

**Community Development Department
Planning Division**

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Date: August 17, 2023
To: Responsible and Trustee Agencies/Interested Organizations and Individuals
Subject: **Notice of Preparation of a Draft Environmental Impact Report**

Lead Agency:

CITY OF MORENO VALLEY
Community Development Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552
(951) 413-3206 / Email: juang@moval.org
Contact: Juan Galvan, Contract Planner

EIR Consulting Firm:

APPLIED PLANNING, INC.
11762 De Palma Road, 1-C 310
Corona, California 92883
(909) 937-0333
Contact: Ross S. Geller

The City of Moreno Valley (City), as the Lead Agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for the Moreno Valley Business Park Building 5 Project (Project). In accordance with Section 15082 of the CEQA Guidelines, the City has issued this Notice of Preparation (NOP) to provide responsible and trustee agencies and interested parties with information describing the proposed Project and its potential environmental effects.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice or September 18, 2023.

Please send your response to Mr. Juan Galvan at the City of Moreno Valley address listed above. Please include the name, phone number, and address of a contact person in your response. If your agency or organization will be a responsible or trustee agency for this Project, please so indicate.

Project Title: Moreno Valley Business Park Building 5 Project

Location: The Project site is located north of SR-60 (E-W) at Heacock Street (N-S) in the northwest portion of the City of Moreno Valley, in western Riverside County, California. The Project site comprises approximately 9.98 acres within Specific Plan no. 205, located immediately southeast of Ironwood Avenue (E-W) at Heacock Street (N-S) (see Figure 1). The Project site comprises Assessor Parcel Numbers 481-020-013, -029, -030, -034, -035, and -038.

Description: The Project includes the following discretionary actions under consideration by the City of Moreno Valley:

- 1) **PEN23-0063 (EIR)** Certification of the Moreno Valley Business Park Building 5 Project Final Environmental Impact Report.

- 2) **PEN23-0092 (Specific Plan Amendment No. 2)** amends the Specific Plan No. 205 Land Use Plan for the properties (approximately 9,98 acres) excluded under Specific Plan No. 205 Amendment No. 1. The Project would change the Specific Plan Land Use for these 9.98 acres from "Commercial/Retail" to "Mixed of Uses," enabling the development of up to 212,313 square feet of light industrial uses (see Figure 2).
- 3) **PEN23-0042 (Plot Plan)** allows the construction of an approximate 212,313 square-foot industrial tilt-up building at the southeast corner of Ironwood Avenue at Heacock Street.

ENVIRONMENTAL ISSUES TO BE EVALUATED IN THE EIR

The City of Moreno Valley has determined that an EIR will be prepared for the Project based on its potential to cause significant environmental effects. The EIR will be prepared as a "Project" EIR pursuant to CEQA Guidelines Section 15161. The following issues are anticipated to be addressed:

- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Energy
- Geology and Soils (Paleontological Resources Only)
- Greenhouse Gas (GHG) Emissions/Global Climate Change
- Land Use and Planning
- Noise
- Transportation

The EIR will assess the effects of the Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts and discuss potentially feasible alternatives to the Project that may accomplish basic objectives while lessening or eliminating any potentially significant Project-related impacts. A mitigation monitoring program also will be developed as required by Section 15150 of the CEQA Guidelines.

This NOP is subject to a minimum 30-day review period per Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082. During the public review period, public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project and identify those environmental issues that have the potential to be affected by the Project and should be addressed further by the City of Moreno Valley in the EIR.

SCOPING MEETING

In accordance with Section 21083.9(a)(2) of the Public Resources Code and CEQA Guidelines Section 15082(c), the City will hold a public scope meeting, where agencies, organizations, and members of the public will receive a brief presentation on the Project and the CEQA process. The scoping meeting will be held on September 7, 2023, at 6:00 PM in the City Council Chambers.

Please contact the Community Development Department, Planning Division at (951) 413-3206 if you have any questions.

Sincerely,

Sean P. Kelleher
Community Development Director

Enclosures:

Figure 1: Project Location

Figure 2: Site Plan Concept



NOT TO SCALE
Source: Google Earth; Applied Planning, Inc.

Figure 1
Project Location

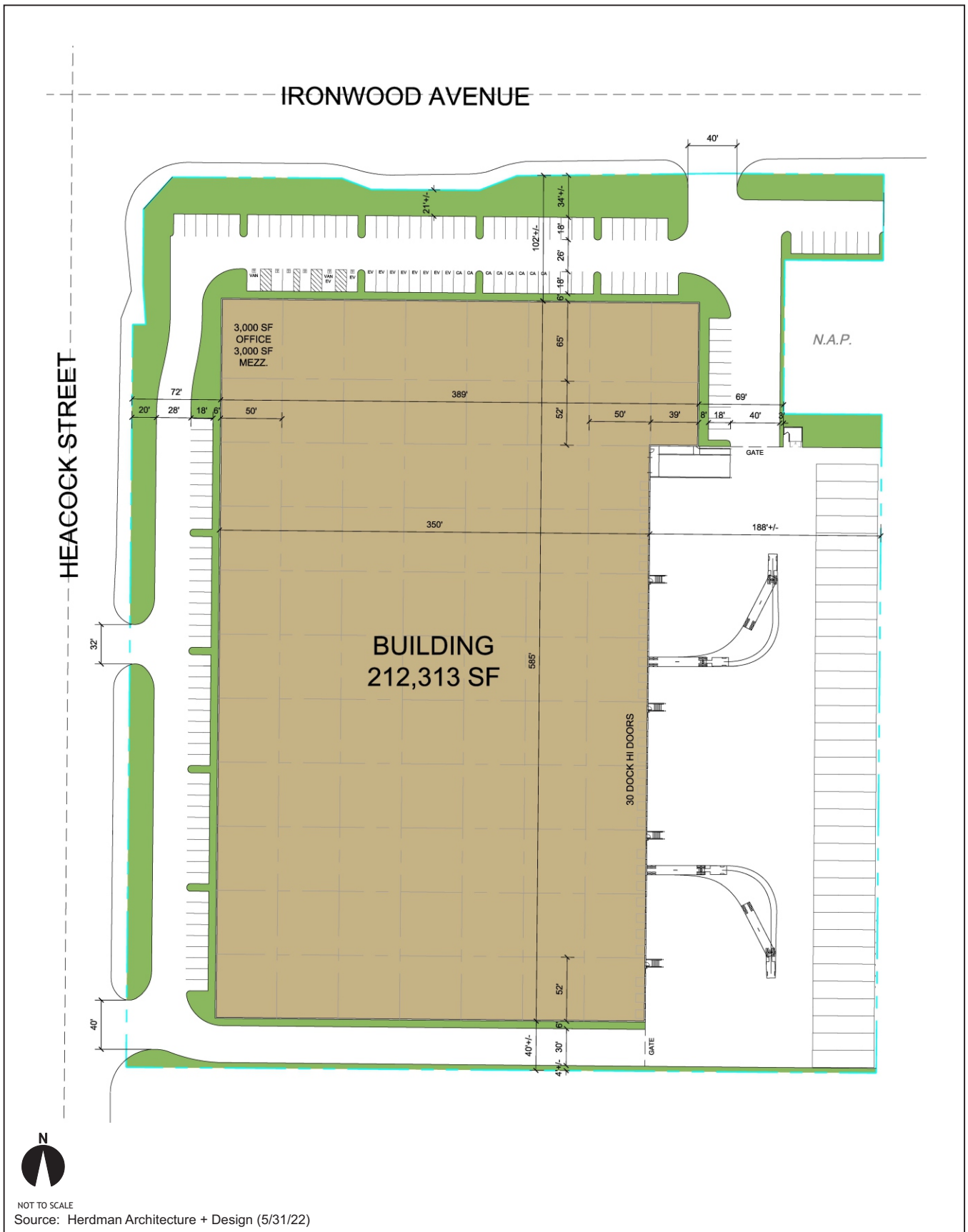


Figure 2
Site Plan Concept

Moreno Valley Business Park Building 5 Project

Summary

SCH Number	2023080366
Lead Agency	City of Moreno Valley
Document Title	Moreno Valley Business Park Building 5 Project
Document Type	NOP - Notice of Preparation of a Draft EIR
Received	8/16/2023
Present Land Use	Present Use: Zoning: General Plan Designation: Specific Plan 205, Commercial/Retail GP = Business Park
Document Description	The proposed Moreno Valley Business Park Building 5 Project (Project) amends the Specific Plan No. 205 Land Use Plan for those properties (approximately 9.98 acres) that were excluded under Specific Plan No. 205, Amendment No. 1. The Project would redesignate the Specific Plan Land Use for these 9.98 acres from “Commercial/Retail” to “Mix of Uses.” Additionally, the Amendment would allow, and the Project proposes, development of up to 212,313 square feet of light industrial uses (Building 5).

