e.g., insects, odors, groundwater contamination, and solid waste removal); and competition from Kern County and the Central Valley with lower land costs and reduced regulations. (DEIR, pgs. 4.1-10 to 4.1-14)

The City has determined that these measures are economically infeasible and that they are contrary to the City's vision (as stated in its General Plan) for the Project site and alternative mitigation has not been identified, and impacts related to this issue remain significant and unavoidable. (DEIR, pgs. 4.2-6 to 4.2-9)

b. Conversion of Farmland to a Non-Agricultural Use

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would result in the development of industrial uses on land that has historically been utilized for citrus production.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts from the conversion of farmland to a non-agricultural use will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.2 of the DEIR, the Project site has historically been in agricultural production and was most recently used to grow citrus. The conversion of the Project site to a non-agricultural use is a result of various economic and demographic factors. Increased cost for

water and a continuing demand for housing and other development in the City and region are the primary reasons for this agricultural land conversion. A LESA model was also used to evaluate the site. It was determined that the Project LESA score is 85.3, which is considered significant. The Project does not include design features that would prevent the existing agricultural operations in the area from continuing. The Project would convert land that was previously used for agriculture and the development of the proposed Project may contribute to the conversion of adjacent lands. However, the Project is a logical extension of development in the City and does not create leapfrog development or islands of agricultural land that would be difficult to farm. The City recognizes development pressures within the City, and that these pressures will increase as the City continues to build out. Additionally, while the Project would not directly cause the conversion of adjacent agricultural land to non-agricultural uses because it has been left fallow for several years, it would contribute to development pressure within the City that could potentially lead to the conversion of agricultural land off site. However, as stated in the previous discussion of these Findings regarding the conversion of state designated farmland, the City has determined the agricultural conservation measures identified by the City are economically infeasible and that they are contrary to the City's vision (as stated in its General Plan) for the Project site and alternative mitigation has not been identified. Therefore, impacts associated with this issue remain significant and unavoidable. (DEIR, pgs. 4.1-9 to 4.1-10)

c. Cumulative Agricultural Resource Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would have a significant cumulative impact on agricultural resources in Riverside County.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to cumulative state designated farmland will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.2 of the DEIR, the Project-related impacts to Prime Farmland and the conversion of agricultural land to a non-agricultural use cannot be mitigated through a local or regional program to mitigate impacts to agricultural resources. As stated previously, the City does not maintain a General Plan or zoning designation for agricultural uses and there are no Project-level feasible mitigation measures that would help reduce cumulative impacts. The cumulative effect of development in the region will continue to result in the conversion of agricultural lands to non-agricultural uses. Because agricultural land, including Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance are finite resource, the conversion of approximately 122.8

acres of farmland to industrial uses, combined with planned and future development in the City and region, represents a significant cumulative impact to agricultural operations and resources. As stated in the previous discussion of these Findings regarding the conversion of state designated farmland and conversion of agricultural land to a non-agricultural land use, the City has determined the agricultural conservation measures identified by the City are economically infeasible and that they are contrary to the City's vision (as stated in its General Plan) for the Project site and alternative mitigation has not been identified. Therefore, cumulative impacts to agricultural resources are considered significant and unavoidable. (DEIR, pg. 4.1-11)

2. Air Quality (Project-Specific and Cumulative Impact)

a. Air Quality Management Plan Consistency

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project has the potential to conflict with implementation of regional Air Quality Management Plan and the SIP.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measures 4.3.6.2A** through **4.3.6.2M** and **4.3.6.3A** through **4.3.6.3C** are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the proposed Project will not be consistent with AQMP and the SIP and therefore impacts are considered significant and unavoidable.

Facts in Support of the Finding: An Air Quality Management Plan (AQMP) describes air pollution control strategies to be taken by counties or regions classified as nonattainment areas. The AQMP's main purpose is to bring the area into compliance with the requirements of Federal and State air quality standards. The AQMP uses the assumptions and projections by local planning agencies to determine control strategies for regional compliance status. Therefore, any projects causing a significant impact on air quality would impede the progress of the AQMP. CEQA requires that projects resulting in a General Plan Amendment be analyzed for consistency with the AQMP.

For a Project in the Basin to be consistent with the AQMP, the pollutants emitted from the Project must not exceed the South Coast AQMD significant threshold or cause a significant impact on air quality. One measurement tool in determining consistency with the AQMP is to determine how a Project accommodates the expected increase in population or employment. The proposed Project site is located in an urbanizing area of the City of Moreno Valley along SR-60, which accommodates traffic in the area. In addition, the proposed warehouse uses would be within walking distance of existing homes and

commercial areas in the local vicinity. The proposed Project would add jobs resulting from the development of the warehouse uses to the City, with the potential to minimize the VMT traveled within the Project site and community.

The SCAQMD also has the following consistency criteria: the proposed Project cannot result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP; and the proposed Project cannot exceed the assumptions in the AQMP in 2010 or increments based on the year of Project build-out phase.

Implementation of the proposed Project would require a zone change from Business Park (BP), Business Park Mixed Use (BPX), Multi-Family Residential (R-15), Suburban Residential (R-5), and Residential Agriculture (RA-2) to Light Industrial for the entire 122.8 acres. Since the proposed Project will require a General Plan Amendment, the Project has not been considered in preparation of the General Plan and therefore it is uncertain if it is consistent with the AQMP.

Because the Project site is located in a nonattainment air basin for ozone, PM₁₀ and PM_{2.5}, the proposed Project's emission of ozone precursors (CO, ROG, and NO_x), PM₁₀ and PM_{2.5} would contribute to the existing nonattainment status in the Basin. Thus, according to the SCAQMD Consistency Criterion No. 1, the proposed Project is not consistent with the AQMP.

The proposed Project would have significant impacts. **Mitigation Measures 4.3.6.2A** through **4.3.6.2M** and **Mitigation Measures 4.3.6.3A** through **4.3.6.3C** shall be implemented as part of the proposed Project. The proposed Project would be considered to be consistent only after the City of Moreno Valley General Plan Amendment is approved. Once the City's General Plan Amendment and the required zoning changes are approved, the proposed Project would be included in the next SCAG and SCAQMD AQMP projections. When that occurs, the proposed Project would be consistent with the regional AQMP and the SIP. However, until that occurs, the Project is inconsistent with the regional AQMP and the impacts are considered significant and unavoidable. (DEIR, pgs. 4.3-21 to 4.3-22)

b. Equipment Exhaust from Construction-Related Activities

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project has the potential to exceed applicable daily thresholds that may affect sensitive receptors.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation

Measures 4.3.6.2A through 4.3.6.2M are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the proposed Project will have a significant impact due to equipment exhaust from construction related activities and therefore impacts are considered significant and unavoidable.

4.3.6.2A *Prior to the issuance of a grading permit, the Project developer shall require by contract specifications that contractors shall place construction equipment staging areas at least 200 feet away from sensitive receptors. Contract specifications shall be included in the proposed Project construction documents, which shall be reviewed by the City.*

4.3.6.2B *Prior to the issuance of a grading permit, the Project developer shall require by contract specifications that contractors shall utilize power sources (e.g., power poles) or clean-fuel generators. Contract specifications shall be included in the proposed Project construction documents, which shall be reviewed by the City.*

4.3.6.2C *Prior to the issuance of a grading permit, the Project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier II Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed Project construction documents, which shall be reviewed by the City.*

Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

Post January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a

Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

4.3.6.2D *All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*

4.3.6.2E *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*

4.3.6.2F *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM₁₀ and PM_{2.5} fugitive dust haul road emissions. Speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.6.2G *Groundcover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).*

4.3.6.2H *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).*

4.3.6.2I *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.6.2J *Grading plans, construction specifications and bid documents shall also include the following requirements:*

- *Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High-pressure injectors shall be provided on diesel construction equipment if feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where gasoline powered equipment is available;*
- *Use electric construction equipment where it is practical to use such equipment;*
- *Install catalytic converters on gasoline-powered equipment where this type of equipment is available;*
- *Ride-sharing program for the construction crew shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*

- *Lunch vendor services shall be allowed on site during construction to minimize the need for off-site vehicle trips; and*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.6.2K *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM₁₀ (fugitive dust) generation or other construction-related air quality issues.*

4.3.6.2L *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

These measures shall be enforced by the on-site facilities manager (or equivalent).

4.3.6.2M *During Project grading and construction, the various Project contractors shall adhere to the control measures listed in Tables 1 and 2.*

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
<i>Backfilling</i>	<ul style="list-style-type: none"> • <i>Stabilize backfill material when not actively handling; and</i> • <i>Stabilize backfill material during handling; and</i> • <i>Stabilize soil at completion of</i> 	<ul style="list-style-type: none"> • <i>Mix backfill soil with water prior to moving; and</i> • <i>Dedicate water truck or high capacity hose to backfilling equipment; and</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
	<i>activity.</i>	<ul style="list-style-type: none"> • <i>Empty loader bucket slowly so that no dust plumes are generated; and</i> • <i>Minimize drop height from loader bucket.</i>
<i>Clearing and grubbing</i>	<ul style="list-style-type: none"> • <i>Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and</i> • <i>Stabilize soil during clearing and grubbing activities; and</i> • <i>Stabilize soil immediately after clearing and grubbing activities.</i> 	<ul style="list-style-type: none"> • <i>Maintain live perennial vegetation where possible; and</i> • <i>Apply water in sufficient quantity to prevent generation of dust plumes.</i>
<i>Clearing forms</i>	<ul style="list-style-type: none"> • <i>Use water spray to clear forms; or</i> • <i>Use sweeping and water spray to clear forms; or</i> • <i>Use vacuum system to clear forms.</i> 	<ul style="list-style-type: none"> • <i>Use of high pressure air to clear forms may cause exceedance of Rule requirements.</i>
<i>Crushing</i>	<ul style="list-style-type: none"> • <i>Stabilize surface soils prior to operation of support equipment; and</i> • <i>Stabilize material after crushing.</i> 	<ul style="list-style-type: none"> • <i>Follow permit conditions for crushing equipment; and</i> • <i>Pre-water material prior to loading into crusher; and</i> • <i>Monitor crusher emissions opacity; and</i> • <i>Apply water to crushed material to prevent dust</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
		<i>plumes.</i>
<i>Cut and fill</i>	<ul style="list-style-type: none"> • <i>Pre-water soils prior to cut and fill activities; and</i> • <i>Stabilize soil during and after cut and fill activities.</i> 	<ul style="list-style-type: none"> • <i>For large sites, pre-water with sprinklers or water trucks and allow time for penetration; and</i> • <i>Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts.</i>
<i>Demolition – mechanical/manual</i>	<ul style="list-style-type: none"> • <i>Stabilize wind erodible surfaces to reduce dust; and</i> • <i>Stabilize surface soil where support equipment and vehicles will operate; and</i> • <i>Stabilize loose soil and demolition debris; and</i> • <i>Comply with AQMD Rule 1403.</i> 	<ul style="list-style-type: none"> • <i>Apply water in sufficient quantities to prevent the generation of visible dust plumes.</i>
<i>Disturbed soil</i>	<ul style="list-style-type: none"> • <i>Stabilize disturbed soil throughout the construction site; and</i> • <i>Stabilize disturbed soil between structures.</i> 	<ul style="list-style-type: none"> • <i>Limit vehicular traffic and disturbances on soils where possible; and</i> • <i>If interior block walls are planned, install as early as possible; and</i> • <i>Apply water or a stabilizing agent in sufficient quantities to prevent the generation of</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
		<i>visible dust plumes.</i>
<i>Earthmoving activities</i>	<ul style="list-style-type: none"> • <i>Pre-apply water to depth of proposed cuts; and</i> • <i>Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 ft in any direction; and</i> • <i>Stabilize soils once earthmoving activities are complete.</i> 	<ul style="list-style-type: none"> • <i>Grade each Project phase separately, timed to coincide with construction phase; and</i> • <i>Upwind fencing can prevent material movement on site; and</i> • <i>Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.</i>
<i>Importing/exporting of bulk materials</i>	<ul style="list-style-type: none"> • <i>Stabilize material while loading to reduce fugitive dust emissions; and</i> • <i>Maintain at least 6 inches of freeboard on haul vehicles; and</i> • <i>Stabilize material while transporting to reduce fugitive dust emissions; and</i> • <i>Stabilize material while unloading to reduce fugitive dust emissions; and</i> • <i>Comply with CVC Section 23114.</i> 	<ul style="list-style-type: none"> • <i>Use tarps or other suitable enclosures on haul trucks; and</i> • <i>Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage; and</i> • <i>Comply with track-out prevention/mitigation requirements; and</i> • <i>Provide water while loading and unloading to reduce visible dust plumes.</i>
<i>Landscaping</i>	<i>Stabilize soils, materials, slopes</i>	<ul style="list-style-type: none"> • <i>Apply water to materials to</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
		<p><i>stabilize; and</i></p> <ul style="list-style-type: none"> • <i>Maintain materials in a crusted condition; and</i> • <i>Maintain effective cover over materials; and</i> • <i>Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes; and</i> • <i>Hydroseed prior to rain season.</i>
<i>Road shoulder maintenance</i>	<ul style="list-style-type: none"> • <i>Apply water to unpaved shoulders prior to clearing; and</i> • <i>Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.</i> 	<ul style="list-style-type: none"> • <i>Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs; and</i> • <i>Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs.</i>
<i>Screening</i>	<ul style="list-style-type: none"> • <i>Pre-water material prior to screening; and</i> • <i>Limit fugitive dust emissions to opacity and plume length standards; and</i> 	<ul style="list-style-type: none"> • <i>Dedicate water truck or high capacity hose to screening operation; and</i> • <i>Drop material through the screen slowly and minimize</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
	<ul style="list-style-type: none"> • Stabilize material immediately after screening. 	<p>drop height; and</p> <ul style="list-style-type: none"> • Install wind barrier with a porosity of no more than 50 percent upwind of screen to the height of the drop point.
<i>Staging areas</i>	<ul style="list-style-type: none"> • Stabilize staging areas during use; and • Stabilize staging area soils at Project completion. 	<ul style="list-style-type: none"> • Limit size of staging area; and • Limit vehicle speeds to 15 miles per hour; and • Limit number and size of staging area entrances/exits.
<i>Stockpiles/ bulk material handling</i>	<p>Stabilize stockpiled materials, and stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 ft in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage.</p>	<ul style="list-style-type: none"> • Add or remove material from the downwind portion of the storage pile; and • Maintain storage piles to avoid steep sides or faces.
<i>Traffic areas for construction activities</i>	<ul style="list-style-type: none"> • Stabilize all off-road traffic and parking areas; and • Stabilize all haul routes; and • Direct construction traffic over established haul routes. 	<ul style="list-style-type: none"> • Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; and • Barriers can be used to ensure vehicles are only used on established parking areas/haul routes.

