Final Environmental Impact Report
SCH No. 2023090050

Bay & Day Commerce Center
City of Moreno Valley, California

Lead Agency

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Lead Agency Discretionary Permits

Change of Zone (PEN23-0076)
Tentative Parcel Map (PEN23-0075)
Plot Plan (PEN23-0074)

July 2026

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July 2026

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Appendix M: Noise Impact Analysis

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Appendix O: Trip Generation Assessment

Appendix P: Vehicle Miles Traveled Screening Evaluation

Appendix Q: Supplemental Health Risk Assessment

Appendix R: Supplemental Noise Analysis

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
§	Section
µg/m^3	micrograms per cubic meter
a.m.	Ante Meridiem (between the hours of midnight and noon)
AB	Assembly Bill
AB 32	GHG Emission Reduction bill (2006)
AB 197	Companion Bill to AB 32, reduce CA statewide GHG emissions
AB 341	Mandatory Commercial Recycling Program
AB 939	California Solid Waste Integrated Management Act
AB 1327	California Solid Waste Reuse and Recycling Act
AB 1493	Pavely Fuel Efficiency Standards
AB 2595	California Clean Air Act of 1988
ACM	Asbestos Containing Material
ACOE	Army Corps of Engineers
ACWM	Asbestos-Containing Waste Materials
AERMOD	Air Quality Dispersion Modeling
ADT	Average Daily Traffic
AF	Acre-feet
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
A-P Act	Alquist-Priolo Earthquake Fault Zoning Act
APS	Alternative Planning Strategy
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
AST	Above-Ground Storage Tank
ASTM	American Society of Testing and Materials
BACM	Best Available Control Measure
BAU	Business as Usual
bgs	below ground surface
BMPs	Best Management Practices
BP	Business Park
BSMWC	Box Springs Mutual Water Company
CA	California
CAA	Federal Clean Air Act

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
CAAQS	California Ambient Air Quality Standards
CadnaA	Computer Aided Noise Abatement
CalEEMod™	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
CalRecycle	California Department of Resources, Recycling, and Recovery
CalSTA	California State Transportation Agency
Caltrans	California Department of Transportation
Calveno	California Vehicle Noise
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CAPSSA	Criteria Area Plant Species Survey Area
CARB	California Air Resources Board
CAT	Climate Action Team
CBC	California Building Code
CBSC	California Building Standards Code
CCA	Community Choice Aggregators
CCR	California Code of Regulations
CCAA	California Clear Air Act
CCCC	California Climate Change Center
CD	Consistency Determination
CDC	California Department of Conservation
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFCs	Chlorofluorocarbons
C_2F_6	Hexaflouroethane
CF_4	Tetraflouromethane
CF_3CH_2F	HFC-134a
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CFGC	California Fish and Game Code
C_2H_6	Ethane
CGC	California Government Code

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
CH_4	Methane
CH_3CHF_2	HFC-152a
CHF_3	HFC-23
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CNG	Compressed Natural Gas
CNRA	California Natural Resources Agency
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalent
COG	Council of Governments
COHb	carboxyhemoglobin
COP	Conference of the Parties
Corps	U.S. Army Corps of Engineers
CPUC	California Public Utilities Commission
CREC	Controlled Recognized Environmental Conditions
CRHR	California Register of Historical Resources
CRMP	Cultural Resources Management Plan
CTC	California Transportation Commission
CTR	California Toxic Rule
CUPA	Certified Union Program Agency
CWA	Clean Water Act
CWC	California Water Code
dB	Decibel
dBA	A-weighted Decibels
DBESP	Determination of Biologically Equivalent or Preservation
DDT	Dichlorodiphenyltrichloroethane
DEH	Department of Environmental Health
DIF	Development Impact Fee
DOE	Determination of Eligibility
DOF	California Department of Finance
DOSH	Division of Occupational Safety and Health
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
DU	Dwelling Unit
DWR	Department of Water Resources

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
E+P	Existing plus Project Conditions
ECSD	Edgemont Community Services District
EDR	Environmental Data Resources
e.g.	for example
EIC	Eastern Information Center
EIR	Environmental Impact Report
EMFAC	Emission Factor Model
EMWD	Eastern Municipal Water District
EO	Executive Order
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act
ESA	Environmental Site Assessment
ESA	Endangered Species Act
ESFR	Early Suppression, Fast Response
ESP	electric service providers
et seq.	et sequentia, meaning "and the following"
EV	Electric Vehicle
F	Fahrenheit
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
FYI	For Your Information
GCC	Global Climate Change
Gg	Gigagrams
GHG	Greenhouse Gas
GIS	Geographic Information System
GOBiz	Governor's Office of Business and Economic Development
GPA	General Plan Amendment
GPA	General Plan Amendment
GWP	Global Warming Potential
H_2O	Water Vapor

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
HANS	Habitat Evaluation and Acquisition Negotiation Strategy
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HDT	Heavy Duty Trucks
HFCs	Hydrofluorocarbons
HMBEP	Hazardous Materials Business Emergency Plan
HMTA	Hazardous Materials Transportation Act
HMTUSA	Hazardous Materials Transportation Uniform Safety Act
HRA	Health Risk Assessment
HREC	Historic Recognized Environmental Conditions
HSC	Health and Safety Code
HSWA	Federal Hazardous and Solid Waste Amendments
HWCL	Hazardous Waste Control Law
I	Interstate
I-15	Interstate 15
I-215	Interstate 215
i.e.	that is
IA	Implementing Agreement
IBank	Infrastructure and Economic Development Bank
In/yr	Inches per Year
IOU	Investor-Owned Utilities
IPCC	Intergovernmental Panel on Climate Change
IRP	Integrated Resource Planning
IRWMP	Integrated Regional Water Management Plan
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ISO	Independent System Operator
ITE	Institute of Transportation Engineers
ITP	Incidental Take Permits
IWMA	Integrated Waste Management Act
IWMP	Integrated Waste Management Plan
JPA	Joint Powers Authority
JPR	Joint Project Review
kBTU	kilo-British thermal units
kWh	kilowatt-hour
LBP	Lead based paint

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
lbs/day	Pounds per Day
LCA	Life-cycle analysis
LCFS	low carbon fuel standard
LDA	Light-Duty-Auto Vehicles
LDT1/2	Light-Duty-Trucks
LEA	Lead Enforcement Agency
LED	light-emitting diode
Leq	equivalent continuous sound level
LI	Light Industrial
LOS	Level of Service
LRA	Local Responsibility Areas
LSA	Lake and Streambed Alteration
LSTs	Localized Significance Thresholds
MACT	Maximum Achievable Control Technology
MATES-II/IV	Multiple Air Toxics Exposure Study in the South Coast Air Basin
MARB/IP	March Air Reserve Base/Inland Port
MBTA	Migratory Bird Treaty Act
MDP	Master Drainage Plan
MDV	Medium-Duty-Vehicles
MEISC	maximally exposed individual school child
MEIR	maximally exposed individual receptor
MEIW	maximally exposed individual worker
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMTs	million metric tons
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MPH	Miles per hour
MPO	Metropolitan Planning Organization
MSHCP	Multiple Species Habitat Conservation Plan
MT	Metric Tons
$MTCO_2e$	Metric Tons of Carbon Dioxide Equivalent
MVU	Moreno Valley Utility
n.d.	no date
NAHC	Native American Heritage Commission
NAGPRA	National American Graves Protection and Reparation Act
NAAQS	National Ambient Air Quality Standards
NCCP	Natural Community Conservation Planning

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
NDC	nationally determined contributions
NEPSSA	Narrow Endemic Plan Species Survey Area
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHMLAC	National History Museum of Los Angeles County
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NIOSH	National Institute for Occupational Safety and Health
NMFS	National Marine Fisheries Service
NO	Nitric Oxide
NO_2	Nitrogen Dioxide
NO_X	Nitrogen Oxides
N_2	Nitrogen
N_2O	Nitrous Oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NPS	non-point source
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTR	National Toxic Rule
NVIA	Noise and Vibration Impact Assessment
NZE	Near Zero Emissions
O_2	Oxygen
O_3	Ozone
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Assessment
PAKO	Primary Animal Keeping Overlay Zone
Pb	Lead
PCBs	Polychlorinated biphenyls
PCEs	Passenger Car Equivalents
PEA	Preliminary Environmental Assessment
PFCs	Perfluorocarbons
p.m.	Post Meridiem (between the hours of noon and midnight)

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
PM	Particulate Matter
$PM_{2.5}$	Fine Particulate Matter (2.5 microns or smaller)
PM_{10}	Fine Particulate Matter (10 microns or smaller)
POUs	Public-Owned Utilities
ppm	parts per million
PRC	Public Resources Code
PV	photovoltaic
PVC	Polymerizing Vinyl Chloride
R2	Residential Max 2 du/ac
RA2	Residential Agriculture, 2 du/ac
RCACO	Riverside County Agricultural Commissioner's Office
RCFCWCD	Riverside County Flood Control and Water Conservation District
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
REC	Recognized environmental Concerns
REMEL	Reference Energy Mean Emission Level
RHSA	Regional Systems of Highways and Arterials
RivTAM	Riverside Transportation Analysis Model
ROGs	Reactive Organic Gasses
ROW	right-of-way
RPS	Renewable Portfolio Standards
RTA	Riverside Transit Agency
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RTPA	Regional Transportation Planning Agency
RWQCB	Regional Water Quality Control Board
SF/s.f.	square foot or square feet
SANBAG	San Bernardino Associated Governments
SARA	Superfund Amendments and Reauthorization Act
SAWPA	Santa Ana Watershed Project Authority
SB	Senate Bill
SB 32	Statewide for California to reduce GHG emissions
SB 1368	CPUC adopt a GHG emission performance standard
SB 1078	California Renewables Portfolio Standard Program
SB 350	California Senate Bill 350, Clean Energy and Pollution Reduction Act of 2015
SB 375	California Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
SCAB	South Coast Air Basin
SCAG	Sothern California Association of Governments
SCAQMD	Southern Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCEC	Southern California Earthquake Center
SCG	Southern California Geotechnical
SCH	California State Clearinghouse (Office of Planning and Research)
SCRRA	Southern California Regional Rail Authority
SCS	Sustainable Communities Strategy
SF_6	Sulfur Hexafluoride
SGC	Strategic Growth Council
SHA	Safe Harbor Agreement
SHMA	Seismic Hazards Mapping Act
SHPO	State Historic Preservation Officers
SHRC	State Historical Resources Commission
SIPs	State Implementation Plans
SLPS	Short-Lived Climate Pollutant Strategy
SNUR	Significant New Use Rule
SO_2	Sulfur Dioxide
SO_4	Sulfate
SO_X	Sulfur Oxides
SoCalGas	Southern California Gas Company
SR	State Route
SR-74	State Route 74
SRREs	Source Reduction Recycling Elements
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Regional Control Board
TACs	Toxic Air Contaminants
TAZ	Traffic Analysis Zone
TEA-21	Transportation Equity Act for the 21st Century
TIA	Traffic Impact Analysis
TRU	Transport Refrigeration Units
TSCA	Toxic Substance Control Act
TUMF	Transportation Uniform Mitigation Fee
UBC	Uniform Building Code
UNFCCC	United Nations' Framework Convention on Climate Change

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
U.S.	United States
USCB	United States Census Bureau
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USTs	Underground storage tanks
UWMP	Urban Water Management Plan
VdB	Vibration Decibels
VEC	Vapor Encroachment Concerns
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WDR	Water discharge report/requirements
WMI	Watershed Management Initiative
WMWD	Western Municipal Water District
WQMP	Water Quality Management Plan
WRCOG	Western Riverside Council of Governments
WRRA	Water Reuse and Recycle Act
WSA	Water Supply Assessment
WSC	Western Science Center
ZE	Zero Emissions
ZEV	Zero-Emission Vehicles
ZORI	Zones of Required Investigation

F.0 Final Environmental Impact Report

F.1 Introduction

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 *et seq.*) and CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 *et seq.*).