Contact Information

Name	Julia Descoteaux
Agency Name	City of Moreno Valley
Job Title	Senior Planner
Contact Types	Lead/Public Agency
Address	14177 Fredrick Street Moreno Valley, CA 92553
Phone	(951) 413-3209
Email	juliad@moval.org

Location

Coordinates	33°56'44.2"N 117°14'32.9"W
Cities	Moreno Valley

Counties	Riverside
Regions	Citywide
Cross Streets	Ironwood Avenue and Heacock Street
Zip	92557
Total Acres	9.98
Parcel #	481-020-013,-029,-030,-034,-035,-038
State Highways	SR-60
Railways	N/A
Airports	N/A
Schools	Moreno Valley Unified
Waterways	N/A
Township	3S
Range	3W
Section	6
Base	SBM

Notice of Completion

State Review Period Start	8/17/2023
State Review Period End	9/18/2023
State Reviewing Agencies	California Air Resources Board (ARB), California Department of Fish and Wildlife, Inland Deserts Region 6 (CDFW), California Department of Parks and Recreation, California Department of Transportation, District 8 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Natural Resources Agency, California Regional Water Quality Control Board, Santa Ana Region 8 (RWQCB), California State Lands Commission (SLC), Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Water Quality, California Native American Heritage Commission (NAHC)
State Reviewing Agency Comments	California Native American Heritage Commission (NAHC)
Development Types	Industrial (Sq. Ft. 212313, Acres 9.98, Employees 150)
Local Actions	Site Plan
Project Issues	Air Quality, Biological Resources, Cumulative Effects, Drainage/Absorption, Geology/Soils, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, Sewer Capacity, Solid Waste, Transportation
Local Review Period Start	8/17/2023
Local Review Period End	9/18/2023

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Moreno Valley Business Park Building 5 Project - IS Summary Form [PDF](#) [237 K](#)

Moreno Valley Business Park Building 5 Project - NOP [PDF](#) [2029 K](#)

Notice of Completion [NOC] Transmittal form

Moreno Valley Business Park Building 5 Project - NOC - Signed [PDF](#) [1012 K](#)

State Comment Letters [Comments from state reviewing agencies]

2023080366_NAHC Comment [PDF](#) [412 K](#)

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PEN23-0092

Vega, Jaqueline <JaVega@RIVCO.ORG>

Tue 9/12/2023 3:38 PM

To: Juan Galvan <juang@moval.org>

Warning: External Email – Watch for Email Red Flags!

Hello Juan,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed project is located outside the AIA and therefore, review by ALUC is not required.

Should you have any questions, please contact me.

Jackie Vega

Urban Regional Planner II



Riverside County Airport Land Use Commission

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[County of Riverside California](#)



09/18/2023

VIA EMAIL ONLY

Juan Galvan, Contract Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Email: juang@moval.org

RE: NOP Comments for the Moreno Valley Business Park Building 5 Project

Dear Mr. Galvan,

The comments are submitted on behalf of Californians Allied for a Responsible Economy ("CARE CA") regarding the Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("DEIR") for the Moreno Valley Business Park Building 5 Project ("the Project"). CARE CA understands that the proposed Project consists of the construction of 212,313 square feet of light industrial uses within an approximately 9.98-acre site.

The goal of an EIR is to provide decisionmakers and the public with detailed information about the effects of a proposed project on the environment, how significant impacts will be minimized and alternatives to the project (Pub. Res. Code § 21002.2). We, therefore, respectfully request a complete analysis of all identified impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives.

I. General Comments

i) Air Quality & Public Health: Given the expected 24 hours a day, 7 days a week operation, the Project would undoubtedly contribute to air pollution. The City must make all efforts to minimize air quality effects to the greatest extent possible. Therefore, the Air Quality analysis should be based on actual emissions data from existing similar sized warehouse projects rather than computer generated estimates. In addition, a Health Risk Assessment (HRA) must be prepared as part of the DEIR that accurately reflects any and all proposed future industrial/warehouse uses, and also accounts for other emission sources such as backup

generators, and forklifts. Furthermore, estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health. Failure to take these measures will result in a DEIR that is deficient in its informational discussion of air quality impacts as they connect to adverse human health effects.

ii) Greenhouse Gas Emissions (GHG): The DEIR can use robust thresholds such as Earthjustice group's net zero emission model for the Project's GHG emissions analysis. Using such a model will enable the City to require effective measures that reduce GHGs or even achieve net zero emissions. In addition, the DEIR must include a detailed discussion on the Applicant's plan to offset the Project's GHG emissions. Any measures to address climate change threats must be considered. After all, it should be all about the letter and spirit of the law!

iii) Cumulative Impacts: People living nearby would face environmental impacts from the cumulative effects of the Project and other surrounding commercial and industrial developments in the area. The EIR must analyze and mitigate this cumulative impact.

iv) Mitigation measures: Mitigation measures must be effective and enforceable. Every effort must be made to incorporate modern technology in the mitigation measures and MMRP. For example, a requirement that all off-road equipment and trucks using the site during construction be zero emission, near-zero emissions or alternative-fueled vehicle would both reduce and/or eliminate air pollution impacts and CO2 emissions.

v) Full Disclosure: Provide all sources and referenced materials when the DEIR is made available.

II. Conclusion

Thank you for the opportunity to submit NOP comments. Again, CARE CA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

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In carrying out its duty to enforce laws across California, the California Attorney General’s Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau’s work on warehouse projects, collecting information gained from the Bureau’s review of hundreds of warehouse projects across the state.³ It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.⁴ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁵ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.⁶ The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.⁷ Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.⁸ This trend has only accelerated, with e-commerce growing to

¹ <https://oag.ca.gov/environment/justice>.

² <https://oag.ca.gov/environment/ceqa>; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

³ This September 2022 version revises and replaces the prior March 2021 version of this document.

⁴ Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

⁵ As used in this document, “warehouse” or “logistics facility” is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

⁶ Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), <https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/> (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

⁷ U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at <https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm> (last accessed September 18, 2022).

⁸ South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.⁹ The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.¹⁰

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California’s environmental justice screening tool, which measures overall pollution and demographic vulnerability.¹³ That

⁹ U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), available at <https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report> (last accessed September 18, 2022).

¹⁰ CBRE Research, *supra* note 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (last accessed September 18, 2022) (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts> (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (last accessed September 18, 2022) (DPM).

¹² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

¹³ South Coast Air Quality Management District, “Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305” (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.¹⁴ Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.¹⁵

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors¹⁶ can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

¹⁴ *Id.* at 5-7.

¹⁵ Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported “riskiness” of loaning to their residents. In California cities where such “redlining” maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded “red,” signifying the least desirable areas where investment was to be avoided. See University of Richmond Digital Scholarship Lab, Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca> (Los Angeles), <https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca> (San Diego), <https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca> (Oakland), <https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca> (Stockton), <https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca> (Fresno) (all last accessed September 18, 2022).

¹⁶ In this document, “sensitive receptors” refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹⁷

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.¹⁸ Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.¹⁹

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

¹⁷ For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹⁸ <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf> (last accessed September 18, 2022).

¹⁹ For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (last accessed September 18, 2022) (Riverside County); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.²⁰
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

²⁰ CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), available at https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.²¹
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

²¹ CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California’s Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage²² to or from the project site to be zero-emission beginning in 2030.

²² “Drayage” refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

- trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
 - Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
 - Designing to LEED green building certification standards.
 - Providing meal options onsite or shuttles between the facility and nearby meal destinations.
 - Posting signs at every truck exit driveway providing directional information to the truck route.
 - Improving and maintaining vegetation and tree canopy for residents in and around the project area.
 - Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
 - Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
 - Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.