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
<i>Trenching</i>	<ul style="list-style-type: none"> • <i>Stabilize surface soils where trencher or excavator and support equipment will operate; and</i> • <i>Stabilize soils at the completion of trenching activities.</i> 	<ul style="list-style-type: none"> • <i>Pre-watering of soils prior to trenching is an effective preventive measure. For deep trenching activities, pre-trench to 18 inches, soak soils via the pre-trench and resuming trenching; and</i> • <i>Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment.</i>
<i>Truck loading</i>	<ul style="list-style-type: none"> • <i>Pre-water material prior to loading; and</i> • <i>Ensure that freeboard exceeds 6 inches (CVC 23114).</i> 	<ul style="list-style-type: none"> • <i>Empty loader bucket such that no visible dust plumes are created; and</i> • <i>Ensure that the loader bucket is close to the truck to minimize drop height while loading.</i>
<i>Turf overseeding</i>	<ul style="list-style-type: none"> • <i>Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards; and</i> • <i>Cover haul vehicles prior to exiting the site.</i> 	<ul style="list-style-type: none"> • <i>Haul waste material immediately off site.</i>
<i>Unpaved roads/parking</i>	<ul style="list-style-type: none"> • <i>Stabilize soils to meet the applicable performance standards; and</i> 	<ul style="list-style-type: none"> • <i>Restricting vehicular access to established unpaved travel paths and parking lots can</i>

Air Quality Measure 4.3.6.2M Table 1: Best Available Control Measures for Fugitive Dust (Applicable to All Construction Activity Sources)

<i>Source Category</i>	<i>Control Measures</i>	<i>Guidance</i>
<i>lots</i>	<ul style="list-style-type: none"> • <i>Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.</i> 	<i>reduce stabilization requirements.</i>
<i>Vacant land</i>	<i>In instances where vacant lots are 0.10 ac or larger and have a cumulative area of 500 sf or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective control measures.</i>	

ac = acre(s) AQMD = Air Quality Management District
CVC = California Vehicle Code ft = feet sf = square feet

Air Quality Measure 4.3.6.2M Table 2: Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 mph)

<i>Fugitive Dust Source Category</i>	<i>Control Measures</i>
<i>Earthmoving</i>	<ul style="list-style-type: none"> • <i>Cease all active operations; or</i> • <i>Apply water to soil not more than 15 minutes prior to moving such soil.</i>
<i>Disturbed surface areas</i>	<ul style="list-style-type: none"> • <i>On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than 4 consecutive days: apply water with a mixture of chemical stabilizer diluted</i>

Air Quality Measure 4.3.6.2M Table 2: Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 mph)

Fugitive Dust Source Category	Control Measures
	<p>to not less than $1/20$ of the concentration required to maintain a stabilized surface for a period of 6 months; or</p> <ul style="list-style-type: none"> • Apply chemical stabilizers prior to wind event; or • Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of 4 times per day; or • Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; or • Utilize any combination of these control actions such that, in total, these actions apply to all disturbed surface areas.
<i>Unpaved roads</i>	<ul style="list-style-type: none"> • Apply chemical stabilizers prior to wind event; or • Apply water 2 times per hour during active operation; or • Stop all vehicular traffic.
<i>Open storage piles</i>	<ul style="list-style-type: none"> • Apply water 2 times per hour; or • Install temporary coverings.
<i>Paved road track-out</i>	<ul style="list-style-type: none"> • Cover all haul vehicles; or • Comply with the vehicle freeboard requirements of Section 23114 of the CVC for both public and private roads.
<i>All categories</i>	<ul style="list-style-type: none"> • Executive Officer and the USEPA as equivalent to the methods specified in this table may be used.

Air Quality Measure 4.3.6.2M Table 2: Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 mph)

<i>Fugitive Dust Source Category</i>	<i>Control Measures</i>
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CVC = California Vehicle Code

USEPA = United States Environmental Protection Agency

Facts in Support of the Finding: Grading and other construction activities produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew. The use of construction equipment on site would result in localized exhaust emissions. Activity during peak grading days typically generates a greater amount of air pollutants than other Project construction activities.

Section 4.3 of the DEIR indicates construction equipment/vehicle emissions during proposed on-site grading periods would exceed the SCAQMD daily thresholds for ROG and NO_x. Although construction of the structures uses different types of equipment on site than during grading periods, similarities do exist in terms of equipment exhaust emissions and fugitive dust emissions. While it is anticipated that total emissions during construction would be below the peak grading day emissions, construction emissions of ROG and NO_x would still exceed the SCAQMD daily threshold. This is a significant impact requiring **Mitigation Measures 4.3.6.2A through 4.3.6.2M**. The use of low-NO_x diesel fuel in construction equipment typically reduces NO_x emissions by 16 percent.¹⁷ Use of this fuel would reduce NO_x emissions but not below SCAQMD thresholds. However, there is no reasonable way to ensure that retrofitted diesel-powered equipment, low- NO_x diesel fuel, and alternative fuel sources would be available during the construction period; therefore, it is not possible to quantify reductions in NO_x emissions that would result from **Mitigation Measures 4.3.6.2A through 4.3.6.2M**. Because no additional feasible mitigation is available to reduce construction-related NO_x emissions, this impact remains significant and unavoidable. Furthermore, there is no feasible mitigation to reduce the ROG emissions during architectural coating phase to less than the daily threshold. Thus, the emissions during construction of NO_x and ROG will remain significant. (DEIR, pgs. 4.3-22 to 4.3-29)

c. Architectural Coating Impacts

¹⁷ <http://www.aqmd.gov/ceqa/igr/2006/feb/10-01.pdf>, site accessed December 30, 2011.

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed applicable daily thresholds for VOC.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measure 4.2.6.4A is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measures, impacts related to architectural coatings are considered significant and unavoidable.

4.3.6.4A *The Project applicant shall use “Low-Volatile Organic Compounds” paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Project applicant shall use materials that do not require painting or are pre-painted.*

Facts in Support of the Finding: Architectural coatings contain volatile organic compounds (VOC) that are similar to ROG and are part of the O₃ precursors. Rule 1113 is applicable to any person who applies or solicits the application of any architectural coating within the Basin. Rule 1113 sets limits on the amount of VOC emissions allowed for all types of architectural coatings, along with a time table for tightening the emissions standards in the future.

According to Section 4.3 of the DEIR, approximately 344 pounds of ROG would be generated during the architectural coating phase of the Project. Manual applications such as paintbrush, hand roller, trowel, spatula, dauber, rag, or sponge have 100 percent transfer efficiency. Construction of the Project using the required HVLP spray method reduces the daily VOC emissions to 224 pounds per day during the architectural coatings application period. The amount of VOC generated per day from the application of architectural coating even with the use of the required HVLP spray method (224 pounds) during the application of architectural coatings would exceed the SCAQMD VOC threshold of 75 lbs/day. Emissions associated with architectural coatings can be reduced by using pre-coated/natural-colored building materials, water-based or low VOC coating or by using coating transfer or spray equipment with high transfer efficiency. Adherence to SCAQMD Rule 1113 and **Mitigation Measure 4.3.6.4A** would reduce the Project’s architectural coatings emissions impact. However, even with adherence to SCAQMD Rule 1113, the SQAQMD VOC threshold would still be exceeded. Therefore, impacts associated with this issue would remain significant and unavoidable. (DEIR, pg. 4.3-31)

d. Long-Term Project-Related Emissions Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed applicable daily thresholds for operational activities.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.6.5A and 4.3.6.5B are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, long term construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.6.5A *Prior to issuance of building permits, the Project applicant shall provide evidence to the City that applicable (as determined by the City) Transportation Demand Management (TDM)/Transportation Control Measure (TCM) strategies such as preferential parking for employee vanpooling/carpooling, bicycle parking facilities (such as bicycle lockers and racks), bus turnouts, and other strategies are incorporated into the design of the proposed Project.*

4.3.6.5B *Prior to issuance of building permits, the Project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the Project design. These methods and features may include (but are not limited to) the following:*

- *Construction of buildings that exceed statewide energy requirements beyond 20_10 percent of that identified in Title 24, Part 6 Energy Efficiency Standards:*
 - *Use of low-emissions water heaters;*
 - *Use of central water-heating systems;*
 - *Use of energy-efficient appliances;*
 - *Use of increase insulation;*
 - *Use of automated controls for air conditioners;*
 - *Use of energy-efficient parking lot lighting; and*
 - *Use of lighting controls and energy-efficient lighting.*

- *Utilize low-VOC interior and exterior coatings during Project repainting.*
- *Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the amount of vehicle trips.*
- *Installation of skylights and energy-efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.*
- *Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed Project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required.*
- *Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats.*
- *Reduction of energy demand associated with potable water conveyance through the following methods:*
 - *Incorporating drought-tolerant plants into the landscaping palette; and*
 - *Use of water-efficient irrigation techniques.*
- *Energy-efficient low-pressure sodium parking lot lights or lighting equivalent as determined by the City, shall be used;*
- *Buildings shall be oriented north-south where feasible;*
- *Implement an on-site circulation plan in parking lots to reduce vehicle queuing;*
- *Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 250 employees or multitenant worksites;*
- *Include bicycle parking facilities such as bicycle lockers and racks;*
- *Include showers for bicycling employees use; and*
- *Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.*

Facts in Support of the Finding: Although implementation of **Mitigation Measures 4.3.6.5A** through **4.3.6.5B** may reduce vehicle trips associated with the proposed Project, it is not possible to quantify the reduction in the amount of emissions that may occur. Considering the volume of emissions generated and current commuter habits, it is unlikely the implementation of TDMs/TCMs will result in a reduction of operational Project emissions to below existing SCAQMD thresholds. Application of Leadership in Energy and Environmental Design (LEED) standards and green building design principles could reduce emissions from building operations such as heating and cooling; however, such standards and principles would not reduce emissions of CO, ROG, NO_x, PM₁₀, and PM_{2.5} to below SCAQMD thresholds. No other feasible mitigation measures have been identified to reduce the operational emissions of CO, ROG, NO_x, PM₁₀, and PM_{2.5} to a less than significant level. Because the Project site is located in a nonattainment air basin for criteria pollutants, the addition of air pollutants resulting from operation of the proposed Project would contribute to the continuation of nonattainment status in the Basin. In the absence of mitigation to reduce the proposed Project's emission of contribution of CO, ROG, NO_x, PM₁₀, and PM_{2.5} to below SCAQMD thresholds, long-term air quality impacts resulting from the operation of the proposed Project would remain significant and unavoidable. (DEIR, pgs. 4.2-26 to 4.2.28)

e. Project-Related Localized Operational Emissions Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed applicable long-term operational daily thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measures 4.3.6.6A** and **4.3.6.6B** are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, long term operational-related emission impacts are considered significant and unavoidable.

4.3.6.6A *Prior to issuance of the first building permit, building and site plan designs shall ensure that the Project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. The following design features shall be used to fulfill this requirement:*

- *Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.*
- *Increase in insulation such that heat transfer and thermal bridging is minimized.*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
- *Incorporate dual-paned or other energy efficient windows.*
- *Incorporate energy efficient space heating and cooling equipment.*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.*
- *To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*
- *To reduce energy demand associated with potable water conveyance, the Project shall implement the following:*
 - *Landscaping palette emphasizing drought-tolerant plants;*
 - *Use of water-efficient irrigation techniques; and,*
 - *U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*
- *The Project shall provide secure, weather-protected, on-site bicycle storage/parking.*
- *The Project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants,*

and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information.

- *The Project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the Project site plan.*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to promote the following:*
 - *Implementation of compressed workweek schedules.*
 - *SmartWay partnership;*
 - *Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.*
 - *Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
 - *Use of fleet vehicles conforming to 2010 air quality standards or better.*
 - *Installation of catalytic converters on gasoline-powered equipment.*
 - *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.*
 - *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.*
 - *Provision of preferential parking for EV and CNG vehicles.*

- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
- *Use of SmartWay 1.25 rated trucks.*
- *Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.*
- *Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.*
- *Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.*
- *Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.*
- *Each facility operator which upon occupancy does not already operate 2077 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.*

4.3.6.6B *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project site plan.*

f. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts cumulative air quality impacts will remain significant and unavoidable.

Facts in Support of the Finding: Included in Section 4.3 of the DEIR, the Project would contribute criteria pollutants to the area during Project construction. A number of individual projects in the area may be under construction simultaneously with the proposed Project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction would result in substantial short-term increases in air pollutants. This would be a contribution to short-term cumulative air quality impacts.

The traffic study included vehicular trips from all present and future projects in the Project vicinity; therefore, the CO hot spot concentrations calculated at these intersections include the cumulative traffic effect. Based on this, no significant cumulative CO impacts would occur.

Long-term operation of the Project would exceed the standards for CO, ROC, NO_x, PM₁₀, and PM_{2.5}. The Basin is in nonattainment for PM₁₀ and ozone at the present time; therefore, the construction and operation of the proposed Project would exacerbate nonattainment of air quality standards for PM₁₀ and ozone within the Basin and contribute to cumulative air quality impacts. Therefore, long-term cumulative air quality impacts are considered to be significant and unavoidable.

The Health Risk Assessment (HRA) conducted for the proposed Project identified the increase in health risks to the nearby sensitive receptors from the proposed Project's air pollutant emissions. This HRA identified that the Project's incremental increase is only a very small fraction of the ambient condition. Therefore, the concentration of diesel particulates at the Project site is below the established risk threshold. Individuals living and working in southern California may be exposed to levels of diesel emissions that are cumulatively significant; however, that circumstance is not created by the Project.

It is reasonable to anticipate that advancements in truck/transportation technology would reduce the amount of particulate matter in future years. However, a determination of the amount and extent of that reduction in diesel particulate matter from these types of activities is not available at this time. Therefore, in an overabundance of caution, because other cumulative projects in the area would also contribute diesel particulates in the area and because the Riverside area has a level of particulate matter that is above the SCAQMD's recommended cancer risk threshold of 10 in one million, regional impacts associated with

diesel particulate matter are considered cumulatively considerable and the proposed Project will make a significant contribution to that cumulative impact. (DEIR, pgs. 4.3-37 to 4.3-38)

4. **Land Use and Planning (Individual and Cumulative)**

b. **Conflict with Applicable Land Use Plans, Policies, or Regulations**

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would potentially conflict with various land use plans, policies, or regulations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce bring the Project into compliance with all land use plans. Accordingly, Project-related conflicts with land use plans will remain significant and unavoidable.

Facts in Support of the Finding: According to Section 4.8 of the DEIR, a discussion of the proposed Project’s consistency with the 2007 AQMP has been analyzed in Section 4.3 (Air Quality) of this EIR. “Since the proposed Project will require a General Plan Amendment, the Project has not been considered in preparation of the City’s General Plan and therefore is inconsistent with the AQMP. Amendments to the City of Moreno Valley General Plan, zoning reclassification, and plan approval are required before the affected portion of the proposed Project can be implemented. This is a significant impact requiring mitigation.” That section of this EIR concluded that, despite the recommended mitigation, Project air quality impacts related to the AQMP would remain significant.

The Project proposes the development of warehouse uses, which would result in an inconsistency with the existing residential zoning on the southern portion of the site, and the BP zone on the northern portion of the site. The development that would occur with the zone change has the potential to create indirect environmental impacts since the zone change would permit more intense and larger industrial/warehousing uses on the Project site, requiring a discretionary action based on an environmental determination of the Project. These environmental impacts are analyzed through this EIR for each of the environmental topics. The baseline for comparative analysis of environmental impacts would be the existing condition of the Project site. Currently, there is no existing development on the Project site, which represents the worst-case scenario on which the EIR analysis is based. With implementation of the zone change, the proposed Project would be consistent with zoning requirements identified by the City.

According to the latest development plans, the closest loading and unloading operations of the proposed Project (e.g., truck courts) would be located 395 feet northwest of the nearest single-family residence (see plans in Appendix K). In addition, the reconfigured roadways surrounding the Project site would discourage industrial traffic through the residential areas to the southeast. Despite these design characteristics, the fundamental change from residential/business park uses to industrial adjacent to residential represents an incremental adverse effect on the “quality of life” of existing residents in this area, which represents a potentially significant land use compatibility impact. This impact requires the City Council to approve a Zone Change to bring the proposed zoning designations into consistency with the Zoning Map and Municipal Code.

The Compass Growth Vision plan provides a framework for local and regional decision-making regarding growth, transportation, land use, and economic development. The main objective of the Compass Growth Vision is to manage the forecast growth while improving future living conditions for all people within the SCAG area, including live, work, and play activities.

The proposed Project may not be fully consistent with the growth principles of the Compass Growth Vision plan. The nature of the proposed Project allows the transport of commodities from a single area rather than multiple areas, minimizing vehicle trip generation. Conversely, trucks from the proposed Project may increase localized and freeway congestion. The Project eliminates a planned transition of land uses that may incrementally reduce livability in this portion of the City. The proposed Project does support increased prosperity by providing additional (mainly “blue collar”) employment opportunities close to existing housing within the City of Moreno Valley. The proposed Project is located in an area where existing infrastructure (freeway, sewer, electrical, water, etc.) is present. The development of the proposed Project will augment existing services available in the City and region. In these ways, the Project is only partially consistent with the principles of the Compass Growth Vision. (DEIR, pgs. 4.8-5 to 4.8-17)

a. Cumulative Land Use and Planning

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would have a cumulative impact to land use and planning issues.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related cumulative impacts to land use and planning will remain significant and unavoidable.

Facts in Support of the Finding: Implementation of the proposed Project represents establishment of new land uses within the currently undeveloped Project site that would result in an intensification of permitted land uses associated with a land use change from Business Park and Residential to Light Industrial uses, changes to the General Plan Circulation Element, and the loss of the Primary Animal Keeping Overlay (PAKO) associated with the RA-2 zone. The proposed Project is generally consistent with regional plans and planning efforts, although it is not fully consistent with the SCAG's RTP and Compass Blueprint Plan because it eliminates some housing in favor of industrial employment uses. However, it will incrementally improve the City's long-standing jobs/housing ratio, which is also a regional goal of the various SCAG plans. It is also not consistent with existing General Plan land use designations, objectives and policies, nor is it consistent with existing zoning designations on the site. For these reasons, a General Plan Amendment and Zone Change are proposed for consideration by the City.