According to CEQA Guidelines Section 15132, a FEIR shall consist of:

a. The Draft EIR (DEIR) or a revision of the draft;
b. Comments and recommendations received on the DEIR either verbatim or in summary;
c. A list of persons, organizations, and public agencies commenting on the DEIR;
d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
e. Any other information added by the Lead Agency.

In accordance with the above-listed requirements, this FEIR for the Bay & Day Commerce Center Project (hereinafter, the "Project") and associated discretionary and administrative actions, consists of the following:

a. A summary of changes made to the Project;
b. Comment letters and responses to public comment; and
c. The circulated Bay & Day Commerce Center DEIR and Technical Appendices, SCH No. 2023090050, with additions shown as underlined text and deletions shown as ~~stricken text~~ (refer to Subsection F.4, *Additions, Corrections, and Revisions to the Draft EIR*, for a summary of the changes to the EIR since the DEIR was circulated for public review).

This FEIR document was prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the City of Moreno Valley acting as the CEQA Lead Agency for the Project.

F.2 Changes to Project

Following circulation of the DEIR, Assessor's Parcel Number (APN) 263-230-003 was removed from the Project due to the expiration of a purchase agreement between the Project Applicant and the owner of the subject parcel. The change to the area covered by the Project necessitated a change to the Project's design and a reduction in the scale and scope of the Project's construction and operational activities. This section provides a summary of the changes to the Project.

F.2.1 Project Site

The Project Site comprises APNs 263-230-001, -004, and -025 and covers an approximate net area of 7.7 acres. The APNs comprising the Project Site are non-contiguous and separated by a not-a-part parcel. The western

portion of the Project Site includes APN 263-230-001 and consists approximately 0.8 net acres. The eastern portion of the Project Site includes APNs 263-230-004 and -025 which consist of an area of approximately 6.9 acres. The Project Site is vacant and undeveloped. The Project Site is illustrated in Figures F-1 through F-3.

F.2.2 PROJECT DESCRIPTION

The DEIR disclosed that the Project Applicant proposed to develop an approximately 10-acre property with a 194,775-square-foot light industrial warehouse building. The current Project proposal reflects an approximately 143,000-square-foot light industrial building on 6.9 acres (east portion of the Project Site) and a 65-space passenger vehicle parking lot on 0.8-acre (west portion of the Project Site). All of the entitlement applications that were disclosed in the DEIR remain necessary for the Project, although their scope has been modified as described below. The change to the Project would not require any new entitlement applications that were not disclosed in the DEIR. Where the discussion below is silent, the project description provided in the DEIR remains valid for purposes of the analysis in the Project's EIR.

A. Change of Zone (PEN23-0076)

The proposed change of zone would amend the City of Moreno Valley zoning map to change the zoning designation for APNs 263-230-004 and -025 from "Business Park District (BP)" to "Light Industrial District (LI)." The proposed change of zone would not affect APN No. 263-230-001, which will retain its existing BP zoning designation. See Figure F-4, *Proposed Change of Zone*.

B. Tentative Parcel Map (PEN23-0075)

The proposed tentative parcel map would consolidate two parcels (APNs 263-230-04 and -025) into one approximately 6.6-acre parcel (Lot 1). Lot 1 would facilitate the development of the light industrial warehouse building proposed by the Project. The proposed tentative parcel map also includes the dedication of public right of way (ROW) to the City of Moreno Valley for the widening of Day Street and Bay Avenue along the Project Site's frontage on these roadways. Refer to Figure F-5, *Proposed Tentative Parcel Map*.

C. Plot Plan (PEN23-0074)

The site plan for the Project is illustrated on Figure F-6, *Conceptual Site Plan*. As shown, the Project would include two non-contiguous areas: Lot 1 and Lot 2.

Site Plan

Lot 1 would contain the proposed building which is designed as a rectangular-shaped, 142,797-square-foot light industrial warehouse. The building would include 134,797 square feet (s.f.) of warehouse space and 8,000 s.f. of supporting office use. The office spaces may be located at the northeast and/or southeast corners of the building; these locations also would serve as the primary entrances to the building. A total of 86 parking spaces would be provided on Lot 1, 82 on the east side of the building and four at the northwest corner of the building. Seventeen (17) loading dock positions, including 16 dock-high doors and one grade-level door, are provided on the west side of the building and 20 truck trailer parking spaces are provided within a gated truck court/loading area also located on the west side of the building. The truck court/loading area would be secured by an 8-foot-tall sliding gate and a 14-foot-tall screen wall. A ten-foot-tall security barrier would be provided along the western boundary of the truck court; a solid barrier would be provided along the northern portion of

the truck court (approximately 290 linear feet) and would transition to a tubular steel fence along the southern portion of the truck court (approximately 230 linear feet). A 10-foot-tall tubular steel fence planted with vines is provided along most of the southern boundary of Lot 1. The proposed wall and fence plan is shown on Figure F-7. Vehicular access to Lot 1 would be provided by three driveways: two driveways from Day Avenue and one driveway from Bay Avenue. Both driveways on Day Avenue would be accessible to passenger vehicles; however, the north driveway is restricted to right-in/right-out turning movements while the south driveway has no restrictions on inbound or outbound turning movements for passenger vehicles. The south driveway on Day Avenue would serve as the primary truck entrance for the Project; from this driveway trucks are restricted to a left-turn into the Project Site or a right-turn exiting the Project Site. The lone Project driveway on Bay Avenue would serve as secondary truck access for the Project. The Bay Avenue driveway is restricted to right turns into the Project Site for incoming trucks and left turns exiting the Project Site for outgoing trucks.

Lot 2 is proposed to be used as a passenger vehicle parking lot with exclusive use rights by the user/occupant of Lot 1. The parking lot is designed with 65 passenger vehicle spaces and perimeter landscaping. One driveway would connect with Bay Avenue and would allow passenger vehicles to make right- and left-turns into and out of the lot. No trucks would be permitted to use this parking area. Pedestrian access between the parking lot on Lot 2 and the building on Lot 1 would be along Bay Avenue.

Architecture Plan

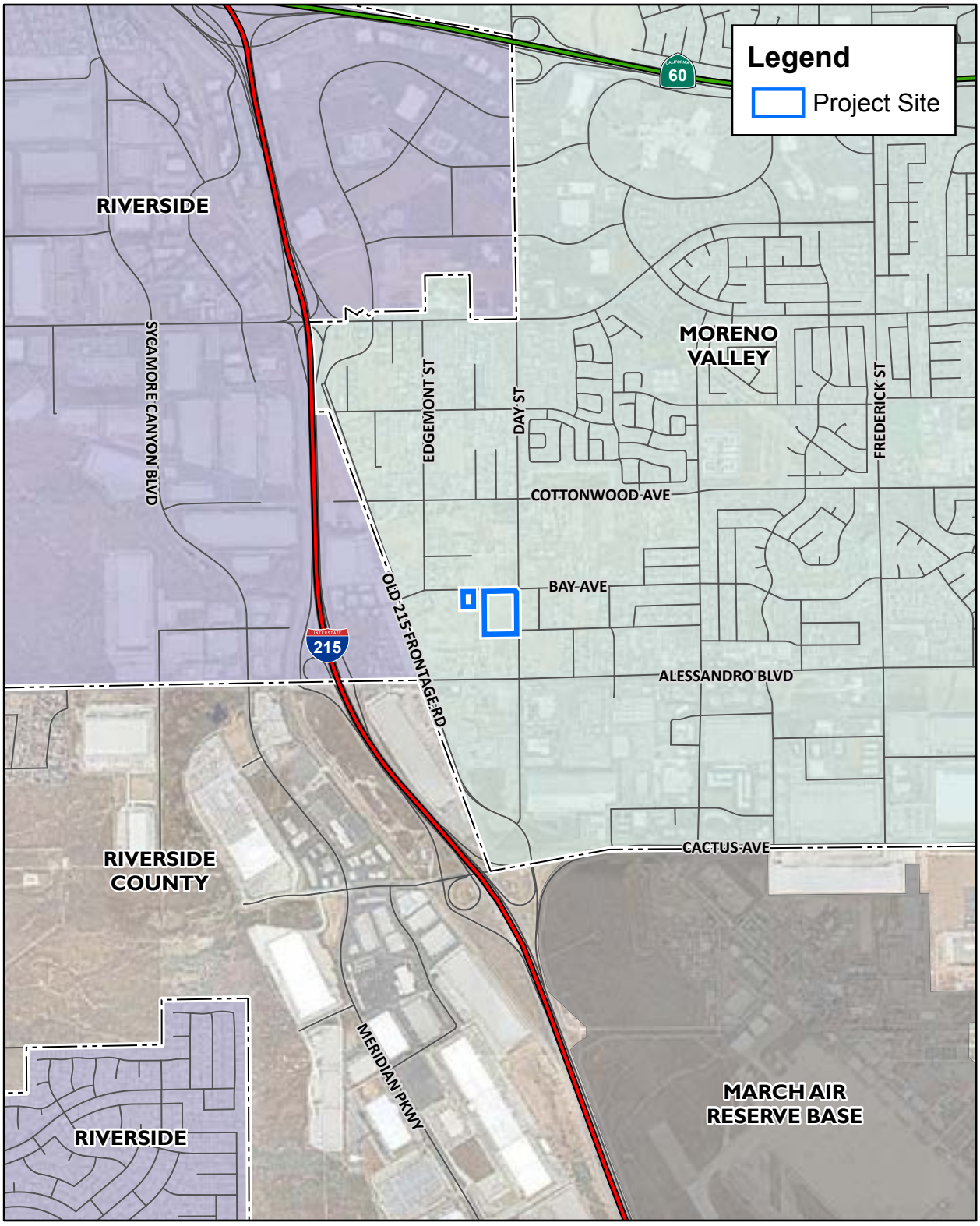
The proposed architecture plan provides a building with a varied roofline reaching a maximum height of approximately 45.5 feet above the finished floor elevation. The proposed building would be constructed of concrete tilt-up panels and tempered, low-reflective gray glass. The proposed building's exterior color palette would be comprised of various shades of white, gray, and taupe/tan with blue accents. Decorative building elements include fiber cement siding, panel reveals, parapets, mullions, and canopies are proposed at office entries. Architectural elevations for the proposed building are illustrated on Figure F-8.