August 24, 2023

Julia Descoteaux, Senior Planner
City of Moreno Valley
14177 Fredreck Street
Moreno Valley, CA 92553

RE: Moreno Valley Business Park Building 5 Project, SCH #2023080366

Dear Ms. Descoteaux:

Thank you for the opportunity to provide comments on the Notice of Preparation for the Moreno Valley Business Park Building 5 Project. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a copy of this document to this letter, and it is also available online.³ We encourage you to

¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

³ <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>.

August 24, 2023

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consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Sincerely,



CHRISTIE VOSBURG
Supervising Deputy Attorney General

For ROB BONTA
Attorney General



August 29, 2023

Juan Galvan, Contract Planner
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

Subject: EMWD Comments for the Moreno Valley Business Park Building 5 Project Notice of Preparation of a Draft Environmental Impact Report

Location: North of SR-60 (E-W) at Heacock Street (N-S) in the northwest portion of the City of Moreno Valley, Riverside County, California.

Dear Mr. Juan Galvan:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to comment on the Moreno Valley Business Park Building 5 Project (project) Notice of Preparation (NOP) of an Environmental Impact Report (EIR). The project proposes to amend the Specific Plan No. 205 Land Use Plan for 9.98 acres from “Commercial/Retail” to “Mixed Uses” enabling the construction of an approximate 212,313 square-foot industrial tilt-up building at the southeast corner of Ironwood Avenue and Heacock Street.

EMWD offers the following comments:

To define the impact(s) on the environment and on existing EMWD facilities, and as development within this area occurs over time, the proponents of implementing development projects shall consult EMWD’s Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities.

Board of Directors

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2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org

To help define EMWD's Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page www.emwd.org, then select the "Developer" link, then select the "New Development Process Forms" link. This meeting will offer the following benefits:

1. Describe EMWD's development process
2. Identify project scope and parameters
3. Provide a preliminary review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service
5. Identify project submittal requirements to start the Design Conditions review

Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following:

1. Technical evaluation of the project's demands and existing system capacities
2. Identification of impacts to existing facilities
3. Identification of additional on-site and off-site facilities, necessary to serve the project
4. Identification of easement requirements, if necessary
5. Identification of potential EMWD's cost participation in facility oversizing, if applicable

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by e-mail at El-hagem@emwd.org.

Sincerely,

Alfred Javier
Director of Environmental and Regulatory Compliance

ARJ: hs
Attachments: Copy of Public Notice

NATIVE AMERICAN HERITAGE COMMISSION

August 16, 2023

Governor's Office of Planning & Research

Aug 18 2023

STATE CLEARINGHOUSE

Sean Kelleher
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Re: 2023080366, Moreno Valley Business Park Building 5 Project, Riverside County

Dear Mr. Kelleher:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

[AB 52](#)



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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

252985

September 25, 2023

City of Moreno Valley
Community Development Department Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Attention: Juan Galvan

Re: PEN 23-0092, PEN 23-0042, PEN 23-0063,
APNs 481-020-035, 481-020-029,
481-020-013 and 481-020-038

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received September 11, 2023. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or

finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- This project is located within the limits of the District's Sunnymead Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Sunnymead Master Drainage Plan Line H, and Ironwood Ave.- Sunnymead Master Drainage Plan Line H. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments dated September 11, 2023 for case PEN 23-0063, PEN 23-0092, PEN 23-0042, Moreno Valley Business Park Building 5 Project and September 17, 2020 for case PEN 20-0137 of the same project are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL
Engineering Project Manager

Attachments

c: Riverside County Planning Department
Attn: Timothy Wheeler

EM:mm

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.reflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

252738

September 11, 2023

City of Moreno Valley
Community Development Department Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Attention: Juan Galvan

Re: PEN 23-0063, PEN 23-0092, PEN 23-0042,
Moreno Valley Business Park Building 5
Project, APNs 481-020-013, 481-020-029,
481-020-030, 481-020-034, 481-020-035
and 481-020-038

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received August 18, 2023. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and

Re: PEN 23-0063, PEN 23-0092, PEN 23-0042,
Moreno Valley Business Park Building 5
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and 481-020-038

252738

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- This project is located within the limits of the District's Sunnymead Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Sunnymead Master Drainage Plan Line H, and Ironwood Ave Sunnymead Master Drainage Plan Line H. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments dated January 29, 2021 for case PEN 20-0137, PEN 20-0138 and PEN 20-0139 of the same project site are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL
Engineering Project Manager

Attachment

c: Riverside County Planning Department
Attn: Timothy Wheeler

EM:mm



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

233682

September 17, 2020

City of Moreno Valley
Community Development Department Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Attention: Julia Descoteaux

Re: PEN 20-0137, APN 481-020-013,
481-020-029, 481-020-030,
481-020-035 and 481-020-038

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received September 11, 2020. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension of the adopted _____ Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project is located within the limits of the District's Sunnymead Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious

City of Moreno Valley

Re: PEN 20-0137, APN 481-020-013,
481-020-029, 481-020-030,
481-020-035 and 481-020-038

233682

surface area, applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Ironwood-Sunnymead MDP Line H Storm Drain and Sunnymead MDP Line H. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

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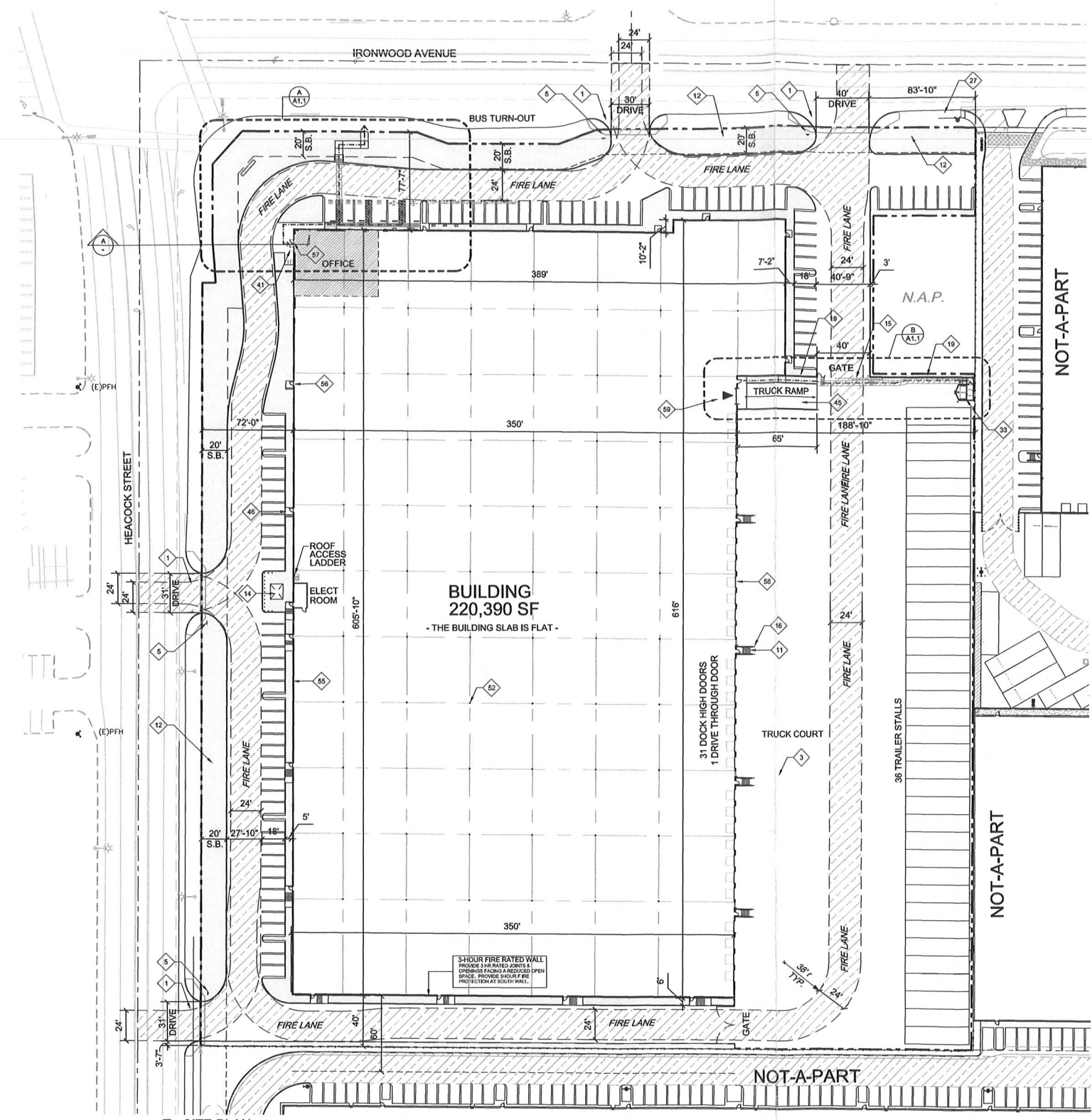
Very truly yours,