In addition, the proposed Project represents a fundamental change in community character for this portion of the City (i.e., mixed residential and business park to industrial warehouse buildings), which can represent an incremental adverse change in terms of public perception. This change would be particularly acute if both the proposed Project and the approved West Ridge Commerce Centre (an industrial Project just east of the proposed Project) were built within a relatively short period of time, as they would both follow relatively closely the completion of the Sketchers Logistics Center (another warehouse Project) east of both the proposed Project and the West Ridge Project, on the east side of Redlands Boulevard. Furthermore, the addition of industrial space from the proposed Project and the adjacent West Ridge (industrial) Project may create an over-supply of warehousing space in the City, based on current economic conditions.

The proposed changes in land use will also result in a loss of up to 584 (R-15) multi-family residential units. However, this was determined to be a less than significant Project impact on local housing because the City's Housing Element identifies over twice as much potential affordable housing as the City's RHNA allocation, so it will not make a significant contribution to a cumulatively considerable impact on regional housing.

Similar to the proposed Project, some of the cumulative projects within the Project vicinity would also require amendments to the existing General Plan and zoning, which may in turn cause additional cumulative impacts. Therefore, planned industrial development in the City may contribute to a cumulatively considerable impact or change in the overall character of the surrounding area, and the proposed Project would make a significant contribution to that change in terms of consistency with adopted land use plans. No feasible mitigation is available to reduce this significant contribution.

However, the Project would not make a similar cumulatively considerable land use impact relative to dividing an established community or conflicting with an approved habitat conservation plan. (DEIR, pgs. 4.8-17 to 4.8-18)

5. Transportation

a. **Existing (2011) With Project Conditions (Intersection) Traffic and Level of Service Impacts**

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.11.6.4A** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, existing (2011) with Project LOS impacts are considered significant and unavoidable.

Facts in Support of the Finding: As indicated in Section 4.11 of the DEIR, with the addition of Project traffic, the following intersections are forecast to operate at unsatisfactory levels of service: Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); and Redlands Boulevard/Eucalyptus Avenue-Fir Avenue (p.m. peak hour).

The Project would contribute to the worsening of the already unsatisfactory LOS at the intersection of Redlands Boulevard/SR-60 Westbound Ramps and would create a significant impact at the intersection of Redlands Boulevard/Eucalyptus Avenue-Fir Avenue. Therefore, mitigation is required at both intersections.

Also, the following segments are forecast to operate at an unsatisfactory level of service in the Existing plus Project condition: SR-60 Eastbound: Pigeon Pass Road to Heacock Street (a.m. and p.m. peak hours); SR-60 Westbound: Heacock Street to Perris Boulevard (a.m. peak hour); and SR-60 Westbound: Perris Boulevard to Nason Street (a.m. peak hour).

The Project would add to the existing unsatisfactory LOS on these three freeway segments; therefore, the addition of Project traffic would be considered a cumulative impact. Neither the Project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Review of the SCAG Regional Transportation Improvement Plan (RTIP)

indicates that there are no projects programmed on SR-60 within the study area. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways. Therefore, the cumulative impact to these three segments of SR-60 would be significant and unavoidable. (DEIR, pgs. 4.11-19)

b. Opening Year 2016 With Project Conditions (Intersection) Traffic and Level of Service Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.11.6.4B** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, existing (2016) with Project LOS impacts are considered significant and unavoidable.

Facts in Support of the Finding: Opening Year (2016) with Project conditions considers the addition of traffic generated by the proposed Project to Opening Year (2016) without Project conditions. Section 4.11 of the DEIR indicates that the following intersections would operate at unsatisfactory LOS: Moreno Beach Drive/SR-60 Westbound Ramps (p.m. peak hour); Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); and Redlands Boulevard/Eucalyptus Avenue-Fir Avenue (p.m. peak hour). The Project would have a significant impact at all three intersections, and therefore mitigation would be required.

Freeway mainline and ramp junctions were evaluated in the Opening Year (2016) plus Project condition. The following segments are forecast to operate at an unsatisfactory level of service in the Opening Year (2016) plus Project condition: SR-60 Eastbound: Pigeon Pass Road to Heacock Street (a.m. and p.m. peak hours); SR-60 Eastbound: Heacock Street to Perris Boulevard (p.m. peak hour); SR-60 Westbound: Heacock Street to Perris Boulevard (a.m. peak hour); and SR-60 Westbound: Perris Boulevard to Nason Street (a.m. peak hour).

The Project would add to the existing unsatisfactory LOS on these four freeway segments; therefore, the addition of Project traffic would be considered a cumulative impact. Neither the Project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Review of the RTIP indicates that there are no projects programmed on

SR-60 within the study area. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways. Therefore, the cumulative impact to these three segments of SR-60 would be significant and unavoidable.

**c. Opening Year 2016 Cumulative With Project Conditions
(Intersection) Traffic and Level of Service Impacts**

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that **Mitigation Measure 4.11.6.4C** is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, existing (2016) cumulative with Project LOS impacts are considered significant and unavoidable.

Facts in Support of the Finding: According to Section 4.11 of the DEIR, an intersection LOS analysis was conducted to determine Opening Year (2016) Cumulative intersection performance. The addition of Project traffic to the Opening Year (2016) Cumulative scenario would result in conditions exceeding the established LOS standard at the following intersections: Moreno Beach Drive/SR-60 Eastbound Ramps (p.m. peak hour); Moreno Beach Drive/Cottonwood Avenue (p.m. peak hour); Moreno Beach Drive/Alessandro Avenue (p.m. peak hour); Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/SR-60 Eastbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/Fir Avenue-Eucalyptus Avenue (a.m. and p.m. peak hours); Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue (p.m. peak hour); and Redlands Boulevard/Alessandro Boulevard (p.m. peak hour).

While these intersections are forecast to exceed satisfactory levels of service in Opening Year (2016) Cumulative with Project conditions, with the exception of the intersection of Redlands Boulevard/Eucalyptus Avenue-Fir Avenue and Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue, these intersections already exceeded established LOS standards in the Opening Year (2016) Cumulative without-Project condition. Because the proposed Project would contribute to and would cause intersections to operate at unsatisfactory levels, mitigation is required.

Freeway mainline and ramp junctions were evaluated in the Opening Year 2016 Cumulative plus Project condition. The following segments are forecast to operate at an unsatisfactory level of service in the

Opening Year 2016 Cumulative plus Project condition: SR-60 Eastbound: Pigeon Pass Road to Heacock Street (a.m. and p.m. peak hours); SR-60 Eastbound: Heacock Street to Perris Boulevard (a.m. and p.m. peak hours); SR-60 Eastbound: Perris Boulevard to Nason Street (a.m. and p.m. peak hours); SR-60 Westbound: Heacock Street to Perris Boulevard (a.m. and p.m. peak hours); SR-60 Westbound: Perris Boulevard to Nason Street (a.m. and p.m. peak hours); and SR-60 Westbound: Nason Street to Moreno Beach Drive (a.m. peak hour).

The Project would add to the existing unsatisfactory LOS on these six freeway segments; therefore, the addition of Project traffic would be considered a cumulative impact. Review of the RTIP indicates that there are no projects programmed on SR-60 within the study area. Furthermore, neither the Project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways. Therefore, the cumulative impact to these segments of SR-60 would be significant and unavoidable.

d. Cumulative Transportation Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project would have a cumulative significant impact to transportation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measure 4.11.6.4C is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative transportation impacts are considered significant and unavoidable.

Facts in Support of the Finding: Cumulative impacts associated with traffic volumes are determined based the addition of traffic volumes from approved and pending projects in the area and projected traffic growth to existing traffic volumes. The cumulative analysis forecasts that, with the development of the proposed Project and the cumulative projects, eight intersections would require improvements in order to maintain the City's LOS standard of D.

Those intersections are as follows: Moreno Beach Drive/SR-60 Eastbound Ramps (p.m. peak hour); Moreno Beach Drive/Cottonwood Avenue (p.m. peak hour); Moreno Beach Drive/Alessandro Avenue (p.m. peak hour); Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/SR-60 Eastbound Ramps (a.m. and p.m. peak hours); Redlands Boulevard/Fir Avenue-

Eucalyptus Avenue (a.m. and p.m. peak hours); Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue (p.m. peak hour); and Redlands Boulevard/Alessandro Boulevard (p.m. peak hour).

Although the suggested improvements are consistent with the City's General Plan, the Project will be responsible for contributing its fair share toward the funding of the future improvements via payment of the City's DIF. Of these eight affected intersections, five intersections are under the jurisdiction of the City of Moreno Valley.

Three intersections are under the jurisdiction of Caltrans. The improvements identified in **Mitigation Measure 4.11.6.4C** would reduce impacts at these intersections to a less than significant level. However, since the affected freeway ramp intersections are under the jurisdiction of Caltrans, neither the Project proponent nor the City has control over the specific timing of when the improvements would be constructed. It is anticipated that by opening year (2016), improvements at these intersections would not be constructed, as they are not currently planned for near-term construction. Therefore, this cumulative impact in opening year (2016) remains significant and unavoidable until such time as the improvements to this interchange are constructed by Caltrans, WRCOG, and the City of Moreno Valley through the TUMF process.

Because TUMF provides a mechanism for collecting fees from all development projects in the area that would contribute traffic to the existing roadway network, fees for the improvements to the affected freeway intersections would be collected. Therefore, it is anticipated that since these freeway intersection improvements are programmed into the TUMF program, such improvements would be constructed by future year (2035) and would be able to accommodate future year (2035) traffic levels, resulting in a less than significant cumulative impact.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed four alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project’s objectives as described in Section II.B above. CEQA requires the evaluation of a “No Project Alternative” to assess a maximum net change in the environment as a result of implementation of the Project. The No Project Alternative, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed yet the site would be developed in a similar manner to the proposed Project and consistent with existing zoning for the site. A Reduced Intensity Alternative, a Commercial Center (mixed retail/office) Alternative, and an Off-site Alternative were also selected for analysis. CEQA requires the evaluation of alternatives that can reduce the significance of identified impacts and “feasibly attain most of the basic objectives of the proposed Project.” Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the “No Project” Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Specific Plan 208 zoning designation, consisting of an underlying land use of Business Park/Industrial. To allow for quantified comparison of potential impacts, the No Project Alternative was assumed to result in the development of approximately 1,420,000 square feet of industrial warehouse uses on approximately 63 acres and approximately 180,000 square feet of commercial service uses on approximately 8 acres as would be allowed under the existing zoning and land use designations. The commercial service component of this alternative would be located along the frontage of Perris Boulevard while the industrial warehouse uses would occupy the remaining portion of the site. (DEIR, pg. 6-12)

Impacts: The No Build Alternative, as referenced in Section 6.0 of the DEIR, would result in similar impacts when compared to the proposed Project. Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Aesthetics; Williamson Act Contracts/Agricultural Zoning and Forestry Resources; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Mineral Resources; Noise; Population and Housing; Public Services; Recreation and Parks; and Utilities and Service Systems. The Project’s significant and unavoidable agricultural impacts, air quality impacts, climate change and GHG impacts, and transportation impacts would also occur in the same manner as the

proposed Project. However, under the No Build Alternative, potential air quality, climate change, and traffic/transportation impacts would be greater than the proposed Project because of the higher trip generation potential of the commercial uses.

Objectives: Under the No Build Alternative, the subject site would develop in a similar manner as the proposed Project, and most of the Project Objectives would be achieved. However, the objectives specifically oriented towards warehouse and industrial uses would be met at a reduced level due to the commercial component included in this Alternative.

Finding: Under the No Build Alternative, the Project site would be developed with approximately 1,420,000 square feet of industrial warehouse uses on approximately 63 acres and approximately 180,000 square feet of commercial service uses on approximately 8 acres. This Alternative would result in the same significant and unavoidable impacts associated with agricultural resources, air quality, climate change and greenhouse gases, and traffic that have been identified within the DEIR. However, potential air quality, climate change, and traffic/transportation impacts would be greater than the proposed Project because of the higher trip generation potential of the commercial uses. Because the No Build Alternative results in an increase in potential significant and unavoidable impacts in comparison to the proposed Project, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for air pollution and greenhouse gas emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent but at a reduced level. Implementation of the Reduced Intensity Alternative would yield approximately 1,212,100 square feet of development, a reduction of approximately 25 percent or approximately 434,033 square feet, when compared to the approximately 1,616,133 square-foot Project analyzed in the EIR.

Impacts: Under the Reduced Intensity Alternative, impacts related to agricultural resources would be similar to the proposed Project as the same amount of land would be disturbed. Similarly, impacts related to short-term construction-related air quality would be similar to the proposed Project as the same amount of land would be disturbed and the same mix of equipment would be utilized. Because of the decrease in vehicle trips achieved under this alternative, impacts to the operation of local roadways and intersections would be proportionally reduced from what was identified for the proposed Project; however, long-term

traffic impacts to state freeway segments and merge/diverge areas would remain significant and unavoidable. Long-term operational-related air quality impacts would be reduced in magnitude when compared to the Project but would remain significant and unavoidable. Impacts associated with the generation of greenhouse gas emissions would also be reduced proportionate to the reduction in building area in comparison to the proposed Project, but would remain significant and unavoidable.

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project.

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 25 percent (or 434,033 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable agricultural resources impacts, construction and operational air quality impacts, and cumulative greenhouse gas impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

3. Alternative 3 - Commercial Center (Mixed Commercial/Office)

Description: As identified in Section 6.0 of the DEIR, the Commercial Center Alternative would result in the development of commercial service and office uses on the Project site. Although business and professional offices, financial institutions, and medical clinics are permitted in SP208, they are permitted only in the industrial support areas while commercial service-oriented uses are a permitted throughout the SP208 Industrial designation. For this reason, the General Plan and zoning designations for the site would need to be amended to accommodate the business and professional offices. Permitted commercial service

uses include, but are not limited to, Automotive Sales/Rental/Leasing & Accessories, Automotive/Truck Repair, Business Supply/Equipment Sales/Rental & Services, and Repair Services. Approximately 760,000 square feet of commercial service uses would be developed on approximately 35 acres. The balance of the site (35 acres) would be developed with up to approximately 760,000 square feet of office uses.

Impacts: As identified in Section 6.0 of the DEIR, the Commercial Center Alternative would result in similar impacts for the following eight environmental issues: Agriculture and Forestry Resources; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; and Mineral Resources. Because of the increase in vehicle trips under this alternative, impacts to the operation of local roadways and intersections would be proportionally greater than what was identified for the proposed Project. Long-term traffic impacts to state freeway mainline segments and merge/diverge areas would remain significant and unavoidable. Under the Commercial Center Alternative, impacts related to short-term construction emissions would be similar to the proposed Project as the same amount of land would be disturbed and the same mix of equipment would be utilized. Long-term operational-related air quality emissions would be increased in magnitude because of the increase in vehicle trips when compared to the Project and would remain significant and unavoidable. Traffic-related noise would be increased in magnitude but would be similarly mitigated like the proposed Project and would remain less than significant.

Objectives: Under this alternative, some of the proposed Project objectives are not met as warehouse uses would not be built. However, development of this alternative would provide new employment opportunities for residents of Moreno Valley, but not within the industrial employment sector.

Findings: Under the Commercial Center Alternative, development of commercial service and office uses would occur. This Alternative would have similar impacts that have been identified within the DEIR. However, the Commercial Center Alternative would result in an increase in trip generation in comparison to the proposed Project, and would result in an increase in the severity of the significant and unavoidable impacts to construction and operational air pollution emissions, climate change and greenhouse gas emission, and traffic. The City Council finds that the Commercial Center Alternative would fulfill some but not all of the Project Objectives. Moreno Valley residents would have more opportunities for employment but a warehouse would not be built. Because the Commercial Center Alternative will not fulfill the primary objective of the Project and the severity of significant and unavoidable impacts would be increased in comparison to the proposed Project, the Council hereby rejects the Commercial Center Alternative.