Landscape Plan

All existing trees and other vegetation on the Project Site would be removed and replaced with the plant material specified on the landscape plan for the Project, which is illustrated on Figure F-9, *Conceptual Landscape Plan*. On Lot 1, trees, shrubs, and groundcover are proposed along the Project Site's frontages on Day Street and Bay Avenue and along the southern boundary of the lot. Landscaping will also be installed at building entries and in and around the passenger vehicle parking area adjacent to Day Street. On Lot 2, landscaping would feature trees, shrubs, and groundcover along the Bay Avenue frontage, as well as along the eastern, western, and southern boundaries of the lot, and in landscape islands within the parking area.

Grading Plan

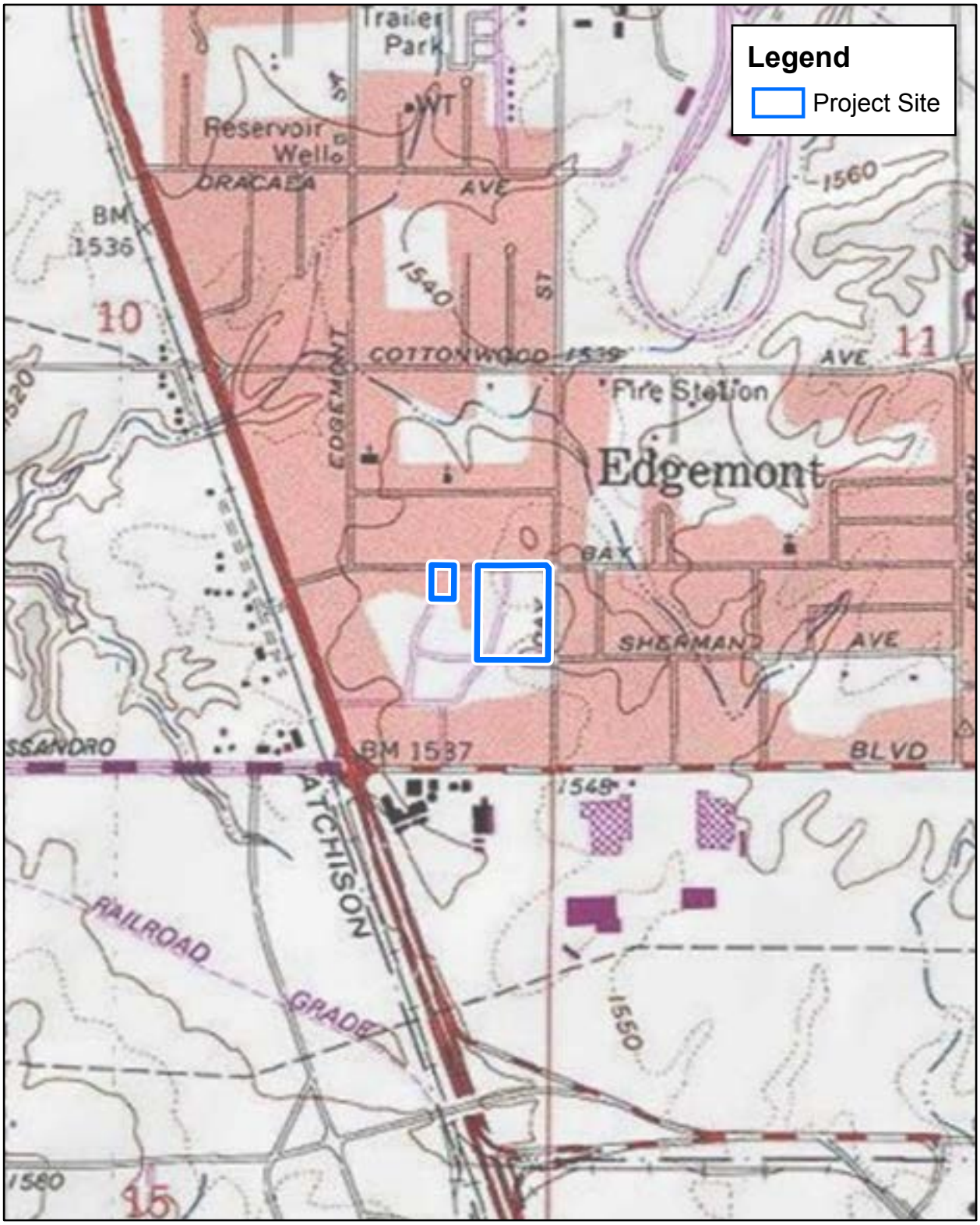
The Project would require approximately 18,566 cubic yards of cut and 24,796 cubic yards of fill; approximately 6,230 cubic yards of imported fill soil would be needed. Retaining walls with heights varying between approximately three (3) feet to nine (9) feet would be installed along portions of the western and southern boundary of Lot 1. When grading is complete, Lots 1 and 2 would be flat. However, both lots would have a slight slope from north and east (approximate highpoint of 1,555 feet above mean sea level) to southwest (approximate low point of 1,540 feet above mean sea level).



Source(s): ESRI, NearMap Imagery (September 2023), RCIT (2023)

Figure F-1

Vicinity Map



Source(s): ESRI, USGS (2013)

Figure F-2

0 250 500 1,000 Feet

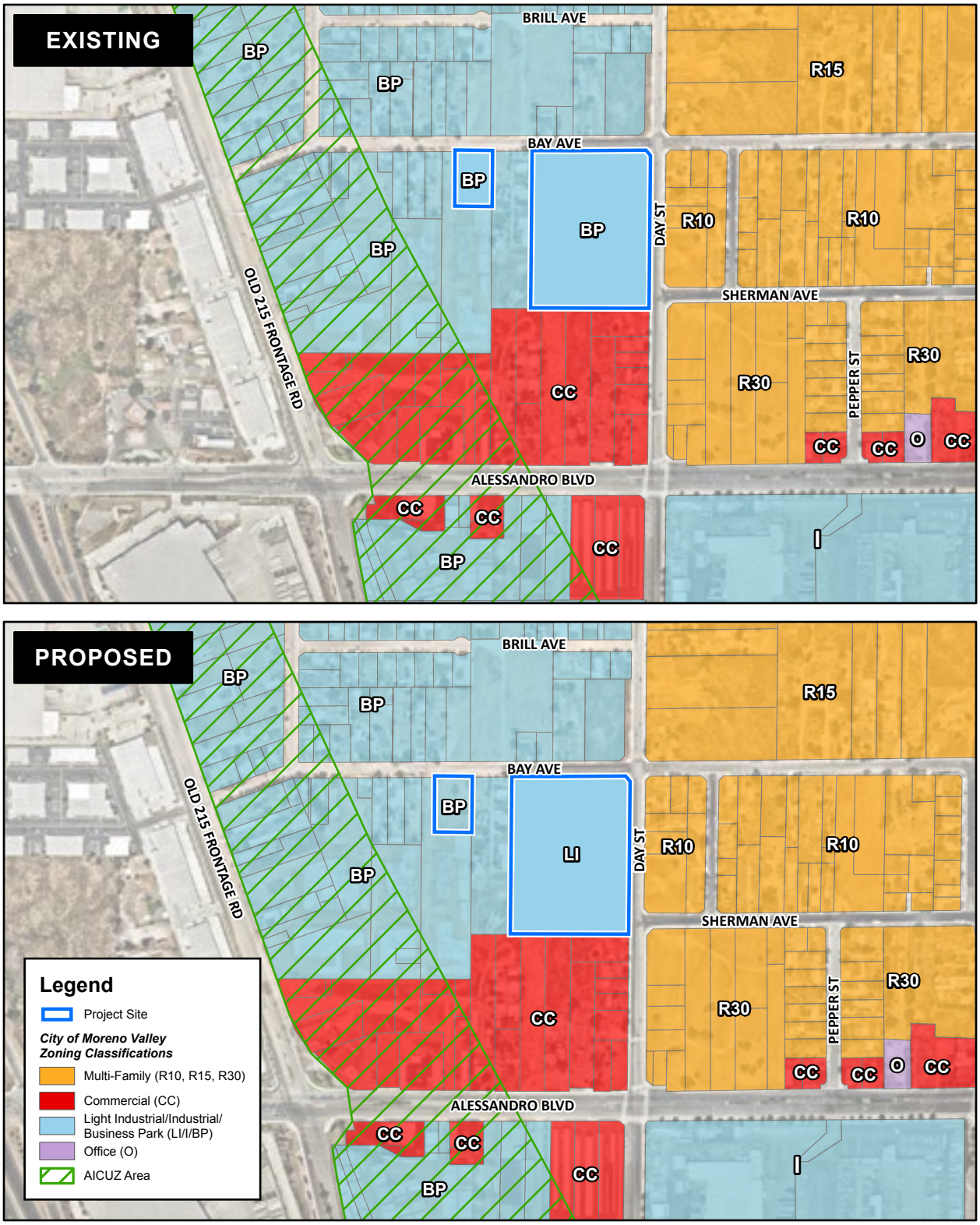
USGS Topographic Map

Source(s): ESRI, NearMap Imagery (September 2023)

Figure F-3

0 125 250 500 Feet

Aerial Photograph



Source(s): ESRI, NearMap Imagery (September 2023), City of Moreno Valley (2020)

Figure F-4

0 150 300 600 Feet

Proposed Change of Zone

TENTATIVE PARCEL MAP NO. 38179

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF LOT 34 AND ALL OF LOT 35, BOTH LOTS OF EDGEMONT NUMBER 2, AS PER MAP RECORDED IN BOOK 12, PAGE 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:
LOT 35 OF EDGEMONT 2 AS SHOWN BY MAP ON FILE IN BOOK 12, PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL TWO
THE EAST ONE-HALF (1/2) OF LOT 34 OF EDGEMONT #2 AS PER MAP RECORDED IN BOOK 12, PAGE 19, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

EXISTING EASEMENTS:

(5) AN EASEMENT FOR SEWER PIPELINE AND INCIDENTAL PURPOSES, IN FAVOR OF EDGEMONT COMMUNITY SERVICES DISTRICT, RECORDED MAY 06, 1964 AS INSTRUMENT NO. 56197 OF OFFICIAL RECORDS.