DEBORAH DE CHAMBEAU
Engineering Project Manager

cc: Riverside County Planning Department
Attn: John Hildebrand
City of Moreno Valley
Attn: Chris Orsmy

SLJ:blm



A SITE PLAN
SCALE: 1" = 40'

LEGAL DESCRIPTION
LEGAL DESCRIPTION
(APN 481-030-013, 028, 030, 035 & 036)
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
LOTS 1, 2, 3 AND 4 OF BUNNACRE GRADING TRACT IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP OF FILE NO. 14, PAGES 12 AND 13 OF MAPS, RIVERSIDE COUNTY RECORDS.
TOGETHER WITH THE SOUTHERLY 10 FEET OF IRONWOOD AVENUE, AS VALIDATED BY ORDER OF THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY, DATED JUNE 2, 1958, OF FILE NO. SUPERVISOR'S MAP OF BOOK 50, PAGE 306, A CERTIFIED COPY OF WHICH WAS RECORDED JUNE 7, 1958 IN BOOK 708, PAGE 283 OF RECORDS.
EXCEPTING THEREFROM THAT PORTION AS DESCRIBED IN THE DEED TO THE COUNTY OF RIVERSIDE, RECORDED JAN. 19, 1969 AS INSTRUMENT NO. 73738 OF OFFICIAL RECORDS.
ALSO EXCEPTING THEREFROM THAT PORTION OF LOT 1 AS CONVEYED TO EASTERN MUNICIPAL WATER DISTRICT, A PUBLIC AGENCY, AS CONTAINED IN DEED RECORDED NOVEMBER 2, 2010 AS INSTRUMENT NO. 2010-048000 OF OFFICIAL RECORDS OF SAID COUNTY.

PROJECT INFORMATION
BUILDING ADDRESS: T.B.D., MORENO VALLEY, CA
CONSTRUCTION TYPE: III-B
NUMBER OF FLOORS: 1
OCCUPANCY: B (S-I)
FIRE SPRINKLER: YES (E.S.F.R.)
CLEAR HEIGHT: 22' CLEAR AT 6" INCHES FIRST 60FT BAY
ZONING: MU (MIXED USES)
GENERAL PLAN: THE MORENO VALLEY FESTIVAL SP 205
BASIC ALLOWABLE HEIGHT PER C.B.C. TABLE 504.3: 55 FT
BASIC ALLOWABLE STORIES - TYPE III-B PER C.B.C. TABLE 504.4: 1
OCCUPANCY - B - SPRINKLERED 1
OCCUPANCY - S-1 - SPRINKLERED 1
OCCUPANCY GROUP 'B' & 'S-1'

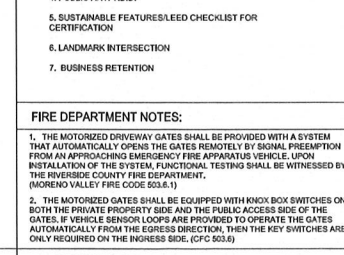
PROJECT DESCRIPTION
CONSTRUCT A NEW SINGLE STORY 220,390 SF CONCRETE TILT-UP WAREHOUSE/DISTRIBUTION FACILITY (214,390 SF WAREHOUSE & 6,000 SF OFFICE) WITH ONE TRASH ENCLOSURE (220 SF), CONCRETE SITE WALLS (13 FT HIGH X 10 LN FT) AND TUBULAR STEEL FENCING (8 FT HIGH X 10 LN FT) AND 31 DOCK DOORS WITH ONE DRIVE THRU LOADING DOOR, ON-SITE AND OFF-SITE IMPROVEMENTS INCLUDING GRADING, STORM DRAIN, WATER, SEWER, FIRE HYDRANTS, LANDSCAPE, IRRIGATION AND HARDSCAPE AND (1) SLIDING METAL GATE AT 8 FT HIGH, (1) SWING GATE AT 8 FT HIGH AND SITE LIGHTING WITH LIGHT POLES.
THERE ARE NO EXISTING STRUCTURES ON-SITE.

UTILITY PROVIDERS
UTILITY PROVIDERS:
CHARTER SPECTRUM (977) 900-9121
EASTERN MUNICIPAL WATER DIST (951) 928-3777
CITY OF MORENO VALLEY (951) 413-3160
SC EDISON COMPANY (909) 855-4555
SC GAS COMPANY (909) 427-2200
RIVERSIDE TRANSIT AGENCY (951) 955-5164
UNDERGROUND SERVICE ALERT (909) 227-3690
MORENO VALLEY UTILITY ADMINISTRATION (951) 413-3500
CROWN CASTLE (888) 632-0631

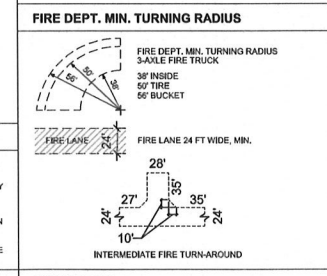
CONTACT INFORMATION
OWNER:
LECO MVP, LLC
3010 OLD RANCH PARKWAY - SUITE 470
SEAL BEACH, CA 90740
CONTACT: RYAN MARTIN
PHONE: 303.419-6750
EMAIL: RMARTIN@LECOG.COM
ARCHITECT:
HERDMAN ARCHITECTURE+DESIGN, INC.
16201 SCIENTIFIC WAY
IRVINE, CALIFORNIA 92618
CONTACT: BRIDGET HERDMAN
(714) 369-2800
EMAIL: bridget@herdman-ad.com

PROPOSED INCENTIVES FOR INCREASED COVERAGE
1. LOT CONSOLIDATION (AS INDICATED PER CIVL DWGS)
2. RECIPROCAL DRIVEWAY ACCESS
3. PEDESTRIAN BUILDING ORIENTATION
4. PUBLIC ART: T.B.D.
5. SUSTAINABLE FEATURES/LEED CHECKLIST FOR CERTIFICATION
6. LANDMARK INTERSECTION
7. BUSINESS RETENTION

FIRE DEPARTMENT NOTES:
1. THE MOTORIZED DRIVEWAY GATES SHALL BE PROVIDED WITH A SYSTEM THAT AUTOMATICALLY OPENS THE GATES REMOTELY BY SIGNAL PREEMPTION FROM AN APPROACHING EMERGENCY FIRE APPARATUS VEHICLE UPON INSTALLATION OF THE SYSTEM. FUNCTIONAL TESTING SHALL BE WITNESSED BY THE RIVERSIDE COUNTY FIRE DEPARTMENT. (MORENO VALLEY FIRE CODE 604.1)
2. THE MOTORIZED GATES SHALL BE EQUIPPED WITH KNOX BOX SWITCHES ON BOTH THE PRIVATE PROPERTY SIDE AND THE PUBLIC ACCESS SIDE OF THE GATES. IF VEHICLE SENSORS ARE PROVIDED TO OPERATE THE GATES AUTOMATICALLY FROM THE EGRESS DIRECTION, THEN THE KEY SWITCHES ARE ONLY REQUIRED ON THE INGRESS SIDE. (CFC 603.6)