4. Alternative 4 - Off-Site Location

Description: As identified in Section 6.0 of the DEIR, this alternative would result in the same intensity of development of approximately 1,616,133 square feet of warehouse uses on approximately 70.3 acres. The alternative Project site identified by the City is bounded by Kramaria Street (extended) to the north, vacant and partially developed property and March Air Reserve Base to the west, Indian Street to the east, and the Perris Valley Storm Drain and vacant land to the south. The off-site location is approximately 1.0 miles northwest of the Project site and is within the same Industrial Area Specific Plan as the proposed Project. This alternative off-site property is not owned or under the control of the applicant. The off-site location is currently zoned SP 208 I and is designated Business Park in the City's General Plan, identical to the proposed Project development of this site would not require soil import, inherently reducing impacts from air pollution emissions during construction.

Impacts: Section 6.0 of the DEIR, identifies nine environmental issues that would have similar impacts as the proposed Project. These issues are: Cultural Resources; Geology and Soils; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; and Utilities and Service Systems. With the Off-Site Location Alternative, impacts related to air quality and traffic impacts would be similar to those identified with the proposed Project. Short-term construction and long-term air quality operational and climate change/greenhouse gas emissions impacts under this alternative would remain significant and unavoidable and would result in similar conditions as identified for the proposed Project. Additionally, due to adjacent sensitive receptors, potential impacts to these receptors would be greater in magnitude when compared to the proposed Project. Similarly, noise impacts would be greater in magnitude due to the adjacent sensitive receptors. Operational traffic would result in increased traffic on vanity roadways and may impact different intersection and roadways in comparison to the proposed Project. Under this Alternative, impacts to agricultural resources would be eliminated.

Objectives: The Off-Site Alternative would meet most of the Project objectives. The location of the Off-Site Alternative further north of Harley Knox Boulevard would not meet the Project objectives of locating distribution services near transportation corridors and clustering such uses near the state highway system.

Finding: Under the Off-Site Alternative, development of the warehouse would occur in a different location. This Alternative would have similar impacts that have been identified within the DEIR. And most of the objectives of the proposed Project would be met, would not meet the Project objectives of locating distribution services near transportation corridors and clustering such uses near the state highway system. The Council finds that the Off-Site Alternative would have similar impacts to all environmental

issues except for agriculture because this Alternative would eliminate the significant and unavoidable impacts to agricultural resources.. Because the Off-Site Alternative will not substantially reduce the environmental impact of the Project and it would not meet the Project objectives of locating distribution services near transportation corridors and clustering such uses near the state highway system, the Council hereby rejects the Off-Site Alternative.

5. Alternatives Considered and Rejected

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 6-3 through 6-5) Three possible alternatives were considered and rejected because they could not accomplish the basic objectives of the Project or they were considered infeasible. Per the *CEQA Guidelines* (Section 15126.6(c)), factors that may be considered when addressing the feasibility of alternatives include failure to meet most of the stated Project objectives, infeasibility, or inability to avoid significant environmental effects. The purpose of the proposed Project is to provide for and expand employment and revenue opportunities within the City of Moreno Valley. The proposed Project would expand employment options in a location that is convenient to existing transportation corridors, convenient to existing and future City residents and would augment the City's economic base. The following provides a discussion of the three development scenarios that were considered and rejected as potential alternatives to implementation of the proposed Project based on Section 15126.6 of the *CEQA Guidelines* because they did not feasibly attain most of the basic objectives of the Project while reducing or avoiding any of the significant effects of the proposed Project:

- No Build Alternative: No development would take place within the Project limits and no impacts would occur. However, disallowing development of the site, as suggested by this alternative, would not fulfill the primary objectives of the proposed Project and the site would likely be developed in accordance with existing zoning should the Project not move forward. Retention of the Project site in its current condition would not expand employment opportunities to residents of the City. Retaining the site in its current undeveloped condition would not generate the revenue (e.g., property tax) that could augment the City's current revenue stream. Therefore, the No Build Alternative was rejected from further consideration in the EIR.
- Residential Alternative: The Residential Alternative would develop the 71-acre Project site with approximately 355 single-family units based on the City's R5 zone. The R5 zone was utilized as this is the zoning designation of the nearest residential uses to the north along Perris Boulevard and north of the Perris Valley Storm Drain channel. A zone change, General Plan Amendment, and Specific Plan Amendment would be required for this alternative to change the Project site

from its existing Business Park/Light Industrial (BP) General Plan designation and Industrial Area Plan (SP208 I) zoning designation to a residential R5 designation. Furthermore, a Specific Plan Amendment would be required to remove the Project site from the underlying Industrial Specific Plan 208. Since the Residential Alternative consists only of residential uses, employment-generating opportunities would not occur aside from temporary construction work, which would be filled predominantly by those already residing in the area. The residential uses would produce demand for public services that would exceed the amount of municipal revenues it would generate. The Project's full potential to utilize the area's close proximity to various freeways and transportation corridors would not be realized as only residential uses would occur under the Residential Alternative. Additionally, the development of the entire 71-acre Project site under this alternative would result in the placement of the residential uses within an area planned for industrial uses which could result in additional adverse impacts such as exposure to air pollutants, noise, and land use incompatibilities. This alternative has been rejected because it would result in greater impacts and would not satisfy the basic City employment generating objectives for development of the Project site.

- Mixed Commercial/Residential Alternative: The Mixed Commercial/Residential Alternative would develop the 71-acre Project site with approximately 690,000 square feet of Community Commercial uses and 532 multiple-family units. A zone change, General Plan Amendment, and Specific Plan Amendment would be required for this alternative to change the Project site from its existing Business Park/Light Industrial (BP) General Plan designation and SP208 I zoning designation to a residential designation and commercial designation. Additionally, a Specific Plan Amendment would be required to remove the Project site from the underlying Industrial Specific Plan 208. While the commercial component of this Alternative would utilize the Project site's close proximity to nearby transportation corridors, the development of the remainder of the site with residential uses would not provide the varied employment and service uses and revenue associated with the proposed Project. The development of approximately half of the Project site under this alternative with residential uses would result in the placement of the residential uses adjacent to SP208 I industrial/business park uses which could potentially result in additional adverse impacts such as exposure to air pollutants, noise, and land use incompatibilities. The residential component of this alternative would produce demand for public services that would exceed the amount of municipal revenues it would generate, and there would be little to no employment opportunities created. Therefore, the mixed commercial/residential alternative would not meet the Project objectives of providing new employment and revenue generation options in close proximity to local consumers to the same degree as the proposed Project. The employment

opportunities and economic benefits derived from the proposed Project are superior to the Mixed Commercial/Residential Alternative. This alternative has been rejected because it would result in greater impacts and would not satisfy the basic City employment generating objectives for development of the Project site.

6. Environmentally Superior Alternative

As explained by Section 6.0 in the DEIR, Alternative 2 (Reduced Intensity Alternative) reduces the severity of Project related air quality impacts. However, long-term air quality impacts, would remain significant after mitigation for this alternative for ROG, NO_x, PM₁₀ and PM_{2.5}. In a similar manner, Alternative 2 would reduce the volume of daily traffic trips when compared to the proposed Project; however, such impacts to state freeway mainline segments and merge/diverge areas would remain significant and unavoidable until freeway improvements are completed by the state. Alternative 2 would also reduce the quantity of greenhouse gas emission when compared to the proposed Project; however, impacts to Climate Change would remain significant and unavoidable. The remaining environmental issues would ultimately be similar to the proposed Project through adherence to existing standards and mitigation measures. Based on the analysis in Section 6.0 and the summary contained in Table 6.K, Alternative 2, the Reduced Intensity Alternative, is the environmentally superior alternative. The amount of development under this alternative would be reduced when compared to the proposed Project; however, the Alternative 2 would not satisfy several of the Project objectives because it would reduce the level at which it meets the employment generating Project objectives. Because the Reduced Intensity Alternative allows the development of warehouse uses and the provision of new employment opportunities, it meets many of the City's stated Project objectives, while at the same time reduces the impacts associated with the proposed Project. However, because of the lower industrial density, the Alternative fails to meet several key employment generating objectives related to density efficiencies in the same manner as the proposed Project.

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states that an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Section 5.0 of the DEIR identifies the extent to which the new jobs created by a Project are filled by existing residents is a factor that tends to reduce the growth inducing effect of a Project.

Construction of the proposed Project will create short-term construction jobs. Due to the existing high unemployment levels that exist in the City, the potential exists for these short-term positions to be filled by workers who, for the most part, reside in the City or neighboring communities to the Project area. Therefore, construction of the proposed Project will not generate a permanent increase in population within the Project area.

As previously identified, the proposed Project is expected to employ 646 people. These full-time positions are also anticipated to be filled by workers who, for the most part, reside in the Project area due to high unemployment levels that exist in the City. Operations of the proposed Project will not generate a permanent increase in population within the Project area.

The area surrounding the Project site is governed by the City of Moreno Valley General Plan and the area is guided by Specific Plan 208. Specific Plan 208 guides land use within the Project area to ensure that new development and redevelopment is implemented consistent with the land use policies, controls, and standards contained in Specific Plan 208. Any development of remaining undeveloped land adjacent to the Project site would require its own discretionary approvals and is not reliant on the proposed Project. However, development of the Project site may lead to indirect growth in the Specific Plan area by making available the extension of infrastructure such as water, sewer, drainage, etc. This growth has been planned for and is guided by Specific Plan 208.

The proposed Project would occur within an area currently designated for industrial uses. The proposed Project would not require a General Plan Amendment nor does it require a change in the underlying zoning designation. In addition, the Project reflects the City of Moreno Valley's vision for the area and is consistent with Specific Plan 208. Land uses surrounding the Project site would be in conformance with the City's General Plan and Specific Plan 208. Impacts to population and housing are less than significant; see Section 13 Population and Housing of the Initial Study (Appendix A of the DEIR).

The proposed Project would not eliminate a constraint for development of an approved Project within the City of Moreno Valley. There are no projects in the City of Moreno Valley or surrounding cities that have been approved but are conditioned or dependent on additional improvements at the Project site. Specific Plan 208 guides land uses surrounding the Project site to ensure compatibility between existing operations and adjacent surrounding development. Additionally, the proposed Project would not add capacity to urban services or infrastructure that would be utilized by other Project proponents in the surrounding area.

The proposed Project would not result in any significant pressure to redevelop the area around the Project site at a higher density. As previously stated, the development of remaining undeveloped land adjacent to the Project site is independent and not reliant on the proposed Project. Therefore, implementation of the proposed Project would not result in redevelopment of adjacent lands at a higher intensity than already prescribed in the City of Moreno Valley's General Plan and Specific Plan 208.

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the Project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

- (a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (b) The adoption by a local agency formation commission of a resolution making determinations; or
- (c) A Project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project does not trigger any of the conditions cited in Guidelines §15127. Nonetheless, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- The Project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the Project would generally commit future generations of people to similar uses;
- The Project involves uses in which irreversible damage could result from any potential environmental incidents associated with the Project; and/or

- The proposed consumption of resources is not justified (e.g., the Project could waste energy).

Determining whether the proposed Project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. The Project site is generally fallow agricultural land with the site historically used for sod farming operations. However, as identified within the City's General Plan, the City anticipates the eventual conversion of agricultural uses to urban uses and the proposed Project would permanently alter the site by converting predominantly agricultural uses to urban uses. This is a significant irreversible environmental change that would occur as a result of Project implementation. Because no significant mineral resources were identified within the Project limits, no significant impacts related to these issues would result from development of the Project site. Natural resources in the form of construction materials would be utilized in the construction of the proposed Project and energy resources in the form of electricity and natural gas would be used during the long-term operation of the Project; however, their use is justified in supporting the City's planned use of the site and is not expected to negatively impact the availability of these resources.

In addition, this industrial warehouse Project, in concert with the other built or approved industrial warehouse projects, will fundamentally change the character and land use pattern of this portion of the City. Many of the Project-specific impacts are addressed, as outlined above, but the change in the use of the land from agricultural to industrial represents a substantial irreversible change for this area. However, this is an intended change as verified by the City's General Plan land use designations and zoning for the area. (DEIR pgs. 5-2 and 5-3)

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Aesthetics - Scenic Vistas;
2. Aesthetics - Scenic Resources and Scenic Highways;
3. Aesthetics - Existing Visual Character or Quality of Site and its Surroundings;
4. Aesthetics – Cumulative;
5. Agricultural Impacts - Conversion of State Designated Farmland;
6. Agricultural Impacts - Conversion of Farmland to a Non-Agricultural Use;
7. Agricultural Impacts - Cumulative;
8. Air Quality Impact - Air Quality Management Plan Consistency;
9. Air Quality Impact - Equipment Exhaust from Construction-Related Activities;
10. Air Quality Impact - Architectural Coatings;
11. Air Quality Impact - Long-Term Project-Related Emissions;
12. Air Quality Impact - Project-Related Localized Operational Emissions;
13. Air Quality Impact - Cumulative;
14. Land Use and Planning Impact - Conflict with Applicable Land Use Plans, Policies, or Regulations;
15. Land Use and Planning - Impact Cumulative;
16. Transportation Impact - Existing With Project Conditions (Intersection) Traffic and Level of Service;
17. Transportation Impact - Opening Year With Project Conditions (Intersection) Traffic and Level of Service;
18. Transportation Impact - Opening Year 2016 Cumulative With Project Conditions (Intersection) Traffic and Level of Service; and
19. Transportation Impact – Cumulative.

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(C) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives or the other alternatives do not substantively reduce the severity of unavoidable and significant impacts.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;

- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a Project on the environment, the Project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, California Administrative Code, Title 4, 15093 (a) states: “If the benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered „acceptable.□”

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

Facts in Support of the Finding (Overriding Considerations). The ProLogis project has four overriding considerations: (1) development consistent with City standards; (2) economic viability; (3) employment generation; and (4) infrastructure improvements.

(1) Consistency with City Goals. The City’s Development Review process will assure the proposed development is consistent with the City’s General Plan, zoning, and Municipal Code upon approval of the requested General Plan Amendment, Zone Change, and other development applications. The analysis in the DEIR indicates the ProLogis project is generally consistent with the following development goals of the City’s General Plan and the requirements of the City zoning code and municipal code for the five environmental issues that were determined to be significant even after implementation of proposed mitigation:

- **DEIR Section 4.1 Aesthetics - Consistency with General Plan Policies.** The project is consistent with Objective 2.5 and Policy 2.5.1 by providing industrial uses near SR-60 and within the FAR limits outlined. The project does not appear to be fully consistent with Policies 2.5.2 and 2.5.3 because it places industrial uses adjacent to lower density residential uses without the typical buffering land uses (e.g., higher density residential or business park). The project is consistent with Policy 2.5.4 as it precludes industrial traffic through residential areas by eliminating Quincy Street south of the new Eucalyptus Avenue road alignment and eliminating the new Encilia Avenue (old Eucalyptus Avenue) west of the Quincy Channel. The project is generally consistent with Objective 2.10 and Policies 2.10.1 through 2.10.5 by providing detailed architectural and landscaping themes for the proposed buildings and grounds, including adjacent to SR-60. The project is consistent with Policies 2.10.7 and 2.10.8 relative to lighting, although the tower accent features at the corners of the buildings may produce new off-site glare. The project appears to be consistent with Policy 2.10.9 as its fences and walls will incorporate landscaping and materials designed to reduce graffiti (see design details in DEIR Appendix K). The project may not be fully consistent with Policy 2.10.11 in terms of buffering for nearby residential uses, although it does comply with the new Municipal Code requirement of a 250-foot buffer between industrial and residential uses. Policies 2.10.12 and 2.10.13 require screening for parking areas and the project is consistent with that policy.
- **DEIR Section 4.1 Aesthetics -Consistency with Municipal Code Requirements.** The previous analysis indicates the project is not consistent with Objective 7.7 and Policies 7.7.4 and 7.7.5 as it does not fully preserve significant views and vistas, including those along SR-60. Signage will be consistent with Municipal Code requirements so it is consistent with Policy 7.7.3. Finally, the

project appears to be consistent with the various Municipal Code requirements for the proposed land uses outlined in Section 4.1.2 related to landscaping, setbacks, parking, storage, etc.

- **DEIR Section 4.2 Agriculture – Consistency with General Plan Policies** - The Moreno Valley General Plan policies and zoning designations support agriculture only as an interim use, and no land in the City is designated solely for agricultural use or for agricultural preservation. Despite this, the proposed zone change would conflict with the existing zone and Primary Animal Keeping Overlay (PAKO) designation for this portion of the project site; however, this change would remove less than one percent of the PAKO-designated land and would not represent a significant loss of land under this overlay designation. Based on the recent trends of urban development in the City, development pressures will eventually lead to the conversion of agricultural land in the City to suburban uses.