(6) AN EASEMENT FOR PERPETUAL AND PUBLIC HIGHWAY AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION, RECORDED NOVEMBER 05, 2008 AS INSTRUMENT NO. 2008-0587817 OF OFFICIAL RECORDS.

(7) AN EASEMENT FOR DRAINAGE AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF MORENO VALLEY, RECORDED NOVEMBER 05, 2008 AS INSTRUMENT NO. 2008-0587818 OF OFFICIAL RECORDS. (SAID EASEMENT TO BE ABANDONED ON THE MAP)

(8) AN EASEMENT FOR PONDING AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF MORENO VALLEY, RECORDED NOVEMBER 05, 2008 AS INSTRUMENT NO. 2008-0587819 OF OFFICIAL RECORDS. (SAID EASEMENT TO BE ABANDONED ON THE MAP)

PROPOSED EASEMENTS:

(1) AN EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES TO THE THE CITY OF MORENO VALLEY, TO BE DEDICATED ON THE FINAL MAP (BAY AVENUE).

(2) AN EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES TO THE THE CITY OF MORENO VALLEY, TO BE DEDICATED ON THE FINAL MAP (DAY STREET).

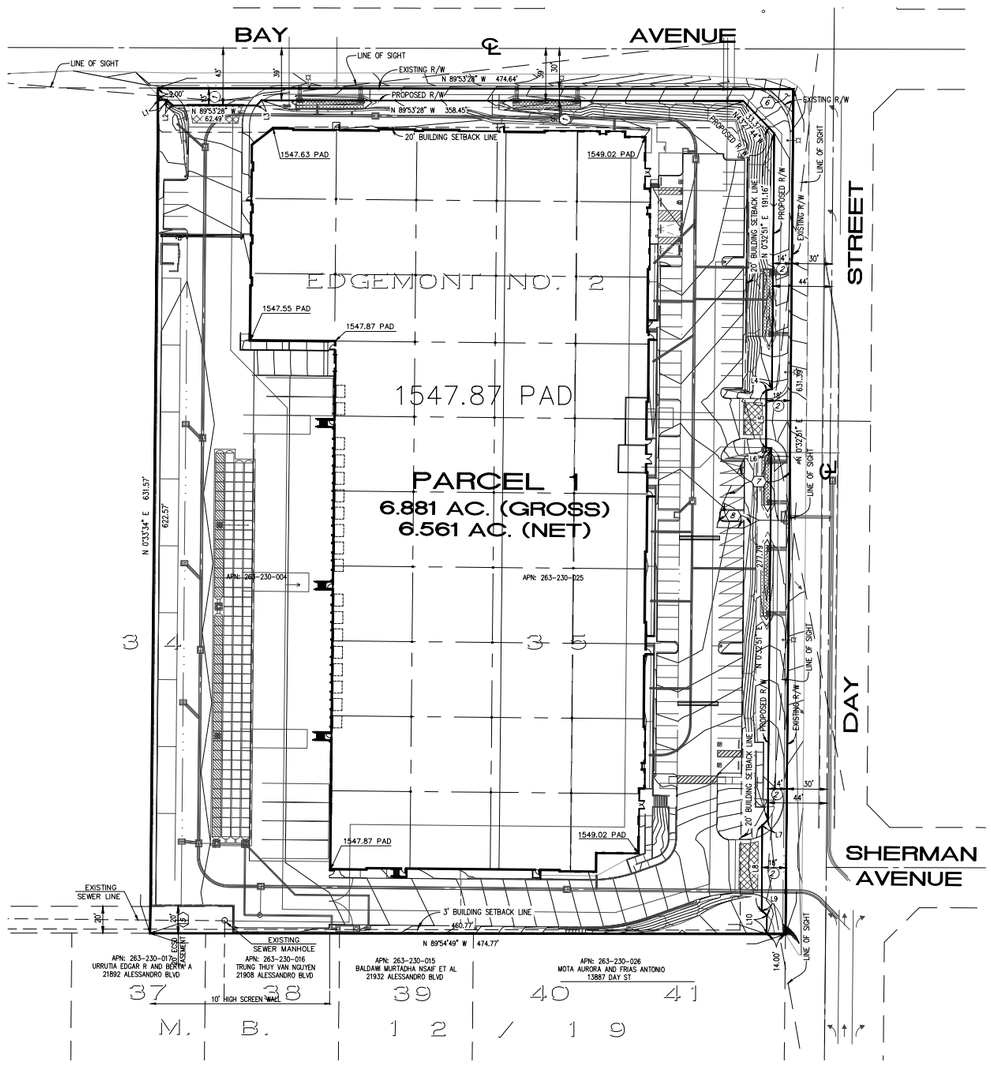
ZONING:

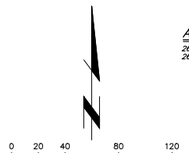
ZONING INFORMATION:
(THE FOLLOWING ZONE DESIGNATIONS ARE PER CITY OF MORENO VALLEY DEPARTMENT OF ENGINEERING / MAPPING)

– ZONING FOR ENTIRE SITE
GENERAL PLAN DESIGNATION: BP – BUSINESS PARK/LIGHT INDUSTRIAL
ZONING DESIGNATION: L I – INDUSTRIAL/ BUSINESS PARK

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM (CCS83), ZONE 6, NORTH AMERICAN DATUM 1983 (NAD83) BASED LOCALLY ON CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) "MLFP" AND "P584" AS BEING NORTH 84°41'07.4104" WEST (BASIS OF BEARINGS) (GRID) AND REPRESENTED HEREON BY THE CENTERLINE OF ALESSANDRO AVENUE AS BEING NORTH 89°14'42" EAST. (2010.0 EPOCH)





APNs:
263-230-004
263-230-025

NOTES:
DATE OF PREPARATION: 5-2-2025
GROSS ACREAGE: 6.881
NET ACREAGE: 6.561

VICINITY MAP
N.T.S.

LEGEND:

CL	CENTERLINE	CONCRETE
CONC	CONCRETE	
DRN	DRAIN	
DRWY	DRIVEWAY	TREE
ELEC MTRS	ELECTRIC METERS	
GA	GUY ANCHOR	
GM	GAS METER	
PA	PLANTER AREA	
PL	PROPERTY LINE	
PP	POWER POLE	PALM TREE
SDMH	STORM DRAIN MANHOLE	
SMH	SEWER MANHOLE	
STLT	STREET LIGHT	
WDF	WOOD FENCE	IRON FENCE
WM	WATER METER	BLOCK WALL
WV	WATER VALVE	
1006		INDICATES PROPOSED CONTOUR
1006		INDICATES EXISTING CONTOUR
1006.21		INDICATES PROPOSED ELEVATION/DESCRIPTION
EC		
NG		INDICATES EXISTING DESCRIPTION/ELEVATION
(1006.21)		

UTILITY PROVIDERS:

POTABLE WATER
BOX SPRINGS MUTUAL WATER COMPANY
27140 DRACAEA AVENUE
MORENO VALLEY, CA 92553
PHONE: (951) 653-6419
CONTACT: MELISSA MARTINEZ

CABLE:
CHARTER
17777 CENTER COURT DRIVE NORTH, 8th FLOOR
CERRITOS, CA, 90703
PHONE: (562) 667-0259
CONTACT: JUDY BOWERS

ELECTRIC:
CITY OF MORENO VALLEY
14331 FREDERICK STREET, SUITE 2
MORENO VALLEY, CA 92552
PHONE: (951) 413-3500
FAX: (951) 413-3600
CONTACT: CLEMENT JIMENEZ

TELEPHONE:
AT&T
1265 VAN BUREN STREET, STE 180
ANAHEIM, CA 92807
PHONE: (714) 666-5503
CONTACT: CAROL BOSTROM

GAS:
SO. CALIF. GAS COMPANY
1981 W. LUGONIA AVENUE, P.O. BOX 3003
REDLANDS, CA 92374-9720
PHONE: (909) 335-7797
FAX: (909) 335-7527
CONTACT: STEVEN VARGAS