- SITE PLAN KEY NOTES**
- NEW DRIVE CUT, PER CITY OR COUNTY STANDARDS. REFER TO LANDSCAPE DRAWINGS FOR ENHANCED PAVING DESIGN IF APPLICABLE. REFER TO CIVIL DRAWINGS FOR ADDITIONAL INFO.
 - ASPHALT PAVING, TYP. REFER TO SOILS REPORT @ CIVIL DRAWINGS FOR ADDITIONAL DESIGN CRITERIA.
 - CONCRETE PAVING, REFER TO CIVIL DRAWINGS FOR SECTION AND DRAINAGE. G.C. TO COORDINATE WITH SOILS REPORT. REFER TO STRUCTURAL DRAWINGS FOR CONCRETE DESIGN AT TRUCK APRONS IF APPLICABLE.
 - TRUNCATED DOMES
 - ADA SITE ENTRY SIGN PER CODE, TYP.
 - ADA PARKING STALL SIGN PER CODE, TYP. PROVIDE AT ALL ADA STALLS.
 - ADA PATH OF TRAVEL
 - PRECAST CONCRETE WHEEL STOP
 - ZERO CURB FACE.
 - CONCRETE WALK, SEE SITE PLAN FOR ADA PATH OF TRAVEL. 4" MIN THICKNESS, SCORE CONCRETE @ 5" O.C., PROVIDE A LIGHT BROOM FINISH. REFER TO LANDSCAPE DRAWINGS FOR SPECIALTY CONCRETE FINISHING, TYP. REFER TO SOILS REPORT FOR ADDITIONAL MIN. REQ.
 - EXTERIOR CONCRETE STAIR W/CONCRETE WALLS. WALLS & RAILINGS PAINTED PER EXTERIOR COLOR SCHEDULE. REFER TO CIVIL AND STRUCTURAL DRAWINGS
 - LANDSCAPE AREA - SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION
 - PROPOSED TRANSFORMER LOCATION, PROVIDE BOLLARDS PER UTILITY COMPANY REQUIREMENTS, SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
 - SLIDING METAL GATE, ELECTRONICALLY OR MANUALLY OPERATED, PROVIDE CONDUIT TO GUARD SHACK AND OFFICE AREA FOR GATE CONTROL @ INTERCOM, PROVIDE KNOX PAD PER FIRE DEPT. STD.
 - PROTECTIVE METAL BOLLARDS, CONCRETE FILLED, PAINTED, TYP.
 - CONCRETE TILT-UP SCREEN WALL, PAINTED
 - CHAIN LINK FENCE, 8 FT HIGH, WITH SLATS
 - METAL TUBE STEEL FENCE PAINTED, 8 FT HIGH
 - PUBLIC SIDE WALK, REFER TO CIVIL DRAWINGS.
 - SECURE BICYCLE RACK, REFER TO LANDSCAPE PLANS FOR MODEL SPECIFICATION AND ADDITIONAL INFORMATION.
 - UNDERGROUND STORAGE, REFER TO CIVIL DRAWINGS FOR ADDITIONAL INFO.
 - CONCRETE TRASH ENCLOSURE PER CITY REQUIREMENTS.
 - PROVIDE AN EXIT SWING GATE 3'-0" WIDE X 7'-0" FROM THE ENCLOSED YARD, PROVIDE KNOX PAD PER FIRE DEPT. STANDARDS.
 - AFFIX THE INTERNATIONAL ACCESSIBILITY SYMBOL AT ALL ACCESSIBLE ENTRANCES.
 - CONCRETE TRUCK RAMP WITH 42" HIGH CONC. TILT UP GUARD WALLS PAINTED TO MATCH BUILDING, SEE ELEVATIONS.
 - CONCRETE LANDING PAD @ EXTERIOR MAN DOOR WITH STEPS) WHEN SHOWN, PROVIDE HANDRAIL/GUARDRAIL AS REQUIRED, TYP. CONFIRM QUANTITY OF RISERS W/FINAL GRADING PLAN.
 - STRUCTURAL STEEL COLUMN
 - CONCRETE TILT-UP PANEL, TYP. PAINTED, SEE EXTERIOR COLOR SCHEDULE, REFER TO ELEVATIONS AND "S" DRAWINGS FOR ADDITIONAL INFORMATION.
 - EXTERIOR MAN DOOR 3'x7", HOLLOW METAL, PAINTED, SEE EXTERIOR COLOR SCHEDULE & DOOR SCHEDULE FOR ADDITIONAL INFO.
 - EXTERIOR STOREFRONT DOOR, SEE EXTERIOR COLOR SCHEDULE & DOOR SCHEDULE FOR ADDITIONAL INFO.
 - DOCK-HI LOADING DOOR, 8'x10', WITH VISION GLAZING PRE FINISHED BY MANUFACTURER PER COLOR SCHEDULE.
 - DRIVE THRU LOADING DOOR 12'x14' WITH VISION GLAZING, PRE FINISHED BY MANUFACTURER PER COLOR SCHEDULE.



ELECTRIC VEHICLE CHARGING STATION INFORMATION

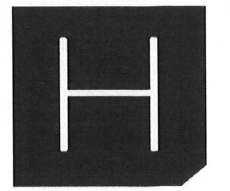
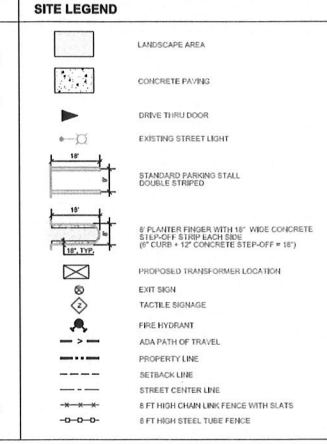
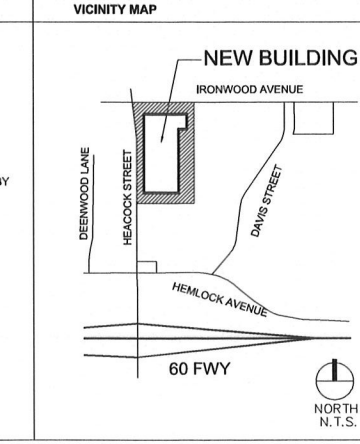
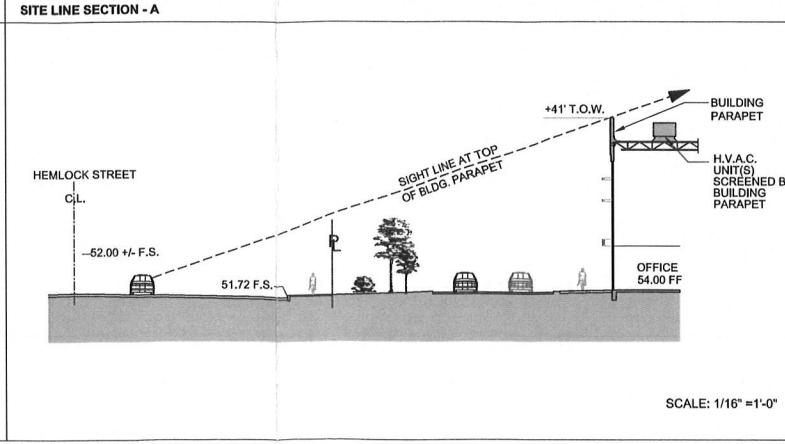
TOTAL PARKING = 98 STALLS
NUMBER OF REQUIRED ELECTRIC VEHICLE STALLS = 7 STALLS
NUMBER OF PROVIDED ELECTRIC VEHICLE STALLS:
1 - VAN ACCESSIBLE E.V. STALL
1 - STANDARD ACCESSIBLE STALL
3 - STANDARD E.V. STALLS
5 - TOTAL E.V. CHARGING STATIONS PROVIDED

CLEAN AIR PARKING STALLS

TOTAL CLEAN AIR PARKING = 5 STALLS

PROJECT INFORMATION - SCHEME 18

GRAND SITE AREA	84,812 SF	0.30
TOTAL BUILDING AREA	220,390	50.3%
FAA	50.3%	NONE
MAXIMUM		
STREET FRONT BLDG. SETBACK	20 FT	ZONE: COMMERCIAL SR
STAFF SIDE BLDG. SETBACK	20 FT	
STREET FRONT & SIDE LANDSCAPE SETBACK	20 FT	
INT./REAR SETBACK	NONE	
LANDSCAPE AREA	38,415 S.F.	(8.8%)
BUILDING	220,390	
WAREHOUSE	214,390	
OFFICE	6,000	
MEZZANINE	8,000	
OFFICE	8,000	
PARKING REQUIRED (BY 18)	98	
WAREHOUSE @ 1,700/157.20K	30	
WAREHOUSE @ 1,000/20K-40K	51	
WAREHOUSE @ 1,400/40K+	44	
OFFICE @ 1,270	24	
PARKING PROVIDED (BY 18)	98	
STANDARD	95	
ADA	1	
ADA FVCT STND	1	
ADA EVCT MAN	1	
EVS	1	
CLARK-ALL	1	
TABLES	50	