The City’s General Plan recognizes that these conversions will eventually occur, and the proposed project is a demonstration of that trend. The proposed project would result in the conversion of Prime Farmland, development of this site and the surrounding area is consistent with the long-term vision of the City as outlined in the General Plan. The Moreno Valley General Plan policies support agriculture as an interim use, and no land in the City is designated for agricultural preservation.

- **DEIR Section 4.3 Air Quality – Consistency with General Plan Policies** – Chapter 9 of the City’s General Plan defines goals and policies related to air quality within the City of Moreno Valley. The specific policies of the General Plan that are relevant to the proposed project are as follows:
 - **Objective 6.7:** *Reduce mobile and stationary source air pollutant emissions.*
 - **Policy 6.7.1:** *Cooperate with regional efforts to establish and implement regional air quality strategies and tactics.*
 - **Policy 6.7.5:** *Require grading activities to comply with South Coast Air Quality Management District’s Rule 403 regarding the control of fugitive dust.*
 - **Policy 6.7.6:** *Require building construction to comply with the energy conservation requirements of Title 24 of the California Administrative Code.*

The proposed project site is located in an urbanizing area of the City along SR-60 which accommodates traffic in the area. In addition, the proposed warehouse uses would be within walking distance of existing homes and commercial areas in the local vicinity. The proposed project will incrementally reduce overall vehicle miles traveled (VMT) in the region by introducing employment into an area (i.e., the City of Moreno Valley) with a low jobs/housing ratio as monitored by the Southern California Association of Governments (SCAG). This reduction in VMT will consequently reduce air pollutant emissions so the project is consistent with City General Plan Objective 6.7 and Policies 6.7.1. Mitigation Measures 4.3.6.2A through 2M to control dust, and Mitigation Measure 4.3.6.5B requires the project to exceed Title 24 energy conservation requirements, so the project is consistent with General Plan Policies 6.7.5 and 6.7.6.

- **DEIR Section 4.8 Land Use and Planning – Consistency with General Plan Policies – Section 9.2.2 Community Development of the General Plan contains the following goals and objectives;**
 - *Goal 2.1: A pattern of land uses which organizes future growth, minimizes conflicts between land uses, and which promotes the rational utilization of presently underdeveloped and undeveloped parcels.*
 - *Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.*
 - *Objective 2.1: Balance the provision of urban and rural lands within Moreno Valley by providing adequate land for present and future urban and economic development needs, while retaining the significant natural features and the rural character and lifestyle of the northeastern portion of the community.*
 - *Objective 2.5: Promote a mix of industrial uses which provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley with the establishment of industrial activities that have good access to the regional transportation system, accommodate the personal needs of workers and business visitors; and which meets the service needs of local businesses.*
 - *Policy 2.5.1: The primary purpose of areas designated Business Park/Light Industrial is to provide for manufacturing, research and development, warehousing and distribution, as well as office and support commercial activities. The zoning regulations shall identify the particular uses permitted on each parcel of land. Development intensity should not*

exceed a Floor Area Ratio of 1.00 and the average floor area ratio should be significantly less.

- *Policy 2.5.2: Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses.*
- *Policy 2.5.3: Screen manufacturing and industrial uses where necessary to reduce glare, noise, dust, vibrations and unsightly views.*
- *Policy 2.5.4: Design industrial development to discourage access through residential areas.*

In addition, General Plan Section 9.6.2 Safety Element contains the following applicable objective:

- *Objective 6.6: Promote land use patterns that reduce daily automotive trips and reduce trip distance for work, shopping, school, and recreation.*

The City's adopted General Plan Land Use Map designations for the existing project area largely reflect the existing land use pattern. The northern portion of the proposed project site is designated Business Park/Light Industrial, while the southern area, south of proposed Eucalyptus Avenue, is designated Residential in the City's General Plan. The primary purpose of areas designated Business Park/Light Industrial is to provide for manufacturing, research and development, warehousing and distribution, as well as office and support commercial activities.¹⁸ The proposed project is not consistent with the current General Plan and zoning, and includes a General Plan Amendment (and related Zone Change) so the project will be consistent with the General Plan. Impacts relative to the City's Primary Animal Keeping Overlay (PAKO) are addressed in the discussion of DEIR Section 4.2 Agriculture.

General Plan Objective 2.1 and Policy 2.5.1 require a transition of buffer of land uses between residential and industrial uses. In this area, the R5 and R15 zone areas in the southern portion of the site act as a buffer from the BP uses near the freeway and the RA2 residential uses. It should be noted that, while there is an existing transition of land uses from BP to R2 in the vicinity of the project site, it is not the function of either the R-5 or R-15 zones to act as a buffer between non-residential land uses and low density residential uses.

The project provides light industrial uses close to freeway access that will generate short- and long-term employment for the City while minimizing conflicts with existing residential land uses

to the southeast through planned changes in the circulation network, so it is consistent with Land Use Goals 2.1 and 2.2, Objectives 2.1 and 2.5, Policies 2.5.1 through 2.5.4, and Safety Objective 6.6. In addition, the proposed project is generally consistent with SR-60 East Corridor Study and can accommodate limited expansions of the Moreno Valley Auto Mall if necessary in the next two years.

- Relative to the City’s Housing Element, the proposed project would result in the loss of potential housing units as the General Plan Amendment (GPA) and Zone Change (ZC) request a change to industrial uses. Development of the site as proposed could eliminate as many as 681 housing units from the site, with 80 percent of those units (548) at a density that is generally accepted as helping to promote housing affordability (15 units per acre) on a regional level. The loss of the (max) potential 548 units (R-15 land) from the proposed project would reduce the total potential affordable units from 20,894 to 20,346 or still 2.7 times the RHNA number. The proposed project would not reduce the City’s potential pool of affordable housing to below its RHNA number; therefore, it would not create a significant impact related to the City’s Housing Element.
- **DEIR Section 4.8 Land Use and Planning – Consistency with the Municipal Code.** Section 9.05, Industrial Districts, of the City Municipal Code requires a minimum 250-foot buffer between residential uses and truck activity areas of industrial uses. The site plan of the proposed project provides a buffer of almost 400 feet from the closest residence to the southeast, so the project is consistent with this adopted land use buffer requirement.
- **DEIR Section 4.11 Transportation – Consistency with General Plan Policies** – The project is consistent with Community Development Policy 2.2.17 because the proposed amendment to the Circulation Element will prevent industrial traffic from traveling through existing residential areas southeast of the site. The project is also consistent with most of the relevant policies of the Circulation Element, including: providing adequate emergency access (Policy 5.1.1); minimizing traffic conflicts (Policies 5.1.2, 5.5.3, and 5.5.4); providing adequate off-street parking (Policy 5.1.3), ADA and Title 24 consistency (Policy 5.1.5); promoting through access (Policies 5.1.6, 5.2.2, 5.3.1, and Objective 5.5); mitigating project-related traffic impacts (Policy 5.5.8); allow for bicycle, pedestrian, and non-vehicular access options (Objective 5.8 and Policy 5.8.4, Objective 5.10 and Policy 5.10.1, Objective 5.11 and Policies 5.11.1 and 5.11.2); and using safe

¹⁸ Moreno Valley General Plan. *Chapter 9 Goals and Objectives. Policy 2.5.1.* Pg. 9-7.

project design procedures (Policies 5.5.5, 5.5.9, and 5.5.10) plus applicable Municipal Code requirements.

The project is not fully consistent with Objective 5.2 which requires Level of Service C or roadways or Level of Service D on local freeway segments, but will make improvements, pay City Development Impact Fees, and make contributions to the County's Traffic Uniform Mitigation Fee (TUMF) program to offset project impacts, which is consistent with City Policies 5.3.5, 5.3.6, and 5.3.7).

(2) Economic Viability. ProLogis estimates the project would result in a property tax increase from \$282,058 in 2013 to \$1.4 million at project buildout, representing an increase of \$1.2 million. Although a fiscal/economic study was not prepared for the ProLogis project, a comprehensive fiscal study was recently prepared by David Taussig and Associates (DTA¹⁹) for 41 million square feet of logistics warehousing proposed east of the ProLogis project site. This study indicated that logistics warehousing in Moreno Valley generates a surplus of City revenues versus costs. Since the ProLogis project is also logistics warehousing, it is reasonable to assume similar ratios of revenues and costs as outlined in the DTA study. Based on data in the DTA study, the ProLogis project could be expected to generate a surplus of approximately \$330,000 per year to the City at buildout.²⁰ This estimate is supported by data from a similar fiscal study prepared for a recent warehouse project in the City of Perris²¹. That study estimated 1.7 million square feet of warehousing would generate an annual surplus of \$216,500 which would equal \$331,000 if a similar cost/revenue ratio was applied to the proposed ProLogis project²².

(3) Employment Generation. ProLogis estimates the project would generate a need for approximately 1,400 temporary construction—related workers²³ and approximately 600 permanent full-time employee positions at buildout of the proposed warehousing.

(4) Traffic and Infrastructure Improvements. The DEIR²⁴ indicated that the ProLogis project would produce an estimated 4,408 or 37 percent fewer Passenger Car Equivalent or PCE trips per day

¹⁹ "Fiscal and Economic Impact Study for the World Logistics Center Specific Plan." David Taussig and Associates, Inc. January 15, 2013.

²⁰ The DTA 2013 study estimated a surplus of \$6 million for 41 million square feet of logistics warehousing in the City, so the ProLogis project (2.25 million square feet) would generate a surplus of approximately \$330,000 using similar data and assumptions.

²¹ Andrew Chang and Company, LLC. Stratford Ranch Industrial Development. Fiscal and Economic Impacts. City of Perris. September 2012.

²² \$216,500 for 1.7 million square feet (Stratford Ranch) is equal to \$331,000 for 2.6 million square feet (ProLogis).

²³ Estimate of construction-related employees generated by the ProLogis Ontario project. May 2014.

²⁴ ProLogis trip generation on DEIR Table 4.11.E, page 4.11-15, and existing zoning trip generation outlined on Table 6.B, page 6-9.

compared to the site as presently zoned (7,527 trips for ProLogis compared to 11,935 trips under current zoning). Note the PCE calculation takes into account large trucks in the vehicle mix.

ProLogis estimates the proposed project would pay approximately \$4.5 million for onsite road improvements including mainly Eucalyptus Avenue as an arterial street. In addition, ProLogis will provide \$9.2 million in Development Impact Fees (DIFs) to the City and other agencies in the following categories:

- * Moreno Valley Unified School District school impact fees
- * Arterial Streets
- * Traffic Signals
- * Interchange Improvements
- * Fire Facilities
- * Police Facilities
- * City Hall
- * Corporate Yard
- * Maintenance Equipment
- * Transportation Uniform Mitigation Fee (TUMF-separate from DIF)(see below)
- * Multi-Species Habitat Conservation Plan (MSHCP-County)
- * Riverside County Area Drainage Fee
- * Stephen's Kangaroo Rat Habitat Conservation Plan Fee (SKR HCP)
- * SR-60/Moreno Beach Drive/Redlands Blvd. Improvement Fee
- * Fair Share for DIF and TUMF improvements per project traffic study
- * Santa Ana Watershed Authority (SAWA) mitigation for Quincy Channel impacts
- * Eastern Municipal Water District (various – water, sewer, landscaping, etc.)

The ProLogis project will also make a variety of improvements (e.g., utilities, streets) both onsite and in the surrounding area, and offsite improvements, or contributions to needed roadway and intersection improvements, are shown below as summarized from the project Traffic Impact Assessment²⁵ and as outlined in Mitigation Measures 4.11.6.4A-4F:

Make Improvements or Fully Fund Before Project Opening

- Redlands Boulevard/SR-60 Westbound Ramps – Install traffic signal.

²⁵ LSA Associates, Inc. April 24, 2012 as summarized in the ProLogis Draft EIR Section 4.15, Transportation and Traffic.

- Redlands Boulevard/Fir Avenue/Eucalyptus Avenue – Install a traffic signal, add a northbound left-turn lane, and add a southbound left-turn lane.
- Moreno Beach Drive/SR-60 Eastbound Ramps – TUMF fee includes interchange.

Make a Fair Share Contribution (Year 2016 Impacts)

- Moreno Beach Drive/SR-60 Eastbound Ramps – TUMF fee contributes to a planned interchange upgrade.
- Moreno Beach Drive/Cottonwood Avenue – DIF fee contributes to the addition of a southbound through lane.
- Moreno Beach Drive/Alessandro Blvd. – DIF fee contributes to the addition of a southbound through lane.
- Redlands Blvd./SR-60 Westbound Ramps – DIF and TUMF fees contribute to installation of a traffic signal and add a northbound through lane.
- Redlands Blvd./SR-60 Eastbound Ramps – TUMF fee contributes to improvement costs.
- Redlands Blvd./Fir Avenue/Eucalyptus Avenue – DIF fee contributes to installation of a traffic signal, adding a westbound right-turn lane, and adding an eastbound left-turn lane. TUMF fee will cover installation of a northbound left-turn lane and a southbound through lane.
- Redlands Blvd./Eucalyptus Avenue – TUMF fee contributes to the addition of a southbound right-turn lane.
- Redlands Blvd./Alessandro Blvd. – TUMF fee contributes to the addition of a southbound left-turn lane.

Make a Fair Share Contribution (Year 2035 Impacts)

- Nason Street/Eucalyptus Avenue – DIF fee will contribute to installation of a northbound right-turn lane and restriping the westbound approach to provide dual left-turn lanes.
- Nason Street/Alessandro Blvd. – DIF fee will contribute to installation of an eastbound through lane, westbound through lane, and overlap phasing for the eastbound right-turn lane.
- Moreno Beach Drive/SR-60 Westbound Ramps – TUMF fee contributes to improvements.
- Moreno Beach Drive/SR-60 Eastbound Ramps – TUMF fee contributes to improvements.
- Moreno Beach Drive/Eucalyptus Avenue – DIF fee contributes to traffic signal and various lane improvements/restriping.

- Moreno Beach Drive/Cottonwood Avenue – DIF fee contributes to addition of a southbound lane.
 - Moreno Beach Drive/Alessandro Blvd. – DIF fee contributes to various lane improvements and restriping.
 - Redlands Blvd./SR-60 Westbound Ramps – DIF fee contributes to installation of a traffic signal.
 - Redlands Blvd./SR-60 Eastbound Ramps – TUMF fee contributes to various interchange improvements at this location.
 - Redlands Blvd./Fir Avenue/Eucalyptus Avenue – DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
 - Redlands Blvd./Eucalyptus Avenue – DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
 - Redlands Blvd./Alessandro Blvd. - DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
- **Make a Fair Share Contribution (General Plan Buildout Impacts)(In addition to 2035)**
 - Nason Street/Eucalyptus Avenue – DIF fee will contribute to installation of a northbound right-turn lane and eastbound right-turn lane.
 - Nason Street/Alessandro Blvd. – DIF fee will contribute to installation of an eastbound left-turn lane and traffic signal improvements,
 - Moreno Beach Drive/Eucalyptus Avenue – DIF fee contributes to various lane improvements/restriping.
 - Moreno Beach Drive/Cottonwood Avenue – DIF fee contributes to addition of a southbound lane.
 - Moreno Beach Drive/Alessandro Blvd. – DIF fee contributes to various lane improvements and restriping.
 - Auto Mall Drive/Eucalyptus Avenue – DIF fee contributes to installation of a traffic signal.
 - Redlands Blvd./Alessandro Blvd. - DIF and TUMF fees contribute to installation of various lane improvements.

If the Encilia Avenue/Quincy Street Connection is Approved, the project will make the following improvements:

- Moreno Beach Drive/Eucalyptus Avenue – DIF fee will contribute to installation of various lane improvements and restriping.

- Redlands Blvd./Fir Avenue/Eucalyptus Avenue – Fair share contribution toward the addition of a southbound right-turn lane.
- Redlands Blvd./Encilia Avenue/Eucalyptus Avenue – DIF and TUMF fees contribute to installation of a traffic signal and various lane improvements.
- Moreno Beach Drive/Encilia Avenue - DIF fee contributes to installation of a traffic signal and various lane improvements.