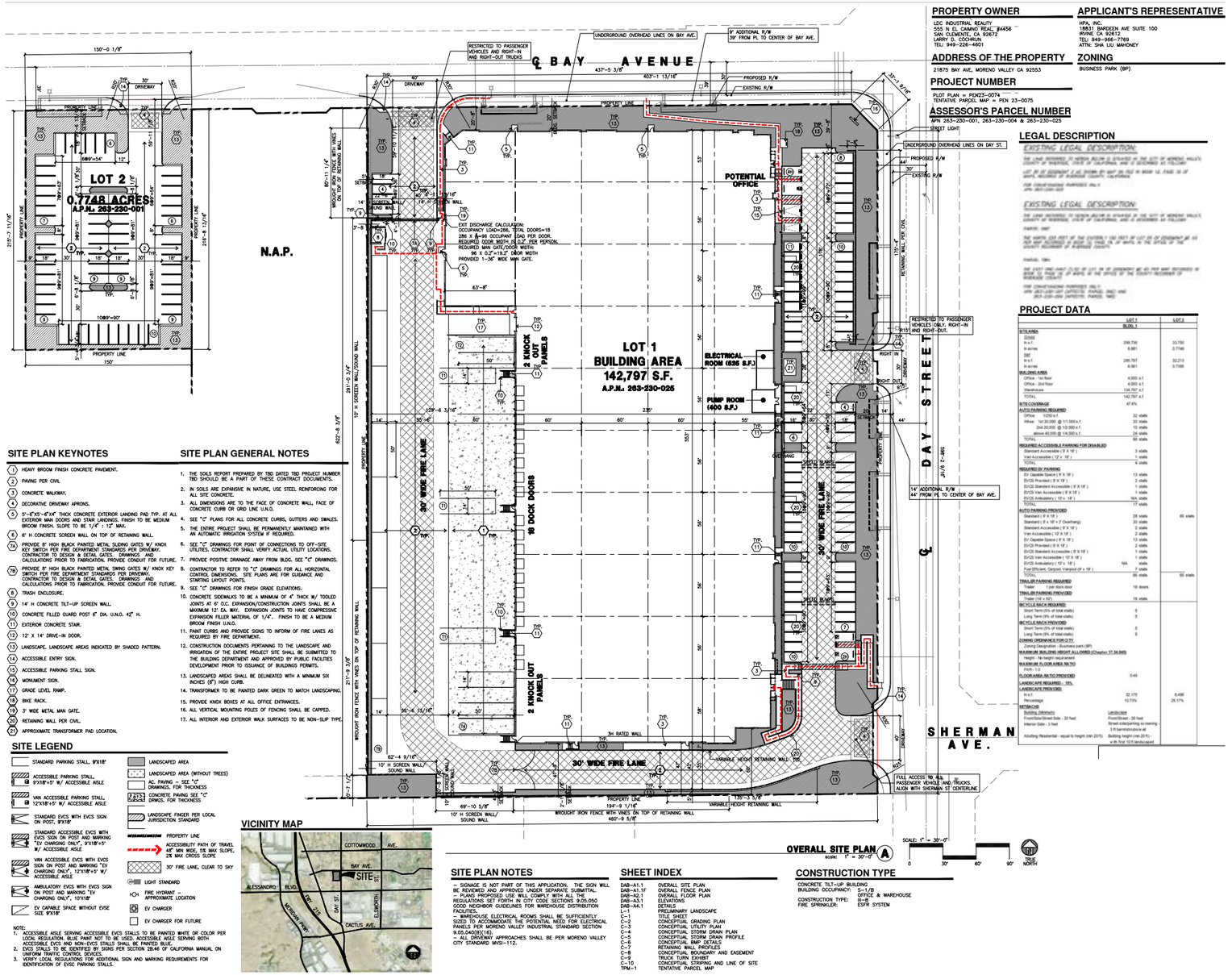
SEWER
EDGEMONT COMMUNITY SERVICES DISTRICT
P.O.BOX 5436
RIVERSIDE, CA 92517
PHONE: (951) 784-2632
CONTACT: JESSICA PFALMER

Source(s): Thienes Engineering, Inc. (12-22-2025)

Figure F-5

Not to Scale

Proposed Tentative Parcel Map

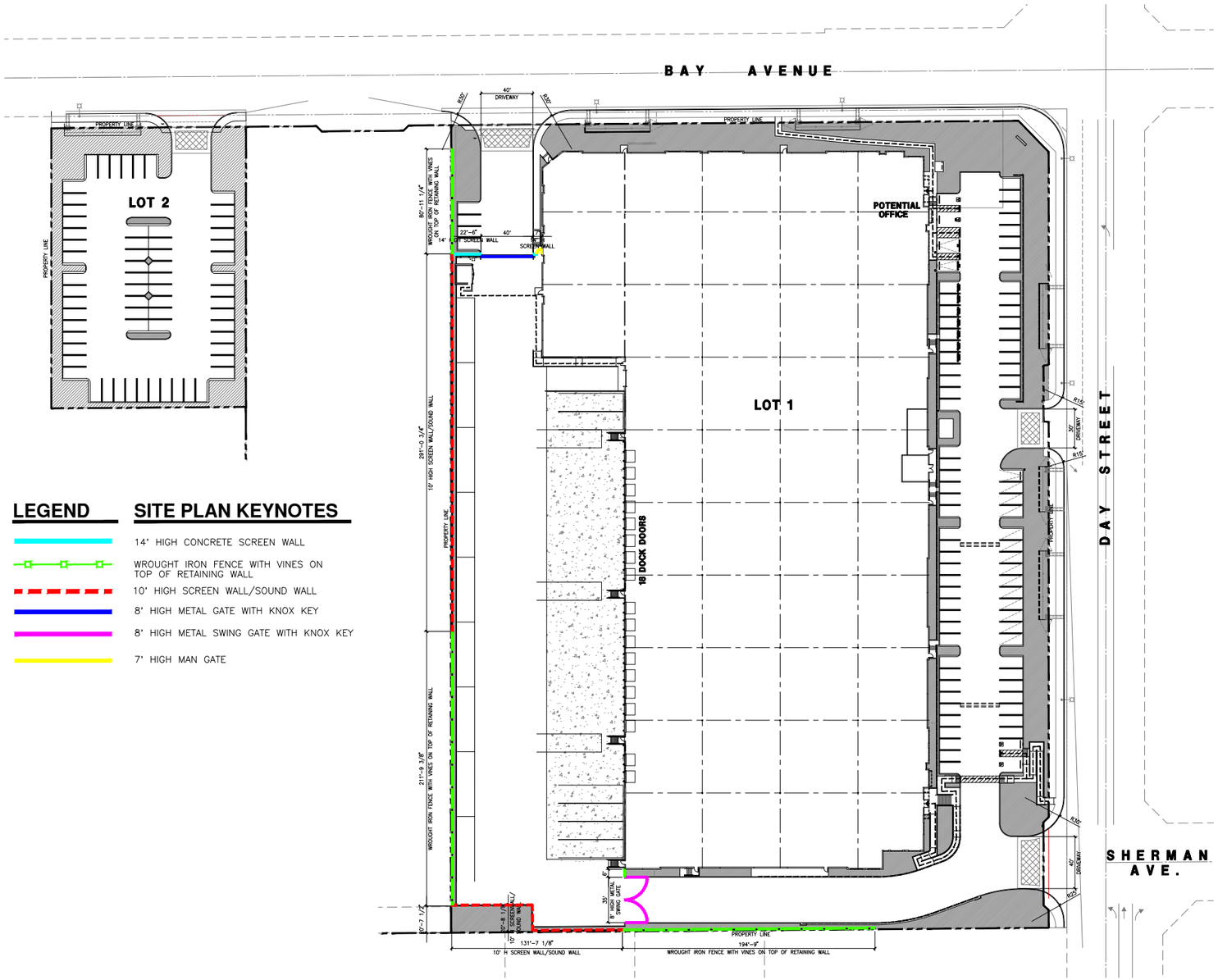


Source(s): HPA (11-18-2025)

Figure F-6

Not to Scale

Conceptual Site Plan



Source(s): HPA (11-18-2025)

Figure F-7

Not to Scale

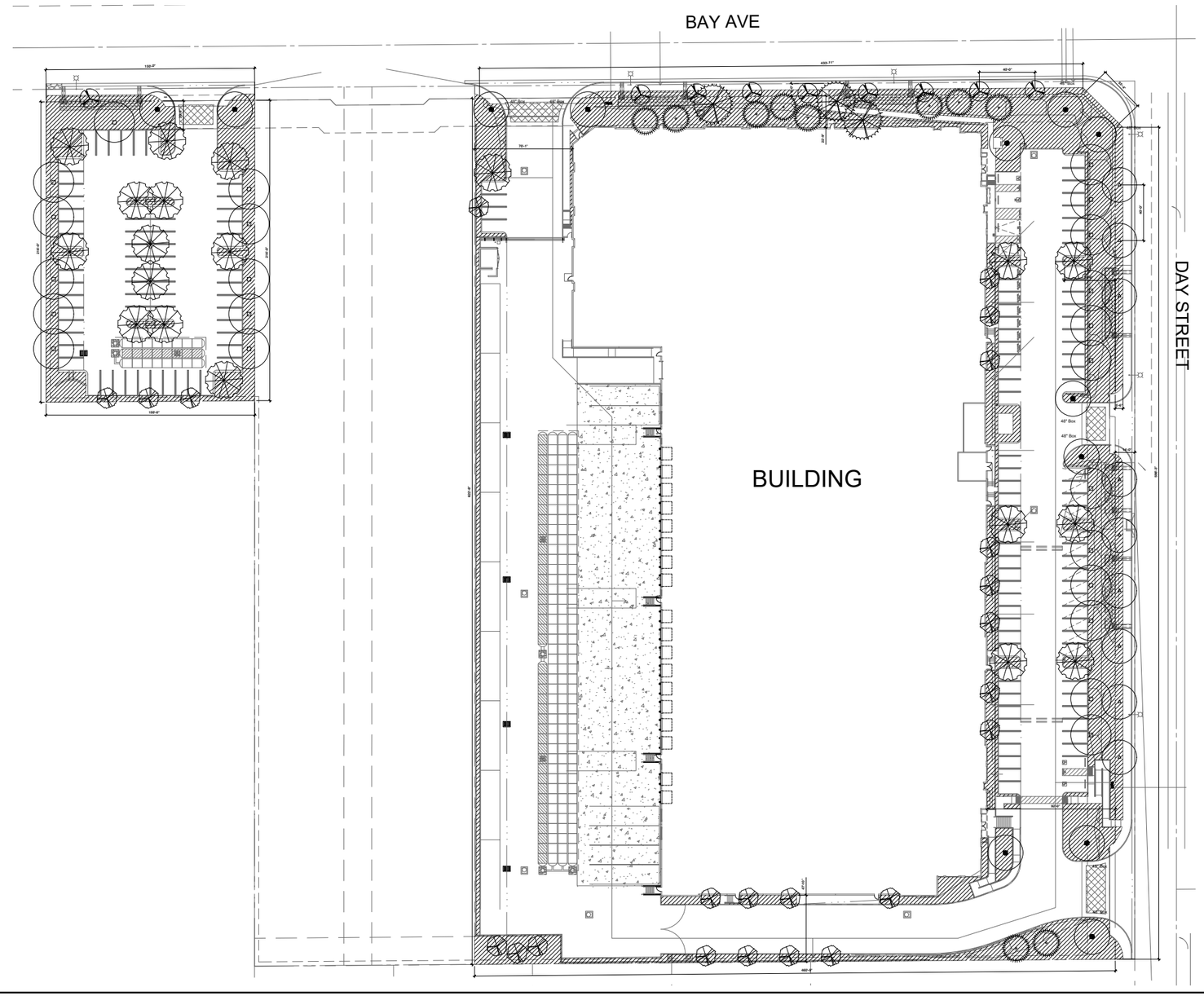
Conceptual Wall and Fence Plan

Source(s): HPA (02-06-2026)