HERDMAN
ARCHITECTURE + DESIGN

16201 Scientific Way
Irvine, CA 92618
www.Herdman-AD.com
714.389.2800
Info@Herdman-AD.com

A19-2030
07.21.2020
PLANNING.1



SITE PLAN

A1.0

SCALE: 1/16" = 1'-0"

Communities of Riverside County

City Name: MORENO VALLEY

RCFC Operating Zones

RCFC Zone: ZONE 4

Area in Acres: 468894

Area in Sq. Miles: 733

Supervisory Districts

DISTRICT: 5

SUPERVISOR: JEFF HEWITT

Supervisory Districts 2001

DISTRICT:

SUPERVISOR:

NPDES Watershed Boundaries

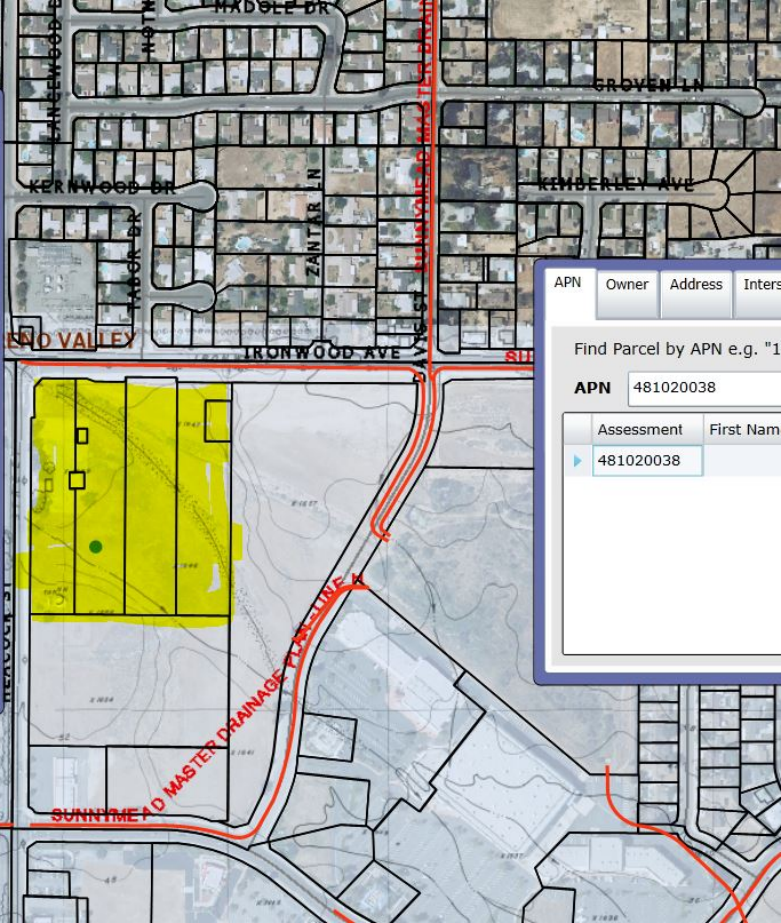
Name of Watershed: SAN JACINTO RIVER

Township and Range

Township and Range: 03S03W06

ADP

ADP Name: Sunnymead



APN	Owner	Address	Inter
-----	-------	---------	-------

Find Parcel by APN e.g. "1

APN 481020038

Assessment	First Name
------------	------------

▶ 481020038

City of Moreno Valley
Community Development Department
Planning Division
City Hall Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

RECEIVED
JAN 05 2021

NEOPOST FIRST-CLASS MAIL
12/30/2020
US POSTAGE \$000.50⁰⁰

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT



ZIP 92551
041M11466925

NOTICE OF PUBLIC HEARING (VIA TELECONFERENCE ONLY)

PURSUANT TO COVID-19 GOVERNOR EXECUTIVE ORDER N-29-20

2nd sub



Notice of Teleconferenced Public Hearing before the Planning Commission of the City of Moreno Valley:

DATE & TIME: January 14, 2021 at 7:00 P.M. **VIA TELECONFERENCE ONLY**

COVID-19 TELECONFERENCE INSTRUCTIONS:

For Teleconference Meeting public participation instructions please see agenda at <http://morenovalleyca.ig2.com/Citizens/default.aspx>

PROJECT LOCATION: Southeast corner of Heacock Street and Ironwood Avenue APN's 481-020-013, 029, 030, 034, 035 & 038

CASE NUMBER(s): PEN20-0137 – PEN20-0139

CASE PLANNER: Julia Descoeaux, Associate Planner (951) 413 3209 or juliad@moval.org

Riverside County Flood Control & Water Conservation District
1995 Market Street
Riverside CA 92501

Prev Resp for 20-0137 on 9/11/20
DR 233682

MD Imp, Sunny mead ADP
EP - Ironwood Sunny mead unpline H sp. line H

NOTICE OF PUBLIC HEARING

PROPOSAL: Applicant is requesting approval of the following entitlements for a 10-acre site: 1) a General Plan Amendment (GPA) amending the City's General Plan from Commercial to Business Park, 2) a Specific Plan Amendment from SP205 Retail Commercial to SP 205 Mixed Use; and 3) a Plot Plan for an approximately 200,000 square foot light industrial building.

ENVIRONMENTAL DETERMINATION: The project has been evaluated against the criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines and staff has determined that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project.

The Draft Initial Study/Mitigated Negative Declaration is being circulated for public review by responsible and trustee agencies and other interested parties for a review period commencing December 23, 2020, through January 11, 2021. The documents can be obtained in electronic format via email by request. The final document may be inspected by appointment at the Community Development Department at 14177 Frederick Street, Moreno Valley, California by calling (951) 413-3206 during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday).

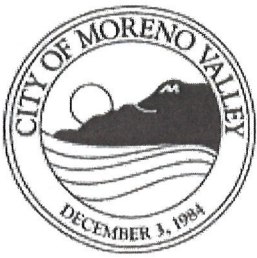
PUBLIC HEARING: All interested parties will be provided an opportunity to submit oral testimony during the teleconferenced Public Hearing and/or provide written testimony during or prior to the teleconferenced Public Hearing. The application file and related environmental documents may be inspected by appointment at the Community Development Department at 14177 Frederick Street, Moreno Valley, California by calling (951) 413-3206 during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday).

COVID-19 – IMPORTANT NOTICES: Please note that due to the COVID-19 pandemic situation, staff will attempt to make reasonable arrangements to ensure accessibility to inspect the aforementioned records. In addition, special instructions on how to effectively participate in the teleconferenced Public Hearing, as approved by Governor Executive Order N-25-20, will be posted at <http://morenovalleyca.ig2.com/Citizens/default.aspx> and will be described in the Planning Commission agenda.

PLEASE NOTE: The Planning Commission may consider and approve changes to the proposed items under consideration during the teleconferenced Public Hearing.

GOVERNMENT CODE § 65009 NOTICE: If you challenge any of the proposed actions taken by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised during the teleconferenced Public Hearing described in this notice, or in written correspondence delivered to the Planning Division of the City of Moreno Valley during or prior to, the teleconferenced Public Hearing.

Upon request and 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 Guy Pegan, 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.



9/24

CASE TRANSMITTAL

Community Development Department

Planning Division

14177 Frederick Street

P.O. Box 88005

Moreno Valley, CA 92552-0805

Telephone: 951.413.3206

FAX: 951.413.3210

RECEIVED
SEP 11 2020

Date: 9/3/2020

Project No.: Plot Plan (PEN20-0137)

CITY OF MORENO VALLEY REVIEW (INTER-DEPARTMENTAL)

Please review the attached proposal and submit responses within 14 calendar days to the case planner.

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

TRANSMITTALS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Planning | <input checked="" type="checkbox"/> Special Districts |
| <input checked="" type="checkbox"/> Building | <input type="checkbox"/> Outside Agencies |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> MVU |
| <input checked="" type="checkbox"/> Land Development | <input type="checkbox"/> Business License |
| <input checked="" type="checkbox"/> Fire | <input checked="" type="checkbox"/> Parks |
| <input checked="" type="checkbox"/> Police | <input checked="" type="checkbox"/> Economic Development |

OUTSIDE AGENCY REVIEW

Please review the attached proposal and submit responses within 30 calendar days. THIS MATERIAL MAY BE DIRECTED TO YOU AS A RESPONSIBLE OR TRUSTEE AGENCY UNDER CEQA AND IS INTENDED TO SOLICIT YOUR INPUT ON THE PROJECT. (TRIBAL REPRESENTATIVES - THIS MATERIAL IS PROVIDED TO INITIATE CONSULTATION UNDER GOVERNMENT CODE SECTION 65352.3 (SB18) OR GOVERNMENT CODE SECTION 21080.3.1 (AB52). Should you have questions regarding the project(s), please contact the case planner listed below at the Community Development Department (951) 413-3206.