VII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies, amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. Findings

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA’s procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(C) of these Findings:

- *Aesthetics Impacts (Scenic Vistas; Scenic Resources and Scenic Highways; Existing Visual Character or Quality of Site and its Surroundings; and Cumulative Impacts)* as a result of substantial change in visual characteristics of the proposed project compared to the existing site and the fact that the site was planned for Business Park and Residential uses and no feasible mitigation measures are available.
- *Agricultural Impacts (Conversion of State Designated Farmland; Conversion of Farmland to a Non-Agricultural Use; and Cumulative Impacts)* due to loss of 82.5 of Prime Farmland and Former Agriculture Activities and there is not an established regional mitigation program available.
- *Air Quality Impacts (Air Quality Management Plan Consistency; Equipment Exhaust from Construction-Related Activities; Architectural Coatings; Long-Term Project-Related Emissions; Project-Related Localized Operational Emissions; and Cumulative Impacts;)* due to the size and type of project, the proposed project would exceed SCAQMD thresholds and available mitigation would not reduce impacts to less than significant levels.
- *Land Use and Planning Impacts (Conflicts with Applicable Land Use Plans, Policies, or Regulations; and Cumulative Impacts)* due to the proposed project not being consistent with current General Plan land use and zoning designation
- *Transportation Impacts (Existing With Project Conditions (Intersection) Traffic and Level of Service; Opening Year With Project Conditions (Intersection) Traffic and Level of Service; Opening Year Cumulative With Project Conditions (Intersection) Traffic and Level of Service; and Cumulative Impacts.)* due to various mitigation measures being under the jurisdiction of Caltrans and so implementation cannot be guaranteed by the Lead Agency (City).

The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

- a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(C) above.
- b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.
- c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

VII. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the Mitigation Monitoring and Reporting Plan (MMRP) set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

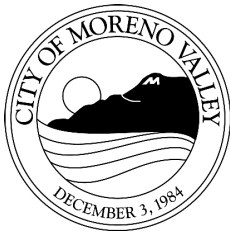
Attachment 18 – Prologis Final EIR*

Attachment 19 – Prologis Draft EIR*

*Attachments 18 and 19 available on the City's webpage at the following link:

<http://www.moval.org/misc/prologis-0314.shtml>

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: August 26, 2014 (Continued from July 8, 2014)

TITLE: APPOINTMENTS TO THE JULY 4TH ADVISORY BOARD

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Appoint three (3) members to the July 4th Advisory Board with terms expiring July 31, 2017.
2. Appoint Nathan Nguyen to the July 4th Advisory Board as a teenage member for a term expiring July 31, 2017, or until high school graduation, whichever comes first.
3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

SUMMARY/DISCUSSION

Applications were accepted by the City Clerk's Office to fill vacancies for the July 4th Advisory Board three adult positions with terms expiring July 31, 2014 and for two teen member positions with terms expiring on July 31 of the third year following appointment or until high school graduation, whichever comes first.

Members with expiring terms were notified and advised of the need to submit a new application to be considered for reappointment. Appropriate time frames with respect to posting notices of vacancies were followed.

As provided in the City's Municipal Code, the appointees will serve without compensation for designated terms.

At the July 8, 2014 City Council meeting, the City Council continued the appointments to August 26, 2014. Expiring July 31, 2014 terms were not extended to such a time when new appointments are made. Therefore, the July 4th Advisory Board has three vacant positions as of August 1, 2014. On July 16, 2014, the City Clerk's Office posted a Notice of Openings. No additional applications were received.

The City Clerk's Office received three applications for three July 31, 2014 expiring adult terms. Applications were submitted by Michelle M. DeJohnette (former incumbent), Ashley V. Holguin (former incumbent) and Patricia Holguin.

For teen member position, the City Clerk's Office received one application submitted by Nathan Nguyen. The applicant attended the July 4th Advisory Board meeting on June 16, 2014. The staff liaison recommends that the City Council appoint Nathan Nguyen to the Board as a teenage member with a term expiring July 31, 2017, or until high school graduation, whichever comes first.

CITY COUNCIL GOALS

The July 4th Advisory Board shall have the general power and duty to act in an advisory capacity to the staff and City Council in all matters pertaining to the City's July 4th festivities, including promoting and seeking possible funding sources for the City's July 4th Festivities.

Choosing to fill the vacancies on the above-mentioned Board will result in increased participation of Moreno Valley residents. This option is consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointments.

NOTIFICATION

1. Posting of Notices of Openings
2. Publication of the agenda
3. Report and agenda mailed to applicants

ATTACHMENTS

None

Prepared by:
Ewa Lopez
Deputy City Clerk, CMC

Department Head Approval:
Jane Halstead
City Clerk, CMC



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Chief Financial Officer

AGENDA DATE: August 26, 2014

TITLE: DECLARING INTENTION TO PROVIDE FOR A CITYWIDE FUTURE ANNEXATION AREA FOR CFD NO. 2014-01 AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT TO REASSIGN THE EXISTING TAX RATE AREA NO. 1 INTO TWO SEPARATE TAX RATE AREAS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Adopt Resolution No. 2014-73. A Resolution of the City Council of the City of Moreno Valley, California, Declaring its Intention to Provide for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-01 and SL-01.

SUMMARY

Community Facilities District No. 2014-01 ("CFD" or "District") was formed earlier this year through the adoption of Resolution No. 2014-12 (resolution of intention to form the district), Resolution No. 2014-25 (resolution of formation establishing the district), and Ordinance No. 874 (authorizes the levy of a special tax). The district was established to provide the development community a financing mechanism to fund the ongoing costs of providing specific municipal services. Tract 31618 was the development used to establish the CFD. The developer for Tract 35698 (Habitat for Humanity) wishes to use the CFD in order to satisfy its conditions of approval to provide an ongoing funding source for residential street lights.

The attached resolution initiates proceedings to establish a citywide future annexation area for the District. Creating the future annexation area will reduce the amount of time

necessary for the actual annexation of Tract 35698 and other future tracts, as each such annexation (so long as it will be subject to an existing tax rate) will require only a single Council action, rather than the two Council actions and one public hearing normally required for an annexation to a Community Facilities District. This will reduce the administrative burden upon the Council for future annexations, allow such annexations to proceed more rapidly, and reduce fees paid by developers, while maintaining an appropriate level of public notification and transparency.

The First Amended and Restated Rate and Method of Apportionment of Special Tax (attached to the Resolution) reassigns the existing Tax Rate Area No. 1 into two separate Tax Rate Areas: LM-01 for public landscape maintenance and SL-01 for residential street lights. This reassignment of the current Tax Rate Area provides flexibility when assigning funding options for developments that may only have landscaping or residential street lighting (or both) that requires an ongoing funding source. This amendment will allow Tract 35698 to utilize the CFD to provide an ongoing funding source for residential street lights (this development is not subject to ongoing funding for landscape maintenance).

This reassignment will not increase the total Maximum Special Tax for those properties currently in the District. For fiscal year 2014/15, the Maximum Special Tax is \$665.75. The amendment separates the landscape maintenance (LM-01) and residential street light services (SL-01) and their respective costs. For Tax Rate Area No. LM-01, the amount is \$468.36 while the amount for Tax Rate Area No. SL-01 is \$197.39, the sum of which does not exceed the previously approved Maximum Special Tax of \$665.75.

DISCUSSION

Formation of Community Facilities District No. 2014-01 (Maintenance Services)

As development occurs in the City, projects are conditioned to provide a funding source for the ongoing maintenance and operation of the development's perimeter public landscaping, medians, and residential street lighting installed as part of the development. During its August 20, 2013 Study Session, the City Council discussed Best Management Practices for the City's special financing districts and the types of funding mechanisms public agencies can offer to developers and property owners as a means of satisfying the conditions of approval. It was discussed to begin utilizing and to initiate formation of a district under the Mello-Roos Community Facilities Act of 1982 in order to fund the ongoing maintenance services of improvements installed as part of development. A community facilities district is a district in which the City is authorized to levy annual special taxes onto the property tax bills to be used to pay the ongoing costs of providing specific municipal services. Parcels within the different tax rate areas in the district do not need to be contiguous; they only need to be receiving the same services.

Community Facilities District No. 2014-01 (Maintenance Services) ("CFD No. 2014-01" or "District") was formed earlier this year through the adoption of Resolution No. 2014-12 (resolution of intention to form the district), Resolution No. 2014-25 (resolution of formation establishing the district), and Ordinance No. 874 (authorizes the levy of a

special tax). The Rate and Method of Apportionment (“RMA”) identifies one Tax Rate Area which funds both public landscape maintenance and residential street lighting.

The residential housing development for Tract 36598 has been conditioned to provide ongoing funding for the operation of the residential street lighting program. Since the boundaries of the CFD are limited to the original residential housing tract that established the CFD (Tract 31618) and the Tax Rate Area designated within the current RMA does not provide a funding source for residential street lights only, revisions to the CFD are required in order to allow Tract 36598 the opportunity to participate in CFD 2014-01.

The attached resolution establishes citywide future annexation area boundaries and amends and restates the rate and method of apportionment of special taxes to reassign the existing Tax Rate Area.

Future Annexation Boundaries

Designation of the future annexation area is a two-step process. First, the Council adopts the Resolution of Intention to designate the future annexation area. Then, following a public hearing called by the Resolution of Intention, the City Council designates the future annexation area. The attached Resolution of Intention designates a future annexation area that encompasses the entire territory of the City.

Once the City designates the future annexation area, the City will have two options when annexing property into the CFD:

One-step option

With the consent of all property owners of the annexing territory, the City Council will be able to annex the territory, and subject it to an existing tax rate, by a single action, without need for a hearing or adoption of a resolution of intent.

If the City Council desires to create a new tax rate (to fund, for example, a different service) then it will need to redesignate the future annexation area before it can conduct a one-step annexation at the new rate. Designation of the future annexation area (as noted above) is a two-step process.

Two-step option

As an alternative to annexing in connection with a designated future annexation area, the City Council can annex territory via the conventional (“two-step”) annexation process. For each development project annexing into the CFD, the City Council adopts a resolution of intent to annex the specific territory. At a second meeting (which occurs between thirty and sixty days after the first meeting), the City Council conducts a public hearing to annex the territory and conducts the special election of the property owners. The special election requires a 2/3rds vote of the property owners and authorizes the City to levy the special tax onto the property tax bill.

After the initial designation, the one-step option requires the development project to participate in only one meeting to annex into a CFD, shortening their timeframe and reducing user fees. Savings would amount to about \$1,575 (based on the current fee schedule), which is significant for smaller developments. However, it requires unanimous approval of the ballots cast. Under the two-step option, development projects must go through the resolution of intention meeting and the meeting for the public hearing/special election to complete the annexation into the maintenance CFD. Although two Council meetings are required, this option only requires a 2/3rds approval of the ballots cast. The two-step approach is a lengthier process and user fees are higher for the project since additional meetings are required. Both options have been summarized in the table below.

Annexation Options	Council Meeting 1	Council Meeting 2
One-step Annexation Process <i>(after the initial, one-time establishment following the two step process)</i>	The City Clerk conducts the special election prior to the Council meeting (requires unanimous approval of the ballots cast*). The results are confirmed by the City Council at one meeting as a consent item.	N/A
Two-step Annexation Process	At the first meeting, hold an “intent meeting” to annex territory to the CFD, extend the boundaries of the District, and set the date for the public hearing. Staff report presented as a report item on the agenda.	At a subsequent meeting held 30-60 days after the first meeting (intent meeting), conduct a public hearing for the Annexation into the CFD, after the close of the public hearing, the City Clerk opens the ballots and announces the results. Approval requires a 2/3 rd approval of the ballots cast*.
<i>*If there are fewer than 12 registered voters within the annexation area, the election is conducted with the property owners; if there are 12 or more registered voters within the annexation area, the election is conducted with the registered voters.</i>		

To streamline the development process and reduce costs, staff recommends utilizing the one-step option for new development projects. Creating the future annexation area boundaries for the District will reduce the amount of time necessary for the development community to satisfy the funding requirements of their conditions of approval. It will also eliminate the need to hold a public hearing for each development to annex into the District at a future date, which will also reduce fees paid by the developer and reduce the amount of time necessary to annex the development into the district.

Amendment and Restatement of the Rate and Method of Apportionment (RMA)

The First Amended and Restated Rate and Method of Apportionment is attached as Exhibit B to the Resolution. The amendment reassigns the existing Tax Rate Area No. 1 into two separate tax rate areas: LM-01 and SL-01. LM-01 will fund expenses related to maintenance of parkway landscaping and SL-01 will fund the expenses related to the operation of residential street lighting. This reassignment of the current tax rate area

provides more flexibility when providing funding options for developments that may only have landscaping or residential street lighting they need to fund. In the future, should the City elect to add additional tax rate areas, there will be a menu of tax rate areas to choose from to satisfy the funding requirements from varying conditions of approval placed on development projects.

The amendment **does not** increase the Maximum Special Tax Rate for properties already in the District. It separates the special tax rate for each of the services provided. Under the current RMA, the 2014/15 Maximum Special Tax Rate is \$665.75 per parcel. The amendment designates \$468.36 for Tax Rate Area No. LM-01 and \$197.39 for Tax Rate Area No. SL-01 for fiscal year 2014/15. The sum of the two proposed Tax Rate Areas equals the previously approved Maximum Special Tax of \$665.75.

Funds received from the special taxes are restricted and can only be used for the purposes for which they are collected. In the event revenues exceed expenditures for a tax rate area, the applied special tax levied on the property tax bills will be lowered.

Resolution Declaring Intention

The first step in establishing the future annexation area boundaries is to adopt a Resolution of Intention (Attachment 1) to provide for future annexation of territory to the District. The Resolution of Intention establishes citywide boundaries of the CFD for future Annexations and authorizes a boundary map (Attachment 2) to be recorded at the County Recorder's office; amends the RMA to reassign the existing Tax Rate Area No. 1 into Tax Rate Areas No. LM-01 and SL-01; and schedules the public hearing for October 14, 2014.

Next Steps

On October 14, 2014, the Council will be asked to consider conducting a public hearing then, upon unanimous approval of the property owner of Tract 36598 approve their annexation into the District.

ALTERNATIVES

1. **Recommend approval of the Resolution of Intention to provide for future annexation of territory to CFD No. 2014-01 and to amend and restate the RMA to reassign the existing Tax Rate Area No. 1 into Tax Rate Areas No. LM-01 and SL-01.** *Expanding the boundaries for future annexation of territory into the CFD will reduce the amount of time necessary for a project to annex into the CFD and will increase flexibility when assisting the development community in meeting their conditions of approval.*
2. **Do not recommend approval of the Resolution of Intention to provide for future annexation of territory to CFD No. 2014-01 and to amend and restate the RMA to reassign the existing Tax Rate Area No. 1 into Tax Rate Areas No. LM-01 and SL-01.** *Not expanding the boundaries for future annexation nor approving the amended and restated RMA will not decrease time for development projects to*

satisfy conditions of approval, will not decrease their costs, and limit flexibility in funding options available to the development community.

3. **Do not recommend approval of the Resolution of Intention but continue the item to a future Council meeting as written or direct staff to prepare documents based on the two step option.** *This alternative may delay the development of Tract 36598 or prevent the developer from satisfying their conditions of approval thereby prohibiting them from obtaining a certificate of occupancy for the residential units.*

FISCAL IMPACT

Third party costs associated with establishing the future annexation area for the CFD and amending the RMA are projected to not exceed \$12,400. Third party services include a special tax consultant, special legal counsel, legal noticing publication, recording costs, and other related expenses. The developer for Tract 36598 was not charged fees for services related to the future annexation of territory as it is part of the overall design of the CFD which is intended to be available for use by all future development projects. However, the developer did pay the \$3,375 Mail Ballot/Special Election Processing fee (per the City's Fee Schedule) to cover costs related to the creation of the new tax rate area for street lighting and the election process. The difference of \$9,025 will be absorbed within the Special Districts Administrative Fund 2006-30-79-25701.

For CFD 2014-01, the Maximum Special Tax for fiscal year 2014/15 is \$468.36 for Tax Rate Area No. LM-01 and \$197.39 for Tax Rate Area No. SL-01. The Maximum Special Tax is subject to an annual inflation adjustment based on the change in the CPI for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%), whichever is greater.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

A maintenance CFD provides developers and property owners with an alternative method in which to satisfy conditions of approval to provide a funding source for the ongoing operation of street lights within the City.

Revenue Diversification and Preservation

A maintenance and service CFD provides developers and property owners with an opportunity to fund desired City services and secure the provision of those services. The CFD will further stabilize the revenue base for special district services and programs and is consistent with prudent financial practices.