Figure F-8

Not to Scale

Conceptual Architectural Elevations



PLANTING LEGEND

TREES

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Cercidium 'Desert Museum' Blue Palo Verde	48" Box 36" Box	8 4	L	Multi
	Chilopsis linearis Desert Willow	24" Box	10	L	Multi
	Chitalpa tashkentensis Chitalpa	24" Box	19	L	Standard
	Magnolia g. 'Little Gem' Magnolia	24" Box	9	M	Standard Street Tree
	Pinus canariensis Canary Island Pine	24" Box	9	M	Standard Street Tree
	Prosopis chilensis Chilean Mesquite	24" Box	3	L	Multi
	Rhus lancea African Sumac	24" Box	23	L	Standard
	Tristania conferta Brisbane Box	15 Gal	23	M	Standard

SHRUBS

SYMBOL	BOTANICAL/COMMON NAME	SIZE		WUCOLS	REMARKS
	Acca sellowiana Pineapple Gauva	5 Gal		M	
	Baccharis p. 'Centenial' Coyote Bush	5 Gal		L	
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal		M	
	Dianella tasmanica Dianella	5 Gal		M	
	Dietes bicolor Fortnight Lily	5 Gal		M	
	Ligustrum j. Texanum Texas Privet	5 Gal		M	
	Muhlenbergia capillaris Pink Muhly	5 Gal		M	
	Muhlenbergia rigens Deer Grass	5 Gal		M	
	Rhaphiolepis i. 'Clara' Indian Hawthorn	5 Gal		M	
	Rhaphiolepis i. 'Springtime' Indian Hawthorn	5 Gal		M	
	Rhamnus californica Coffeeberry	5 Gal		L	
	Rosmarinus o. 'Tuscan Blue' Rosemary	5 Gal		L	
	Salvia c. 'Allen Chickering' Allen Chickering Sage	5 Gal		L	
	Salvia greggii Autumn Sage	5 Gal		L	
	Salvia leucantha Mexican Sage	5 Gal		L	
	Westringia fruticosa Coast Rosemary	5 Gal		L	
	Westringia f. 'Grey Box Dwarf Coast Rosemary	5 Gal		L	

GROUNDCOVER

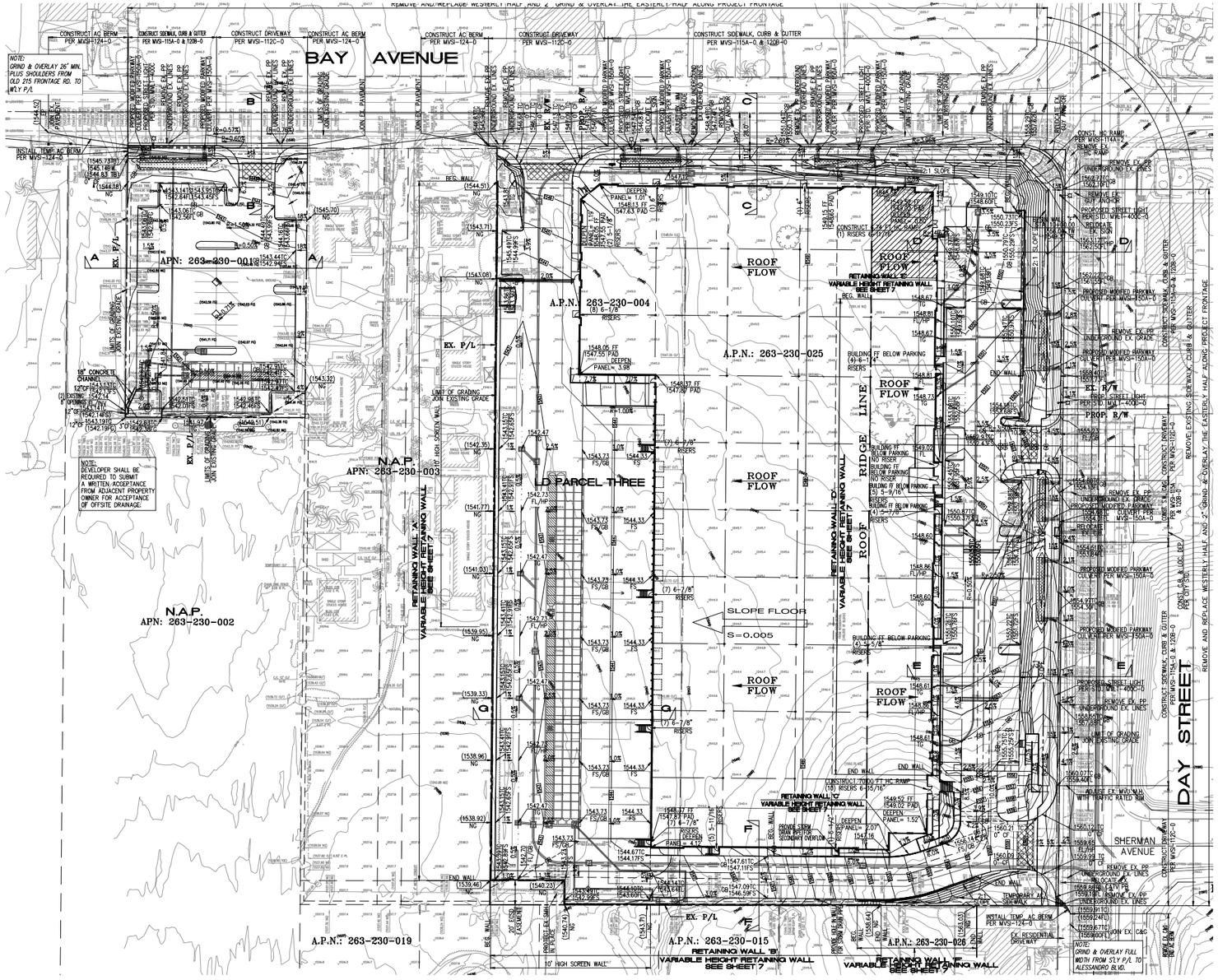
SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Rosa 'Flower Carpet' -Red Red Flower Carpet Rose	1 Gal	30" O.C.	L	
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	48" O.C.	L	
	Trachelopspermum jasminiodes Star Jasmine	1 Gal	24" O.C.	M	
	Acacia redolens 'Low Boy' Dwarf Acacia	1 Gal	8' O.C.	L	
	Baccharis p. 'Pigeon Point' Dwarf Coyote Bush	1 Gal	6' O.C.	L	
	Lantana 'Gold Mound' Yellow Lantana	1 Gal	36" O.C.	L	

Source(s): Hunter Landscape (02-03-2026)

Figure F-9

Not to Scale

Conceptual Landscape Plan



Source(s): Thienes Engineering, Inc. (01-30-2026)

Figure F-10

Not to Scale

Conceptual Grading Plan

F.3 RESPONSES TO DEIR COMMENTS

The City of Moreno Valley received ten (10) comment letters in response to the DEIR. Agencies, organizations, and persons that submitted comments are in Table F-1, *Public Agencies, Organizations, and Persons that Commented on the DEIR*.

Table F-1 Public Agencies, Organizations, and Persons that Commented on the DEIR

Comment Letter	Commenting Party	Date
A	Southern California Gas Company	12/3/2024
B	Riverside Transit Agency	12/6/2024
C	South Coast Air Quality Management District	12/10/2024
D	Blum, Collins & Ho, LLP on behalf of the Golden State Environmental Justice Alliance	1/6/2025
E	Sierra Club Box Springs Group	1/7/2025
F	Advocates for the Environment	1/8/2025
G	George Hague	1/8/2025
H	Center for Community Action and Environmental Justice	1/8/2025
I	Law Office of Abigail Smith on behalf of Sierra Club-San Gorgonio Chapter	1/8/2025
J	Lozeau Drury LLP	12/3/2024

F.3.1 RESPONSES TO DEIR COMMENTS

CEQA Guidelines Section 15088 requires the Lead Agency (City of Moreno Valley) to evaluate comments received from public agencies and interested parties who reviewed the DEIR and to provide written responses with good faith and reasoned analysis to comments that relate to significant environmental issues.

CEQA Guidelines Section 15204(a) outlines the parameters for public agencies and interested parties to submit comments and the Lead Agency's responsibility for responding to specific comments. Per CEQA Guidelines Section 15204(a), comments should be related to:

> *[T]he sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible…CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or suggested by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

CEQA Guidelines Section 15204(c) further provides that, "[r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Additionally, CEQA Guidelines Section 15204(d) notes that, "[e]ach responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility;" but, pursuant to CEQA Guidelines Section 15204(e), "[t]his section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section [CEQA Guidelines Section 15204]."

Per CEQA Guidelines Section 15088(c), the level of detail contained in the response may correspond to the level of detail provided in the comment: "A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment."

The comment letters listed in Table F-1 are provided on the following pages, followed by responses to the individual comments raised in the letters.

Comment Letter A

Hello,
I just reviewed the documents regarding **PEN23-0074, PEN23-0075, PEN23-0076, SCH NO. 2023090050**
SoCalGas Distribution does have facilities in the area. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities. **Any excavation activity within ten (10) feet of our High-Pressure facilities will require a SoCalGas employee standby.**
If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/for-your-business/builder-services.

To avoid delays in processing requests and notifications, please have all Franchise corespondence sent to our Utility Request inbox, at

SCGSERegionRedlandsUtilityRequest@semprautilities.com

I cover the **Southeast Region – Redlands**
SCGSERegionRedlandsUtilityRequest@semprautilities.com would be your contact for requests in the southeastern ends of LA County, Riverside County, San Bernardino & Imperial Counties.

Southeast Region - Anaheim office which is all of Orange County and the southern ends of Los Angeles County; therefore, any Map and/or Will Serve Letter requests you have in these areas please send them to AtlasRequests/WillServeAnaheim@semprautilities.com

Northwest Region – Compton HQ For West and Central LA County, your Map Request and Will Serve Letters, will go to SCG-ComptonUtilityRequest@semprautilities.com

Northwest Region - Chatsworth
For any requests from the northern most parts of LA County all the way up to Visalia, San Luis Obispo, Fresno and Tulare you would contact NorthwestDistributionUtilityRequest@semprautilities.com

Transmission
For Transmission requests, please contact SoCalGas Transmission, at SoCalGasTransmissionUtilityRequest@semprautilities.com

READ MORE ……..