STANDARD TRANSMITTALS

SPECIAL TRANSMITTALS

- | | |
|---|--|
| <input checked="" type="checkbox"/> Verizon Telephone | <input checked="" type="checkbox"/> Tribal Consultation (AB52) |
| <input checked="" type="checkbox"/> Riverside County Flood Control District | <input checked="" type="checkbox"/> Tribal Consultation (SB18) |
| <input checked="" type="checkbox"/> Riverside Transit Agency | <input type="checkbox"/> Calif. State Dept. of Fish and Wildlife |
| <input checked="" type="checkbox"/> Moreno Valley Unified School District | <input type="checkbox"/> Calif. State Dept. of Transportation |
| <input type="checkbox"/> Val Verde School District | <input type="checkbox"/> Calif. State Dept. of Water Resources |
| <input checked="" type="checkbox"/> Southern California Edison | <input type="checkbox"/> Regional Water Quality Control Board |
| <input checked="" type="checkbox"/> The Gas Company | <input type="checkbox"/> Riverside County Parks and Recreation |
| <input checked="" type="checkbox"/> Waste Management of Inland Valley | <input type="checkbox"/> U.S. Army Corps of Engineers |
| <input checked="" type="checkbox"/> EMWD Water and Sewer | <input type="checkbox"/> U.S. Fish and Wildlife Service |
| <input checked="" type="checkbox"/> U.S. Post Office | <input type="checkbox"/> Edgemont Community Services District |
| <input checked="" type="checkbox"/> Airport Land Use Commission (ALUC) | <input type="checkbox"/> Box Springs Mutual Water Company |
| | <input type="checkbox"/> UCR Archaeological Research Unit |
| | <input type="checkbox"/> MJPA - Planning |
| | <input type="checkbox"/> MARB - SB1462 - Military Bases |

Project No.(s):	Plot Plan (PEN20-0137)	A.P. Number: 481020013
Project Type(s):	Plot Plan with Hearing	
Applicant:	Ryan Martin	Owner: Scndsc
Representative:		
Address:		
Proposal:	Plot Plan with hearing, General Plan Amendment, Specific Plan Amendment (SPRC to SP205 MU) for the development of a 200,000 +/- square foot tilt up warehouse at the southeast corner of Ironwood Avenue and Heacock Street; APNs 481020029, 30, 34, 35, & 38	
Case Planner:	Julia Descoteaux	
PRSC Date:		Environmental Determination: To Be Determined
Review Status:	Route for Review 1	

No Impact ADP-Sunnymead, EP-Ironwood Ave-Sunnymead MDD LineH



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

September 19, 2023

juang@moval.org

Juan Galvan, Contract Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552

Notice of Preparation of a Draft Environmental Impact Report for the Moreno Valley Business Park Building 5 Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses (electronic versions of all emission calculation spreadsheets, air quality modeling, and health risk assessment input and output files, not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated.

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁵ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁶. According to the MATES V carcinogenic risk interactive map, the area surrounding the Proposed Project has an estimated cancer risk of over 344 in one million⁷. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,⁸ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,⁹ and Southern California Association of

⁵ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁶ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁷ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

⁸ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

⁹ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹⁰

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹¹ and the Heavy-Duty Low NOx Omnibus Regulation¹², ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹³ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at:

https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

¹¹ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹² CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹³ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO_x) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 212,313-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁴. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁵.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swangl@aqmd.gov.

¹⁴ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

SW

RVC230823-10

Control Number



SAN GORGONIO CHAPTER

Moreno Valley Group

Good afternoon Mr Galvan,

September 18, 2023

RE: NOP Comments on the Moreno Valley Business Park Building 5 warehouse project.

Since the Sierra Club wrote comments on the Moreno Valley Business Park (MVBP) and this project seems to be basically the same building on the same land, why were we not made aware of this Notice of Preparation (NOP)?

The City's General Plan Update (GPU) and Climate Action Plan (CAP) which is inadequate are currently in litigation by the State Attorney General.

“Communities in Moreno Valley experience some of the highest levels of air pollution in the state. We're intervening today so that those communities do not continue to bear the brunt of poor land use decisions that site warehouses outside their doors. At the California Department of Justice, we're fighting day in and day out for communities who live at the intersection of poverty and pollution.” said Attorney General Bonta.

The title of the project tries to give the impression that this is part of a larger project when in fact this project site was excluded and therefore should not include “Building 5” in its title. When the previous version of the Moreno Valley Business Park (MVBP) was initiated and while going through environmental review there was a water tank on the project site which was later moved to a nearby location. Both the tank and all its infrastructure removal and re-installation also needed to be part of the MVBP environmental review. The fact that the water tank/infrastructure removal and re-installation was not part of MVBC's or this projects environmental review indicates both projects are being segmented. The environmental documents for this new version of the MVBP must include all impacts related to the water tank/infrastructure's removal/re-installation or it will be inadequate.

This project must now include the cumulative impacts of all projects that currently exist or proposed for the area. This must include, but not limited to the Sprouts building, Starbucks, new Woodspring Suites hotel, and the recently approved gas station/connivance store at Hemlock Ave/Heacock St. Right now there are many times when I and others try to turn right onto Heacock St from the SR-60 west bound offramp there is no place to turn because of traffic has backed up from the signal at Hemlock Ave/Heacock St. This will only become worse when the service station/connivance store is built at the NE Hemlock Ave/Heacock St intersection and the hotel is in full operation. The idea of even just one semi-truck added to the mix will make it a

nightmare. All on/off ramps from SR-60 to Heacock Street need to be fully analyzed at peak travel times of the day and year or the EIR will be inadequate. In fact all of Heacock St and its intersections from south of Sunnymead Blvd to north of Ironwood Ave needs to be fully analyzed because this roadway already is seriously congested at different times of the day — including weekends. The project must provide solutions to these currently intolerable road condition and not try to add to the problem without developing/implementing solutions to make things significantly better. The analysis of Hemlock Ave/Indian Street intersection and Ironwood Ave/Davis Street intersection must also be fully analyzed with solutions provided to improve their degradation.

Ironwood Ave is currently not the problem that exist on Heacock St, but it is becoming bad and this project will only add to the problems — especially at Davis Street. The use of Ironwood Ave also poses problems caused by the project’s diesel truck traffic being very close to family homes and their yards which they should be able to enjoy without concern from the cumulative health impacts caused by diesel pollution — as mentioned in the quote found above from Attorney General Bonta. Just because a road is politically designated a truck route doesn’t mean it was selected because it will cause no impacts to the health of families living near it.

Important areas which need to be incorporated into the project to reduce its impacts on people and the environment include the following:

- Trees must be used as part of the solid screen buffering treatment along the perimeter of the property that provide a solid overlapping wall of evergreen, drought tolerant trees, which grow at least 50 feet tall. No palm trees shall be used. Trees maintained for life of project and replace dead or dying trees immediately with a tree of a similar species.
- Trees must have own dedicated irrigation system and provided sufficient water for the life of the warehouse. This separate system must be installed to allow trees to continue to be watered when watering other plants must be stopped in a drought to conserve water. Trees must also be allowed to reach their full width/height with no pruning that would limit that from happening.
- Within a maximum of ten (10) years, parking lot trees shall shade a minimum of 50% of employee/visitor parking space pavement, unless otherwise covered by solar carport structures
- Lights of all exterior lighting fixtures must be compliant with the Mount Palomar Lighting Standards (as indicated in Riverside County Ordinance No. 655) and that the light color of all Project exterior lighting will be 2,700 Kelvin or below
- Developer shall ensure through tenant lease(s) or other appropriate means that all outdoor on-site cargo handling and similar equipment (including, but not limited to the following forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks and tractors) shall be equipped with “self-adjusting” back-up beepers (alarms) to reduce (or increase) noise levels to no more than 5 decibels above the ambient noise level throughout every 24 hours each day.
- All motorized equipment (including, but not limited to the following forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks and tractors) must be electric/zero emissions with infrastructure to support all electric equipment installed prior to occupancy.