NOTIFICATION

Newspaper advertising for the proposed October 14, 2014, Public Hearing is scheduled to be published in The Press-Enterprise on Thursday, October 2, 2014 to give any interested person, including persons owning property within the District, the opportunity to appear and present any matters relating to the proposed future annexation area boundaries of the CFD. Publication in the newspaper satisfies the legal requirement to publish 7 days prior to the date of the Public Hearing.

ATTACHMENTS

1. Proposed Resolution of the City Council of the City of Moreno Valley, California, Declaring its Intention to Provide for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-01 and SL-01
2. Annexation No. 1 Boundary Map (Citywide Future Annexation Area)
3. Amended and Restated RMA
4. Redline of the Changes to the RMA

Prepared by:
Jennifer Terry,
Management Analyst

Department Head Approval:
Richard Teichert
Chief Financial Officer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

RESOLUTION NO. 2014-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR FUTURE ANNEXATION OF TERRITORY TO CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT FOR THE DISTRICT TO DESIGNATE TAX RATE AREAS NO. LM-01 AND SL-01

WHEREAS, by its Resolution No. 2014-25, the City Council established its City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act"); and

WHEREAS, if such funding has not otherwise been provided, public convenience and necessity require that territory be added to the CFD in order to fund the operation and maintenance of street lights, landscaping and similar improvements associated with development in that territory; and

WHEREAS, Article 3.5 of the Act authorizes the City Council to provide for the future annexation of territory to the CFD; and

WHEREAS, in order to permit landowners to efficiently annex developing parcels to the CFD, the City Council desires to designate the entire territory of the City as a future annexation area for the CFD; and

WHEREAS, such designation permits the annexation of a parcel with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Recitals. The above recitals are all true and correct.
2. Initiation of Proceedings. The City Council declares its intention to provide for future annexation of territory to the CFD.
3. Name of CFD. The name of the CFD is "City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services)."

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Resolution No. 2014-73
Date Adopted: August 26, 2014

4. Future Annexation Area. The territory on the map titled “Annexation Map No. 1 of Community Facilities District No. 2014-01 (Maintenance Services) of City of Moreno Valley, County of Riverside, California (Territory proposed for annexation in the future, with the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed)”, which is on file in the office of the City Clerk, available for public inspection and incorporated herein by reference (“Annexation Map No. 1”) is proposed for annexation to the CFD in the future, with the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed. A reduced copy of the annexation map is attached hereto as Exhibit A.

5. Description of Services. The following is a general description of the services (the “Services”) provided in the CFD:

- A. Landscape Maintenance Services: Maintaining, servicing, and operating landscape improvements and associated appurtenances located within the public right-of-way and within dedicated landscape easements for the CFD. These improvements may include but are not limited to parkways, medians, open space landscaping, fencing, monuments, ornamental lighting, drainage, turf, ground cover, shrubs, vines and trees, irrigation systems, and appurtenant facilities and structures. Fundable costs may include, but are not limited to: (i) contracting costs for landscape maintenance services, including litter removal, (ii) salaries and benefits of City staff, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) City administrative and overhead costs associated with providing such services within the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.
- B. Street Lighting Services: Maintaining, servicing, and operating street lights and appurtenant improvements. Fundable costs may include, but are not limited to: (i) contracting costs for street light maintenance, (ii) salaries and benefits of City staff, if the City directly provides street light maintenance services, (iii) utility expenses and the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) City administrative and overhead costs associated with providing such services for the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

These services are in addition to those provided in the territory within the CFD prior to the establishment of the CFD and that such Services will not supplant services already available within the territory. Not all of the listed services are provided to every parcel in the CFD. The actual services provided depend on the Tax Rate Area to which the parcel is assigned. The City may, at some future point, add additional services to the CFD. Any such changes will only affect parcels annexed to the CFD after such changes are made.

6. Special Tax. Except where funds are otherwise available, a special tax sufficient to pay for the Services, secured by recordation of a continuing lien against all nonexempt real property in the district, will be annually levied within the CFD (the "Special Tax"). Under no circumstances will the special tax levied in any fiscal year against any parcel be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the district by more than 10 percent above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. A complete description of the rate and method of apportionment of the Special Tax is attached hereto as Exhibit "B" and incorporated herein.

The Special Tax will be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. Notwithstanding the forgoing, any Special Taxes that cannot be collected on the County tax roll, or are not so collected, may be collected through direct billing by the City.

The rate and method of apportionment attached hereto represents a restatement of the existing rate and method of apportionment, amended to provide for Tax Rate Area Nos. LM-01 and SL-01. For clarity, the text of the existing RMA has been reorganized and edited. As explained in more detail in Section J of the RMA, the existing Tax Rate Area of the CFD (currently designated Tax Rate Area No. 1) has been redesignated as Tax Rate Area No. LM-01 and SL-01, and all territory currently assigned to Tax Rate Area No. 1 is assigned to these newly designated Tax Rate Areas under the restated RMA.

Tax Rate Area No. LM-01 is the rate for territory in the CFD that is provided with landscape maintenance services for the public landscaping maintained in connection with Tax Rate Area No. LM-01. Tax Rate Area No. SL-01 is the rate for territory in the CFD that is provided with standard residential street lighting services on publicly accepted and maintained streets.

The designated future annexation area is designated for annexation as part of both Tax Rate Areas; and any annexation action shall specify to which Tax Rate Area(s) the annexed territory will be added. As the total costs associated with a Tax Rate Area can be anticipated to increase proportionately with the number of parcels in the Tax Rate Area, the addition of parcels will not require a change in the existing tax rate formula.

7. Public Hearing. On October 14, 2014, at 6:00 PM (or as soon thereafter as practical), in the City Council Chamber located at 14177 Frederick Street, Moreno Valley, California 92553, the City Council will hold a public hearing on the designation of territory for annexation to the CFD in the future. At the Hearing, the testimony of all interested persons or taxpayers will be heard. At the Hearing, protests against the designation of territory for annexation to the CFD in the future may be made in writing by any interested person or taxpayer. If a written majority protest against the designation is filed (as determined in accordance with Section 53339.6 of the Act), the proceedings shall be abandoned.

8. Public Interest. Pursuant to Section 53329.5(c) of the Act, the City Council finds that the public interest will not be served by allowing property owners in the CFD to enter into a contract pursuant to Section 53329.5(a) of the Act.

9. This Resolution shall be effective immediately upon adoption.

10. The City Clerk shall cause Annexation Map No. 1, as approved, to be filed in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution and shall give notice of the public hearing as required by law.

11. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file as a public record this Resolution.

APPROVED AND ADOPTED this 26th day of August, 2014

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

4
Resolution No. 2014-73
Date Adopted: August 26, 2014

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. 2014-73 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of August, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

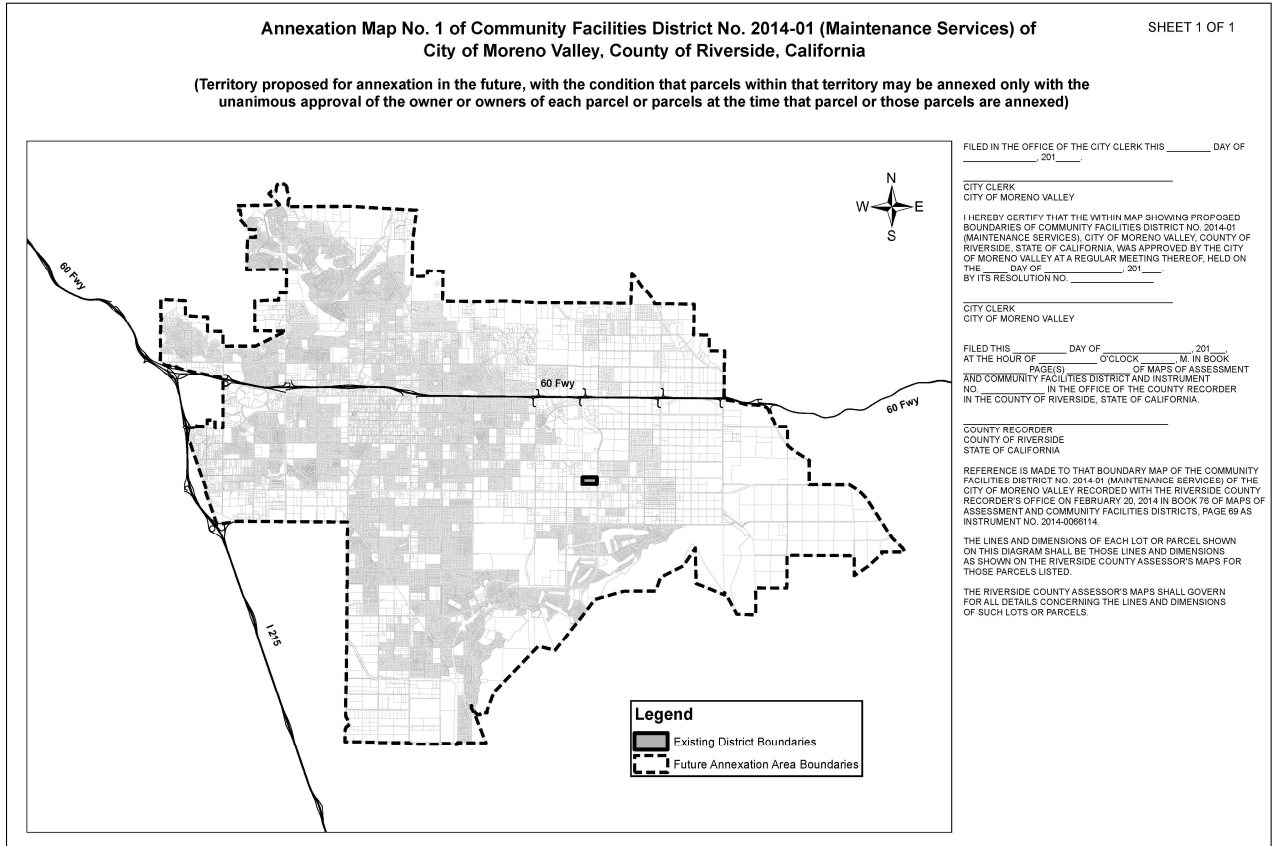
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

5
Resolution No. 2014-73
Date Adopted: August 26, 2014

EXHIBIT A Annexation Boundary Map No. 1



6
Resolution No. 2014-73
Date Adopted: August 26, 2014

EXHIBIT B

Amended and Restated RMA



FIRST AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*).

"Administrative Expenses" means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administering the levy and collection of the Special Taxes.

"CFD" means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).

"City" means the City of Moreno Valley.

"Fiscal Year" means the period starting July 1 and ending the following June 30.

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Resolution No. 2014-73
Date Adopted: August 26, 2014

“**Lot**” means property within a recorded Final Map, which is identified by a lot number for which a building permit could be issued.

“**Maximum Special Tax**” means the Maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor’s Parcel.

“**Property Owner Association Property**” means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

“**Proportionately**” means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels within each Land Use Class within each Tax Rate Area.

“**Public Property**” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.

“**Special Tax**” means the Special Tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“**Special Tax Requirement**” means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor’s Parcels within the boundaries of the CFD other than Public Property, Property Owner Association Property, or property exempted by law from the Special Tax.

“**Tax-Exempt Property**” means an Assessor’s Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property owned in common.

“**Tax Rate Area**” means a grouping of parcels that are taxed to fund a specific service. For example, Tax Rate Area No. SL-01 includes all parcels that are taxed for standard residential street lighting services on publicly accepted and maintained streets and Tax Rate Area No. LM-01 includes all parcels that are taxed for landscape maintenance services for the public landscaping maintained in connection with Tax Rate Area No.

LM-01. Tax Rate Areas may be created from time to time, and each parcel annexed to the CFD shall, at the time it is annexed, be assigned to one or more Tax Rate Area(s) by action of the City Council (with the consent of the property owner or with voter approval).

B. MAXIMUM SPECIAL TAX RATES

Each Tax Rate Area has a separate Maximum Special Tax for Taxable Property. On each July 1 following its indicated “base year”, the Maximum Special Tax for Taxable Property for a Tax Rate Area shall be increased in accordance with the Annual Escalation Factor. No Special Tax shall be levied on Tax-Exempt Property.

1. Tax Rate Area No. LM-01 (Residential Landscaping)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. LM-01 will be \$468.36 per Lot. The base year for Tax Rate Area No. LM-01 is Fiscal Year 2014/15.

2. Tax Rate Area No. SL-01 (Residential Street Lighting)

The Maximum Special Tax for Taxable Property in Tax Rate Area No. SL-01 will be \$197.39 per Lot. The base year for Tax Rate Area No. SL-01 is Fiscal Year 2014/15.

C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

For each Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor’s Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.

D. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.

The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

E. MANNER OF COLLECTION

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale, and lien priority in any case of delinquency as applicable for ad valorem taxes.

F. PREPAYMENT OF SPECIAL TAX OBLIGATION

The Special Tax may not be prepaid.

G. TERM OF SPECIAL TAX

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

H. ANNEXATIONS

It is intended that territory will, from time to time, be annexed to the CFD. Such territory will be assigned to new Tax Rate Areas, existing Tax Rate Areas, or a combination of new and existing Tax Rate Areas. In the event annexed territory is assigned to an existing Tax Rate Area, services (of a nature similar to those already provided in connection with the Tax Rate Area) will be provided to the annexed territory (or public improvements associated with the annexed territory).

I. RESTATEMENT

This document has been amended and restated from its original form. The purpose of restatements is to maintain the clarity of this document over time; to allow the document to be relevant to both existing and newly annexed parcels; and to aid in the efficient administration of the CFD. Amendments, except where approved by the relevant property owners, are not intended to increase the Maximum Special Tax Rate(s) applicable to parcels already a part of the CFD at the time of the amendment. To the extent an amendment inadvertently increases the Maximum Special Tax Rate(s) applicable to a Parcel, the Maximum Special Tax Rate(s) (adjusted by any associated Annual Escalation Factor) consented to by the owners of that Parcel at the time the Parcel was annexed to the CFD (or the voter-approved Maximum Special Tax Rate(s)) shall apply to that Parcel.

For purposes of the preceding paragraph, with respect to actions that occurred before a Parcel (the "Current Parcel") existed, the owners of the Current Parcel shall be understood to mean the owners of the Parcel that included the territory of the Current Parcel at the time the action occurred.