MINOR STREET IMPROVEMENT PROJECTS: (CHIP SEAL, SLURRY SEAL, GRIND & OVERLAY)
Please notify Southern California Gas Company 4 months prior to start of pavement
projects for the gas company to complete leak survey & repair leaks if found.

A-1

**MAJOR STREET IMPROVEMENT PROJECTS: (PROJECTS REQUIRING EXCAVATIONS GREATER THAN 9 INCHES, WIDENING OF EXISTING STREETS, INSTALLING NEW CURBS &
GUTTERS, BUS PADS, TRAFFIC SIGNALS, REALIGNMENT, GRADE SEPARATION, ETC.)
&
PIPELINE PROJECTS: (STORM DRAIN, WATERLINE, WATER, SEWER, ELECTRICAL, TELECOMUNICATIONS, ETC.)**

**Please provide Southern California Gas Company with your signed designed plans
with *gas company facilities posted* on your designs plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months
for possible relocation of SCG high pressure facilities.**

This time is needed to analyze plans and to design required alterations to any conflicting SCG gas facilities. Please keep us informed of any and all pre-construction meetings, construction schedules, etc., so that our work can be scheduled accordingly. Potholing may be required to determine if a conflict exists between the proposed development and our facilities. If, for any reason, there are SCG facilities in conflict, and a request to be relocated is needed, it is important to send the request in writing. Please include all required information below:

- **A Signed "Notice to Owner" request on Official Letterhead from the City, County,
and/or company.**
- **Name, Title and Project Number.**
- **Address, Location, Start Date, Parameters & Scope of Entire Job/Project.**
- **Copy of Thomas Guide Page and/or Google Map Screenshot Highlighting Project Area.**
- **Requestor Company's Contact Name, Title, Phone Number, Email, and other pertinent information**.

Thank you,
Josh Rubal
Lead Planning Associate
Distribution Planning & Project Management
Redlands HQ - Southeast Region
(213) 231-7978 Office
SCGSERegionRedlandsUtilityRequest@semprautilities.com

A-1
(CONT.)

Responses to Comment Letter A: Southern California Gas Company

A-1 The City of Moreno Valley acknowledges the comment letter provided by the Southern California Gas Company (SCG). This letter confirms the presence of SCG facilities in the vicinity of the Project Site and outlines the procedures for requesting future service and for reviewing future development plans. SCG does not provide any comment(s) on the environmental analysis provided in the DEIR or related to potential environmental effects of the Project. No further response is required.

Comment Letter B

From: Mauricio Alvarez <malvarez@riversidetransit.com>
Sent: Friday, December 6, 2024 9:44 AM
To: Planning Notices_DG <planningnotices@moval.org>
Subject: Bay & Day Commerce Center Project

Good Morning,

Thank you for including RTA in the development review of the Bay & Day Commerce Center Project. After further review, there are no comments to submit for this particular project. B-1

Thank you,

Mauricio Alvarez, MBA
Planning Analyst
Riverside Transit Agency
p: 951.565.5260 | e: malvarez@riversidetransit.com
Website | Facebook | Twitter | Instagram
1825 Third Street, Riverside, CA 92507

Responses to Comment Letter B: Riverside Transit Agency

B-1 This comment confirms that the Riverside Transit Agency has no comments related to the DEIR or the Project's potential environmental effects. No further response is required.

Comment Letter C

Kim Zuppiger
Consultant - Planning - MNS Engineering
Community Development
City of Moreno Valley
p: 951.413.3233 | e: kimz@moval.org w: www.moval.org
14177 Frederick St., Moreno Valley, CA, 92553

From: Danica Nguyen <dnguyen1@aqmd.gov>
Sent: Tuesday, December 10, 2024 10:36 AM
To: Planning Notices_DG <planningnotices@moval.org>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: Technical Data Request: Proposed Bay & Day Commerce Center Project

Dear Kim Zuppiger,

South Coast AQMD staff received a Draft Environmental Impact Report (EIR) for the **Proposed Bay & Day Commerce Center Project** (SCH No.: 2023090050) (South Coast AQMD Control Number: RVC241204-01). Staff is currently in the process of reviewing the Draft EIR. The public commenting period is from 11/25/2024 – 01/08/2025.

Upon review of the files provided as part of the public review period, I was able to access the Draft EIR and Appendices on the City's website.

C-1

Please provide an electronic copy of any live modeling and emission calculation files (complete data files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:

- CalEEMod Input Files (.json files);
- Live EMFAC output files;
- Any emission calculation file(s) (live version of Excel file(s); no PDF) used to calculate the Project's emission sources (i.e. truck operations);
- AERMOD Input and Output files, including AERMOD View file(s) (.isc);
- HARP Input and Output files and/or cancer risk calculation files (live version of Excel file(s); no PDF) used to calculate cancer risk and chronic and acute hazards from the Project;
- Any other files related to post-processing done outside of AERMOD to calculate pollutant-specific concentrations (if applicable).

You may send the above-mentioned files via a Dropbox link, which may be accessed and downloaded by South Coast AQMD staff by **COB on Tuesday, 12/17/2024**. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please feel free to contact me.

C-2

Regards,

Danica Nguyen

Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

Responses to Comment Letter C: South Coast Air Quality Management District

C-1 This comment consists of introductory remarks. The South Coast Air Quality Management District (SCAQMD) acknowledges receipt of the DEIR and indicates that review of the DEIR is underway. No specific comment or request for additional information is made; therefore, no further response is required.

C-2 The commenter requests the live modeling and emission calculation files that were used to quantify potential air quality impacts from construction and/or operation of the Project. The commenter requested receipt of the files by Tuesday, December 17, 2024, to facilitate timely review of the DEIR. The City provided the requested files to the SCAQMD review staff (Danica Nguyen) on Friday, December 13, 2024. After confirming receipt of the live modeling and emission calculation files via email to City of Moreno Valley staff, SCAQMD staff did not submit additional comments related to the DEIR or the Project's potential environmental impacts. No further response is required.

COMMENT LETTER D

BLUM, COLLINS & HO LLP
ATTORNEYS AT LAW
AON CENTER
707 WILSHIRE BOULEVARD
SUITE 4880
LOS ANGELES, CALIFORNIA 90017
(213) 572-0400

January 6, 2025

Kim Zuppiger
Project Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Via Email to:
planningnotices@moval.org

Subject: Comments on Bay & Day Commerce Center Project EIR (SCH NO. 2023090050)

Dear Ms. Zuppiger,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Bay and Day Commerce Center Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. D-1

1.0 Summary

The project proposes the construction and operation of one 194,775 square foot (sf) industrial warehouse building consisting of 5,870 sf of office area (3,000 s.f. on the ground floor and 2,870 s.f. on the mezzanine level) and 188,905 sf of warehouse area on a 9.95 gross acre site. The building includes 30 truck/trailer loading dock doors and the site provides 48 truck/trailer parking spaces and 94 passenger vehicle parking spaces.

The following discretionary actions are required to implement the proposed project:

1. Change of Zone (PEN23-0076) to amend the City of Moreno Valley Zoning Map to change the zoning designation for the Project Site from "Business Park District (BP)" to "Light Industrial District (LI)." The Project Site already is designated for "Business Park/Light Industrial" land uses by the City of Moreno Valley General Plan Land Use Map; thus, a General Plan Amendment is not needed to accommodate the proposed Change of Zone. The Change of Zone is requested because although the existing Business Park District designation applied to the subject property generally allows similar industrial land uses as the Light Industrial District, the Business Park District limits building sizes to a maximum of 50,000 D-2

square feet (s.f.) of floor area whereas the proposed Project entails a proposed building with up to 194,775 s.f. of floor area.

2. Tentative Parcel Map (PEN23-0075) to consolidate the four parcels comprising the Project Site (Assessor Parcel Numbers 263-230-001, -003, -004, and -025) into a single parcel. PEN23-0075 also includes the dedication of public right of way (ROW) to the City of Moreno Valley for the widening of Day Street and Bay Avenue along the Project Site frontage.
3. Plot Plan (PEN23-0074) to construct a 194,775 square foot (s.f.) industrial building on the subject property.

D-2 (CONT.)

1.1 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The proposed project is a piecemealed portion of a larger overall project to be developed within the larger Molto industrial center in the City.

The EIR misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action - construction and operation of all Molto buildings as a whole. At minimum, piecemealed projects include the Moreno Valley Commerce Center (159,040 sf warehouse building) and Nandina Commerce Center located at 24773 Nandina (95,474 sf warehouse building).

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining "the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The specific development project is the construction and operation of all Molto buildings.

D-3

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR "will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." Because there are multiple proposed buildings as part of a single project, the project EIR must be more detailed in the specific effects of the project. A project EIR must be prepared that accurately

represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts. D-3 (CONT.)

Another aspect of the piecemealing involves the required public storm drain construction to serve the project. The EIR states that, "the storm drain line provided by the Project will connect to a new storm drain line that will be constructed within Day Street by the approved Moreno Valley Business Center project (PEN20-0162)," and that, "The planned storm drain system improvements were disclosed and the environmental effects related to the construction of these improvements were fully evaluated in the Mitigated Negative Declaration (MND) for the Moreno Valley Business Center project (SCH No. 2022060326), which is hereby incorporated by reference pursuant to CEQA Guidelines Section 15150." However, the proponent of the Moreno Valley Business Center project (PEN20-0162) is LDC Industrial Realty, whom is also listed as the property owner of the proposed Bay and Day Commerce Center on Figure 3-6: Conceptual Site Plan. At minimum, these projects are joint ventures between LDC and Molto that have been piecemealed in order to artificially reduce environmental impacts and avoid disclosure. A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development actions to present unduly low environmental impacts. D-4

3.0 Project Description

The EIR states that, "Figure 3-9, Proposed Grading Plan, depicts the conceptual grading plan for the Site. Grading of the property would entail a total of 14,770 cubic yards (c.y.) of cut and 50,296 c.y. of fill; approximately 35,526 c.y. of imported soil would be required." However, Figure 3-10: Conceptual Grading Plan has been completely edited to remove all pertinent information from public review, including the legend, key notes, and earthwork quantity notes. Providing the complete grading plan and earthwork quantity notes is also vital as the EIR has not provided any method for the public to verify the claims made in the EIR's grading material quantity statement. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to include wholly accurate and adequate detailed project grading plan for public review. D-5

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The EIR provides general information about the census tract's CalEnviroScreen scores but does not provide meaningful analysis regarding the health impacts and effects of severe pollution rates. This is in conflict with D-6

CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042505) ranks worse than 99% of the rest of the state overall in overall pollution burden. The surrounding community bears the impact of multiple sources of pollution and is amongst the most severely polluted census tracts for many pollution indicators measured by CalEnviroScreen. or example, the project census tract ranks in the 99th percentile for ozone burden, 64th percentile for particulate matter (PM) 2.5 burden, 64th percentile for diesel PM burden, and 84th percentile for traffic burdens. All of these environmental factors are typically attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[2]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[3].