- Since the Project is served by Edison it must install photovoltaic (PV) solar arrays to provide 100% of the anticipated electricity used by the entire project facility, equipment, and vehicles, inclusive of anticipated project operations and electric vehicle charging, prior to certificate of occupancy. Solar arrays shall be maintained fully operational for at least 25 years. Within 18 months of certificate(s) of occupancy of the first full-use, business operating tenant, Developer shall provide written verification that solar power is sufficient to meet 100% of electricity used by the entire Project site including operation activities and electric vehicle charging. If it is not sufficient, the developer must agree to upgrade solar energy system to supply 100% of the Project site's electricity demands.
- At least 15% of all passenger vehicle parking spaces shall be electric vehicle (EV) ready with working Level 2 Quick charge EV charging stations of at least 19 kW installed and operational, prior to building occupancy. These stations must be maintained or replaced with equal or better for the life project.
- The project must have significant lockers for bicycles and there must be lockers for electric bicycles which permit charging.
- Auxiliary power units (APU) plug-ins must be provided at each warehouse dock door and maintained or improved for life of project.
- The Moreno Valley Business Park Building 5 warehouse must be all electric, including HVAC, water heating, refrigeration, ovens, cooktops, and automated equipment shall be powered by electricity for the lifetime of the Project. Natural gas and/or propane shall not be used
- A minimum of 10% of the big rig parking spaces shall be equipped with electric vehicle infrastructure for future use by electric trucks and big rigs. Expansion capabilities shall be available for future expansion. At least one big-rig charger shall be installed by year 2026.

The state Attorney General (AG) has provide the warehouse guidelines found below for "Warehouse Project: **Best Practices and Mitigation Measures** to Comply with the California Environmental Quality Act" beginning with section IV on page 4. The Moreno Valley Business Park Building 5 warehouse project must incorporate these Best Practices and Mitigation measure in all environmental documents and included in the final project or the documents will be inadequate.. There needs to be full analysis of all of this Best Practices and Mitigations and how they will make the project much better for people and the environment — especially in our non-attainment area and in the project's census tract and many homes along Ironwood Ave where they are in the worst 15% of all of California for pollution and other socio-economic impacts as can be read below according to CalEnviroScreen. In some cases they are in the worst 1 % - like Ozone.

This project must show they will do everything to reduce these impacts and not add to them.

The results for each indicator range from 0-100 and represent the percentile ranking of the project's census tract 6065042515 relative to other census tracts.

Overall Percentiles

CalEnviroScreen 4.0 Percentile	86
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Pollution Burden Percentile	62
Population Characteristics Percentile	94

Exposures

Ozone	99
Particulate Matter 2.5	61
Diesel Particulate Matter	78
Toxic Releases	61
Traffic	66
Pesticides	0
Drinking Water	10
Lead from Housing	90

Environmental Effects

Cleanup Sites	58
Groundwater Threats	7
Hazardous Waste	58
Impaired Waters	0
Solid Waste	0

Sensitive Populations

Asthma	75
Low Birth Weight	77
Cardiovascular Disease	91

Socioeconomic Factors

Education	79
Linguistic Isolation	79
Poverty	91
Unemployment	89
Housing Burden	75

In another census tract (6065042404) along Ironwood Ave where the project's diesel trucks would travel lists Diesel Particulate Matter at 86% which means only 13% of California live in a worse situation – and this project will only add to this already unacceptable health-impacting pollution. The Draft EIR must show how this warehouse project will reduce these impacts and not add to the problems these families currently suffer.

The Attorney General (AG) office has made these Best Practices and Mitigation Measures for warehouses available well before the application by the C&E developer to build a warehouse in this location. Most Moreno Valley planners have also received them either from me or other sources prior to processing this project. There is no excuse for not making them part of this project from day one.

AG's Warehouse Project: **Best Practices and Mitigation Measures** beginning with section IV on page 4

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local

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communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- • Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.¹⁴
- • Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- • Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.
- • Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- • Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- • Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.
- • Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- • Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers

¹⁴ California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

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should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.
- Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.

- • Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California’s Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable

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bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

- • Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- • Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- • Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- • Limiting the amount of daily grading disturbance area.
- • Prohibiting grading on days with an Air Quality Index forecast of greater than 100

for particulates or ozone for the project area.

- • Forbidding idling of heavy equipment for more than two minutes.
- • Keeping onsite and furnishing to the lead agency or other regulators upon request,

all equipment maintenance records and data sheets, including design

specifications and emission control tier classifications.

- • Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.

- • Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.

- • Providing information on transit and ridesharing programs and services to

construction employees.

- • Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- • Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- • Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- • Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- • Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- • Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- • Posting both interior- and exterior-facing signs, including signs directed at all

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dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- • Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- • Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- • Constructing electric truck charging stations proportional to the number of dock doors at the project.

- • Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- • Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- • Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- • Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- • Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- • Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- • Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- • Achieving certification of compliance with LEED green building standards.
- • Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- • Posting signs at every truck exit driveway providing directional information to the truck route.
- • Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- • Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- • Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.

- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- • Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- • Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

- • Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- • Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- • Verifying that construction equipment has properly operating and maintained mufflers.
- • Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- • Limiting operation hours to daytime hours on weekdays.
- • Paving roads where truck traffic is anticipated with low noise asphalt.
- • Orienting any public address systems onsite away from sensitive receptors and

setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if

truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- • Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- • Installing signs in residential areas noting that truck and employee parking is prohibited.
- • Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- • Consulting with the local public transit agency and securing increased public transit service to the project area.
- • Designating areas for employee pickup and drop-off.
- • Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.

- • Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.

- • Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.

- • Constructing roadway improvements to improve traffic flow.
- • Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- • Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- • Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.

- • Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- • Directing all lighting at the facility into the interior of the site.

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- • Using full cut-off light shields and/or anti-glare lighting.
- • Using cool pavement to reduce heat island effects.
- • Installing climate control in the warehouse facility to promote worker well-being.
- • Installing air filtration in the warehouse facility to promote worker well-being.

The final environmental documents must make sure what you read above from the AG's office is incorporated into this proposed warehouse project to protect current residents on Ironwood Ave as well as warehouse workers from both the project site as well as from the project's diesel equipment and truck traffic.. The impacts to the environment will be significantly reduced in our non-attainment area if the project's final documents/staff report/conditions of approval includes what the AG wrote above.

Stanley Armstrong wrote for the California Air Resources Board (CARB) in their Notice of Preparation (NOP) comments as you can read in the following:

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionately impacted by air pollution as are those in the project's and nearby census tracts, the final design of the Project needs to include all existing and emerging zero-emission technologies to minimize diesel PM and oxides of nitrogen (NO_x) emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages cities like Moreno Valley and the Moreno Valley Business Park applicant to implement the measures listed in Attachment A found below to reduce the Project's construction and operational air pollution emissions.

The CARB's Attachment A on **Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers** above is found below my name. The Sierra Club believes this project's Daft EIR must incorporate CARB's concerns and strongly worded recommendations for warehouses.....otherwise it will be inadequate.

The California Air Resources Board (CARB) provided Attachment A to the city on the Moreno Valley Trade Center (MVTC), and the Heacock Commerce Center (HCC) warehouses. The

city therefore has this knowledge for the processing of this project's warehouse application and environmental documents.

There is no excuse for the city not to apply/require that which is contained in CARB's Attachment A from day one of this project and the Sierra Club expects to see them in the final project prior to approval.

Please keep me as well as the Sierra Club informed of all documents and meetings related to this project.

Sincerely,

George Hague

Sierra Club

Moreno Valley Group

Conservation Chair

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and

providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.

2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved equal or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.¹

¹ In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model year 2010 and later. CARB's optional low-NO_x emission standard is available at: <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

Attachment - 1

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Recommended Operation Measures

6. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
7. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport

refrigeration are encouraged and can also be included in lease agreements.²

8. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.
9. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
10. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the Project site be zero-emission.
11. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.
12. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

² CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

Attachment - 2

13. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,³ Periodic Smoke Inspection Program (PSIP),⁴ and the Statewide Truck and Bus Regulation.⁵
14. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than 5 minutes while on site.

10. Include contractual language in tenant lease agreements that limits on-site TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted, and the health impacts fully mitigated.

11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

³ In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁴ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

⁵. The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

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