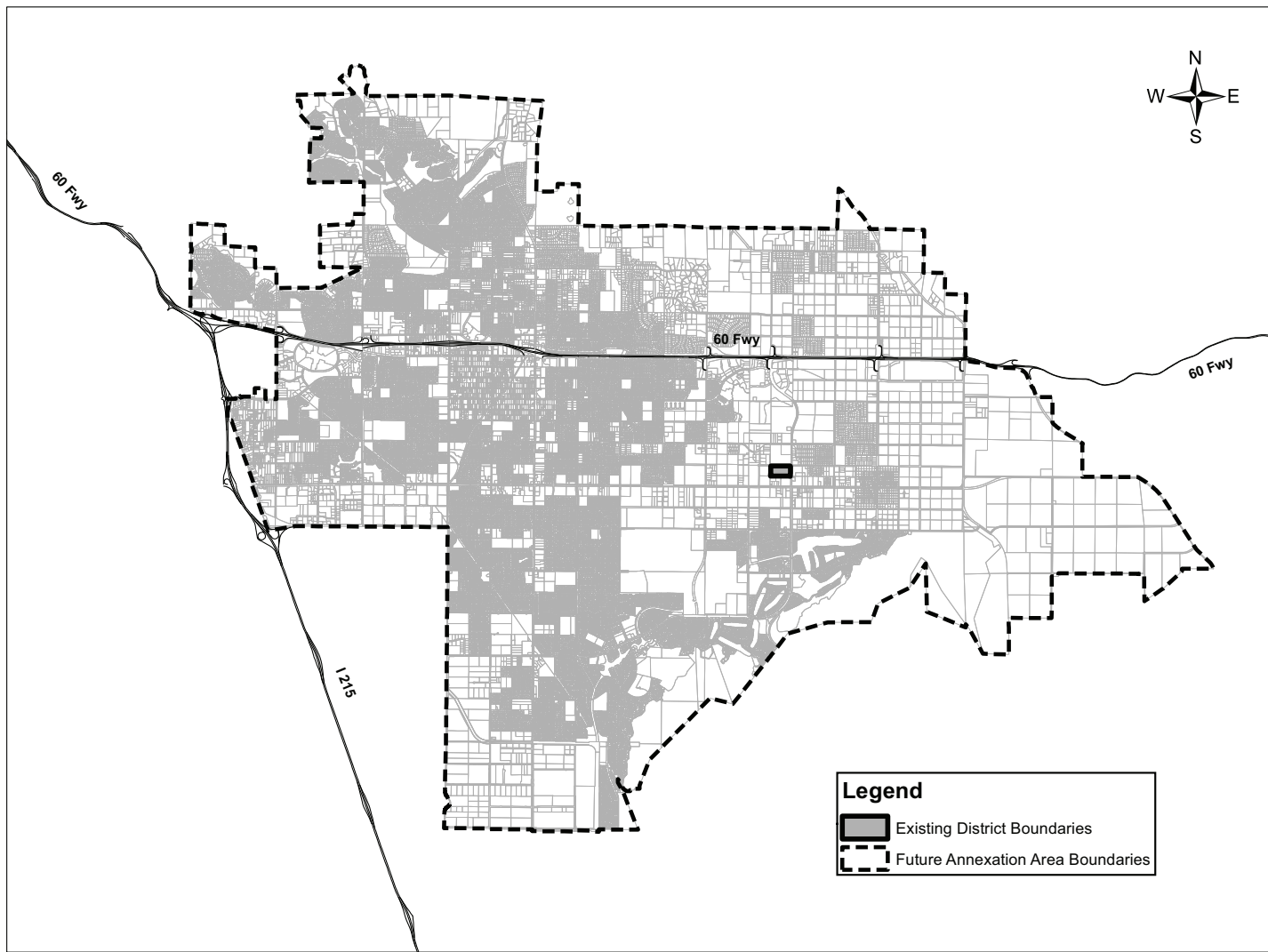
J. FORMER TAX RATE AREA NO. 1

Note that the Tax Rate Area that was designated Tax Rate Area No. 1 in previous versions of this document has been redesignated as Tax Rate Area Nos. LM-01 and SL-01 (the "Successor Areas"). The combined Maximum Special Tax Rates of the Successor Areas is equal to the Maximum Special Tax Rate for former Tax Rate Area No. 1 and, together, the Successor Areas fund all services funded by the former Tax Rate Area No. 1. This change was made for administrative convenience and is not intended to increase the tax on the parcels included in former Tax Rate Area No. 1.

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Annexation Map No. 1 of Community Facilities District No. 2014-01 (Maintenance Services) of City of Moreno Valley, County of Riverside, California

(Territory proposed for annexation in the future, with the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed)



Legend

- Existing District Boundaries
- Future Annexation Area Boundaries

FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____, 201_____.

CITY CLERK
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 201_____. BY ITS RESOLUTION NO. _____.

CITY CLERK
CITY OF MORENO VALLEY

FILED THIS _____ DAY OF _____, 201_____, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AND INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF THE COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) OF THE CITY OF MORENO VALLEY RECORDED WITH THE RIVERSIDE COUNTY RECORDER'S OFFICE ON FEBRUARY 20, 2014 IN BOOK 76 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 69 AS INSTRUMENT NO. 2014-0066114.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

-1965-

Item No. G.3

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FIRST AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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The terms hereinafter set forth have the following meanings:

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“**Annual Escalation Factor**” means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor’s Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.

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J. FORMER TAX RATE AREA NO. 1

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~~CITY OF MORENO VALLEY COMMUNITY FACILITIES~~
~~DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)~~
FIRST AMENDED AND RESTATED
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year ~~commencing in Fiscal Year 2014/15~~ in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

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“Proportionately” means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class within each Tax Rate Area.

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~~The Maximum Special Tax for Taxable Property in Tax Rate Area No. 1 will be \$665.75 per Lot~~

~~On each July 1 following the Base Year, its indicated “base year”, the Maximum Special Tax rates for Taxable Property for a Tax Rate Area shall be increased in accordance with the Annual Escalation Factor.~~

~~A different Maximum Special Tax shall be identified for Tax Rate Areas added to the CFD as a result of future annexations.~~

~~2. Tax-Exempt Property~~

~~No Special Tax shall be levied on Tax-Exempt Property.~~

1. Tax Rate Area No. LM-01 (Residential Landscaping)

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H. ANNEXATIONS

It is intended that territory will, from time to time, be annexed to the CFD. Such territory will be assigned to new Tax Rate Areas, existing Tax Rate Areas, or a combination of new and existing Tax Rate Areas. In the event annexed territory is assigned to an existing Tax Rate Area, services (of a nature similar to those already provided in connection with the Tax Rate Area) will be provided to the annexed territory (or public improvements associated with the annexed territory).

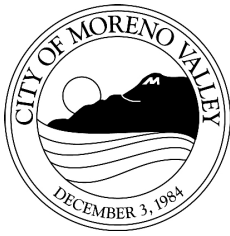
I. RESTATEMENT

This document has been amended and restated from its original form. The purpose of restatements is to maintain the clarity of this document over time; to allow the document to be relevant to both existing and newly annexed parcels; and to aid in the efficient administration of the CFD. Amendments, except where approved by the relevant property owners, are not intended to increase the Maximum Special Tax Rate(s) applicable to parcels already a part of the CFD at the time of the amendment. To the extent an amendment inadvertently increases the Maximum Special Tax Rate(s) applicable to a Parcel, the Maximum Special Tax Rate(s) (adjusted by any associated Annual Escalation Factor) consented to by the owners of that Parcel at the time the Parcel was annexed to the CFD (or the voter-approved Maximum Special Tax Rate(s)) shall apply to that Parcel.

For purposes of the preceding paragraph, with respect to actions that occurred before a Parcel (the "Current Parcel") existed, the owners of the Current Parcel shall be understood to mean the owners of the Parcel that included the territory of the Current Parcel at the time the action occurred.

J. FORMER TAX RATE AREA NO. 1

Note that the Tax Rate Area that was designated Tax Rate Area No. 1 in previous versions of this document has been redesignated as Tax Rate Area Nos. LM-01 and SL-01 (the "Successor Areas"). The combined Maximum Special Tax Rates of the Successor Areas is equal to the Maximum Special Tax Rate for former Tax Rate Area No. 1 and, together, the Successor Areas fund all services funded by the former Tax Rate Area No. 1. This change was made for administrative convenience and is not intended to increase the tax on the parcels included in former Tax Rate Area No. 1.



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: August 26, 2014

TITLE: AUGUST 2014 COUNCIL COMMITTEE PARTICIPATION APPOINTMENTS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Appoint Council Member George E. Price to serve as the City of Moreno Valley's alternate representative on the Riverside County Transportation Commission (RCTC).
2. Appoint Council Member George E. Price to serve as the City of Moreno Valley's alternate representative on the Western Riverside Council of Governments (WRCOG).
3. Approve the appointments to the remaining various committees and regional bodies, as highlighted on the August 2014 Council Committee Participation – Mayor's Recommendations list.

SUMMARY

Due to the City Council District 4 vacancy, Mayor Jesse L. Molina compiled the August 2014 Council Committee Participation list to fill the vacant positions on various committees and regional bodies.

It was determined it would be appropriate for the City Council to make a separate motion for each agency that pays a stipend.

NOTIFICATION

Publication of the Agenda

ATTACHMENTS

1. August 2014 Council Committee Participation – Mayor’s Recommendations List
2. 2014 Meeting Schedule

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

**CITY COUNCIL
AUGUST 2014 COUNCIL COMMITTEE PARTICIPATION
Mayor's Recommendations**

CITY COUNCIL ADVISORY COMMISSIONS/ BOARDS:

	<i>Primary</i>	<i>Alternate</i>
Arts Commission	PRICE	STEWART
Emerging Leaders Council	MOLINA	BACA
Environmental and Historical Preservation Board	STEWART	PRICE
July 4th Advisory Board	BACA	PRICE
Library Commission	BACA	PRICE
Parks & Recreation Commission	PRICE	BACA
Recreational Trails Board	MOLINA	PRICE
Senior Citizens' Board	MOLINA	BACA
Traffic Safety Commission	STEWART	MOLINA
Utilities Commission	BACA	MOLINA

CITY COUNCIL SUBCOMMITTEES:

Economic Development Subcommittee	MOLINA/BACA	STEWART
Finance Subcommittee	MOLINA/BACA	PRICE
Public Safety Subcommittee	STEWART/BACA	MOLINA

INTER-AGENCY:

March Joint Powers Commission (JPC)	STEWART/BACA	MOLINA
School Districts/City Joint Task Force	BACA/STEWART	MOLINA
*Riverside County Habitat Conservation Agency (RCHCA)	STEWART	PRICE
*Riverside County Transportation Commission (RCTC)	MOLINA	PRICE
*Riverside Transit Agency (RTA)	MOLINA	BACA
*Western Riverside Council of Governments (WRCOG)	BACA	PRICE
*Western Riverside County Regional Conservation Authority (RCA)	STEWART	PRICE

* Mayor participation or designee

8/26/2014

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2014 MEETING SCHEDULE

Appointing Authority	Committee	Meeting Time	Meeting Schedule	Meeting Location	Meeting Address	Stipend
CITY ADVISORY BOARDS/COMMISSIONS						
Mayor	Arts Commission	6:30 p.m.	4th Wednesday of each month	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Environmental and Historical Preservation Board	7:00 p.m.	2nd Monday of each odd numbered month	Council Chamber	14177 Frederick Street Moreno Valley	N/A
Mayor	Emerging Leaders	6:00 p.m.	4th Monday of each month	Council Chamber	14177 Frederick Street Moreno Valley	N/A
Mayor	July 4th Advisory Board	6:00 p.m.	3rd Monday of each month	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Library Commission	7:00 p.m.	3rd Thursday of each month	Library	25048 Alessandro Blvd. Moreno Valley	N/A
Mayor	Parks and Recreation Commission	6:00 p.m.	2nd Thursday of each month	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Recreational Trails Board	5:00 p.m.	4th Wednesday of each odd numbered month	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	Senior Citizens' Board	3:00 p.m.	3rd Monday of each month	Senior Community Center	25075 Fir Avenue Moreno Valley	N/A
Mayor	Traffic Safety Commission	6:00 p.m.	1st Wednesday of each month	Council Chamber	14177 Frederick Street Moreno Valley	N/A
Mayor	Utilities Commission	6:00 p.m.	3rd Friday of each month	Council Chamber	14177 Frederick Street Moreno Valley	N/A
COUNCIL SUBCOMMITTEES						
Mayor	Economic Development Subcommittee	2:00 p.m.	1st Thurs. of each month	Training Room	14177 Frederick Street	N/A
Mayor	Finance Subcommittee		No established time/day	Training Room	14177 Frederick Street	N/A
Mayor	Public Safety Subcommittee	10:00 a.m.	Generally on a Monday of each month	Training Room	14177 Frederick Street	N/A
INTER-AGENCIES						
Mayor	<i>League of California Cities (LCC) Riverside County Division</i>	6:00 p.m.	2nd Monday of odd numbered month	Varies	Varies	N/A
Mayor	<i>Riverside County Habitat Conservation Agency (RCHCA)</i>	10:00 a.m.	Quarterly, 3rd Thursday Feb., May, Sept., Nov.	County Admin Center	4080 Lemon St., 1st Floor Board Chamber, Riverside	\$100 per meeting
Mayor	<i>Western Riverside County Regional Conservation Authority (RCA)</i>	12:30 p.m.	1st Monday of each month	County Admin Center	4080 Lemon St., 1st Floor Board Chamber, Riverside	\$100 per meeting Mileage @ IRS rate
Mayor	<i>School Districts/City Joint Task Force</i>	12:00 p.m. - 1:00 p.m.	About every six weeks,	Conference and Rec Center	14075 Frederick Street Moreno Valley	N/A
Mayor	<i>March Joint Powers Commission (MJPC)</i>	8:30 a.m.	3rd Wed. of each month	JPA Conference Center	23533 Meyer Drive, Riverside	\$100 per meeting
		8:30 a.m.	1st Wed. of each month Study Session	JPA Conference Center	23533 Meyer Drive, Riverside	\$100 per meeting
Mayor	<i>Riverside Transit Agency (RTA)</i>	2:00 p.m.	4th Thursday of each month	County Admin Center	4080 Lemon St., 1st Floor Board Chamber, Riverside	\$150 per day \$600 cap per month
RTA	RTA Operations Committee	1:00 p.m.	1st Wednesday of each month	RTA Office	1825 3rd Street, Riverside	\$150 per day \$600 cap per month
RTA	RTA Transportation NOW (T-NOW)	11:30 a.m.	3rd Thursday of each month	Council Chamber	14177 Frederick Street Moreno Valley	\$150 per day \$600 cap per month

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Item No. G.4

2014 MEETING SCHEDULE

Appointing Authority	Committee	Meeting Time	Meeting Schedule	Meeting Location	Meeting Address	Stipend
INTER-AGENCIES (cont.)						
Mayor	<i>Riverside County Transportation Commission (RCTC)</i>	9:30 a.m.	2nd Wednesday of each month	County Admin Center	4080 Lemon St., 1st Floor Board Chambers, Riverside	\$100 per day, 4 days a month max
RCTC	Mid County Parkway		as needed basis	County Admin Center	4080 Lemon St., 3rd Floor Riverside	\$100 per day, 4 days a month max
RCTC	RCTC Programs and Projects	1:30 p.m.	4th Monday of each month	County Admin Center	4080 Lemon St., 1st Floor, Board Chambers, Riverside	\$100 per day, 4 days a month max
RCTC	San Jancinto Branch Line		as needed basis	County Admin Center	4080 Lemon St., 3rd Floor Riverside	\$100 per day, 4 days a month max
RCTC	State Route 91 Corridor Improvement Project Property		as needed basis	County Admin Center	4080 Lemon St., 3rd Floor Riverside	\$100 per day, 4 days a month max
Mayor	<i>Western Riverside Council of Governments Executive Committee (WRCOG)</i>	2:00 p.m.	1st Monday of each month	County Admin Center	4080 Lemon Street, 1st Floor Board Chambers, Riverside	\$150 per meeting
WRCOG	Administrative & Finance Subcommittee	12:00 p.m.	2nd Wednesday of each month	County Admin Center	4080 Lemon St., 4th Floor, Conf. Room A, Riverside	\$150 per meeting
County of Riverside	Airport Land Use Commission (ALUC)	9:00 a.m. - 11:00 a.m.	2nd Thursday of each month	County Admin Center	County Administration Center 4080 Lemon Street Board Room - 1st Floor	\$150 per day



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

Report to City Council

TO: Mayor and City Council

FROM: Suzanne Bryant, City Attorney

AGENDA DATE: August 26, 2014

TITLE: CONSIDERATION OF THE PROCEDURAL OPTIONS TO FILL THE VACANCY ON THE COUNCIL IN DISTRICT 4

RECOMMENDED ACTION

Recommendation: That the City Council:

1. Consider the procedural options to fill the vacant Council seat in District 4.

BACKGROUND

The vacancy in District 4 commenced on August 5, 2014.

DISCUSSION

State law provides that once a vacancy occurs on the City Council, the City Council, shall, within 60 days of the commencement of the vacancy, fill the vacancy by appointment or by calling a special election to fill the vacancy. Govt. Code § 36512. Sixty days after the commencement of the vacancy in District 4 is October 4, 2014. A person appointed or elected to fill a vacancy holds the office for the unexpired term.

The Council has these options:

Appoint a Successor for the Remainder of the Term – The Council may appoint a successor to hold office for the unexpired term. Govt. Code § 36512(b). The Council has broad authority to conduct the process and make the appointment in the manner that it deems best. The Council could choose to directly appoint an individual to fill the vacancy with a majority vote of the Council. The Council could also consider an application and interview process to fill the vacancy.

Call a Special Election to Fill the Vacancy – If a special election is called, a special election must be held on the next regularly established election date not less than 114 days from the call of the special election. Govt. Code § 36512(b). The next regularly established election date that is more than 114 days from today would be after the election already scheduled for November 4, 2014. Because the next regularly scheduled election is November 4, 2014, there is not enough time to hold a special election to fill this vacancy.

The election already scheduled for November 4, 2014 will bring a successor to the District 4 seat.

FISCAL IMPACT

Fiscal impact could vary based on selection of option.

NOTIFICATION

Publication of the agenda.

ATTACHMENTS

None.

Prepared By:
Suzanne Bryant
City Attorney