D-6 (CONT.)

The census tract also bears more impacts from cleanup sites than 83% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[4].. The census tract also ranks in the 80th percentile for impacts from toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[5].

The census tract also ranks in the 67th percentile for solid waste facility impacts and 57th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilites are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[6]. Hazardous waste

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[3] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[4] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[5] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities
[6] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities

generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[7].

Further, the census tract is a diverse community including 82% Hispanic and 10% African-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 94% of the census tract over age 25 has not attained a high school diploma. The community also has a high rate of poverty, meaning 98% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[8]. Poor communities are often located in areas with high levels of pollution[9]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[10]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 85th percentile for incidence of cardiovascular disease and 69th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 79% of the census tract speaks little to no English and faces further inequities as a result.

Additionally, the proposed project's census tract (6065042505) and the census tracts adjacent to the project site (6065046700 (south) and 6065042506 (east)) are identified as SB 535 Disadvantaged Communities[11]. This indicates that cumulative impacts of development and environmental impacts in the City are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities and does not utilize this information in its analysis. The EIR has not considered the environmental impacts in relation to the SB 535 status of the project census tract and surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in Moreno Valley have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

D-6
(CONT.)

[7] OEHHA Hazardous Waste Generators and Facilities
https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[8] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[9] Ibid.
[10] Ibid.
[11] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535

The State of California lists three approved compliance modeling softwares[12] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

D-7

Regarding consistency with applicable adopted plans and policies, the EIR excludes from its analysis the project's required Change of Zone application to allow construction of a building with more than 50,000 sf of building area. The project building is 194,775 sf, nearly four times the existing maximum building area. The proposed project will accordingly generate four times the employees, vehicle trips, and associated emissions and impacts than are currently accounted for in regional and local plans adopted for purposes of avoiding or mitigating environmental effects, including the AQMP, RTP/SCS, and General Plan. The EIR must be revised to include this information for analysis and include a finding of significance.

D-8

4.8 Hazards and Hazardous Materials

The proposed project site is within March Air Reserve Base (MARB)/Inland Port Airport (IPA) Primary Approach/Departure Zone (Compatibility Zone C1). The EIR provides a brief statement that "non-sensitive uses – like the light industrial use proposed by the Project – are allowed within Zone. The Project would be consistent with the applicable development regulations and design standards of the ALUCP and would not result in safety hazards for people residing or working in the Project area," and concludes that the project will have less than significant impacts. The EIR has not provided any meaningful evidence to substantiate these claims, such as including the density restrictions (persons per acre) of the MARB/IPA ALUCP and demonstrating how the project complies with them.

D-9

[12] California Energy Commission 2022 Energy Code Compliance Software
https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

Further, Moreno Valley Municipal Code Section 9.07.060 - Airport Land Use Compatibility Plan[13] subsection (F) states that "other types of land use actions are subject to review under the circumstances described in Section 1.5 of Chapter 2 Countywide Policies of the Riverside County airport land use compatibility plan." Section 1.5.3: Major Land Use Actions within RCALUC Chapter 2 - Countywide Policies[14] states that ALUC review of the following actions are required to be reviewed:

"Section 1.5.3: Major Land Use Actions

(a) Actions affecting land uses within any compatibility zone.

(5) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.

(d) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities."

Regarding Section 1.5.3(a), the proposed project is subject to RCALUC review due to the size of its building floor area (requirement 5). Further, regarding Section 1.5.3(d), the proposed project is subject to RCALUC review due to Moreno Valley Municipal Code Section 9.07.060(E)(2) that states, "The adoption or approval of a zoning ordinance or building regulation which affects property within an airport influence area, and involves the types of airport impact concerns listed in Section 1.4 of the March ALUCP (Public Utilities Code Section 21676(b))." The project requires an amendment to the City's Zoning Ordinances to change the Zoning designation of the property to allow construction of the proposed project as the building area will exceed what is permitted under the current designation. Therefore, there is an inherent question of compatibility with airport activities due to Zoning inconsistencies. A revised EIR must be prepared to provide this information for analysis in order to provide an adequate and accurate environmental analysis. Delaying RCALUC review until after the CEQA process is implementation of the project prior to CEQA review and deferred mitigation in violation of CEQA. A revised EIR must be prepared that includes a review and action letter regarding the proposed development plans from the RCALUC.

D-10

[13] Moreno Valley Municipal Code Section 9.07.060
https://library.qcode.us/lib/moreno_valley_ca/pub/municipal_code/item/title_9-chapter_9_07-article_i-9_07_060

[14] RCALUC Chapter 2 - Countywide Policies
https://rcaluc.org/sites/g/files/aldnop421/files/migrated/Portals-13-PDFGeneral-plan-newplan-04--20Vol.-201-20County-20wide-20Policies.pdf

4.10 Land Use and Planning

The EIR does not provide a consistency analysis with the Municipal Code. As stated above, the project is not consistent with Moreno Valley Municipal Code Section 9.07.060 and has not demonstrated consistency with the MARB/IPA ALUCP. A revised EIR must be prepared with this information for analysis in order to provide an adequate and accurate environmental analysis, and also include a finding of significance due to this conflict. Further, the EIR excludes from its analysis the project's required Change of Zone application to allow construction of a building with more than 50,000 sf of building area. The project building is 194,775 sf, nearly four times the existing maximum building area. The proposed project will accordingly generate four times the employees, vehicle trips, and associated emissions and impacts than are currently accounted for in regional and local plans adopted for purposes of avoiding or mitigating environmental effects, including the AQMP, RTP/SCS, and General Plan. The EIR must be revised to include this information for analysis and include a finding of significance.

D-11

D-12

Additionally, the EIR has not provided analysis of the project in accordance with the required findings for approval of a Change of Zone as stated in Moreno Valley Municipal Code[15] Section 9.02.050(D), 9.02.050(E), and 9.02.050(F). Section 9.02.050(E) specifically requires the following determinations be made for approval:

1. "The proposed amendment is consistent with the general plan and its goals, objectives, policies, and programs, and with any applicable specific plan;
2. The proposed amendment will not adversely affect the public health, safety or general welfare;
3. The proposed amendment is consistent with the purposes and intent of this title; and
4. The proposed amendment will provide public benefits to the general community beyond those that may be unilaterally imposed by the city through the traditional exaction process, which will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children."

D-13

Section 9.02.050(F) specifically states that public benefits, "will enhance public safety services, promote public health, increase recreational opportunities, improve general community services for children and/or seniors or otherwise improve the quality of life of the residents of the city, which shall be memorialized in a legally enforceable agreement or other instrument or imposed as voluntarily-accepted conditions of approval subject to the review and approval as to legal form by the city attorney." The EIR has not provided any information regarding the project's compliance with these Municipal Code Sections and is inadequate as an informational document. The EIR must be revised to include information and analysis with all applicable sections of the Moreno

[15] Moreno Valley Municipal Code https://ecode360.com/43227814#43227814

Valley Municipal Code, including the required findings for approval of a Change of Zone application.

D-13 (CONT.)

Further, it must be noted that the horizon year of the City's current General Plan is 2020. Any development beyond year 2020 is not accounted for or analyzed by the City's current General Plan and its EIR. The project is proposed four years after the horizon year of the General Plan and therefore is not accounted for in its growth projections or environmental analysis. The EIR has not provided any information or analysis regarding the buildout conditions of the existing General Plan that it attempts to tier from. The EIR is inadequate as an informational document since the horizon year of the General Plan has passed and it has not provided a cumulative analysis of all Business Park/Light Industrial projects approved since the General Plan update analysis began in 2001. Further, the EIR also excludes from its analysis the project's required Change of Zone application to allow construction of a building with more than 50,000 sf of building area. The project building is 194,775 sf, nearly four times the existing maximum building area. The proposed project will accordingly generate four times the employees, vehicle trips, and associated emissions and impacts than are currently accounted for in regional and local plans, including the General Plan. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included because the project is not accounted for in the General Plan growth projections and is beyond the 2020 horizon year analyzed in the General Plan and its EIR[16]. A revised EIR must also not tier from the General Plan EIR for this reason.

D-14

The EIR does not include a consistency analysis with any land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, such as the General Plan. The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis with all General Plan policies, including the following:

1. Goal 2.1 A pattern of land uses, which organizes future growth, minimizes conflicts between land uses, and which promotes the rational utilization of presently underdeveloped and undeveloped parcels.
2. Goal 2.2 An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.

D-15

[16] Moreno Valley 2006 General Plan and EIR https://www.moreno-valley.ca.us/city_hall/general-plan.html

3. Policy 2.5.1 The primary purpose of areas designated Business Park/Industrial is to provide for manufacturing, research and development, warehousing and distribution, as well as office and support commercial activities. The zoning regulations shall identify the particular uses permitted on each parcel of land. Development intensity should not exceed a Floor Area Ratio of 1.00 and the average floor area ratio should be significantly less.
4. Policy 2.5.2 Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses.
5. Policy 2.5.4 Design industrial developments to discourage access through residential areas.
6. Objective 2.10 Ensure that all development within the City of Moreno Valley is of high quality, yields a pleasant living and working environment for existing and future residents, and attracts business as the result of consistent exemplary design.
7. Policy 2.10.1 Encourage a design theme for each new development that is compatible with surrounding existing and planned developments.
8. Policy 2.10.3 Require exterior elevations of buildings to have architectural treatments that enhance their appearance: a. A design theme, with compatible materials and styles should be evident within a development project; b. Secondary accent materials, colors and lighting should be used to highlight building features; c. Variations in roofline and setbacks (projections and recesses) should be used to break up the building mass. d. Industrial buildings shall include architectural treatments on visible facades that are aesthetically pleasing.
9. Policy 5.1.1 Plan access and circulation of each development project to accommodate vehicles (including emergency vehicles and trash trucks), pedestrians, and bicycles.
10. Policy 5.1.2 Plan the circulation system to reduce conflicts between vehicular, pedestrian and bicycle traffic.
11. Policy 5.1.3 Require adequate off-street parking for all developments.
12. Policy 5.1.4 Driveway placement shall be designed for safety and to enhance circulation wherever possible.
13. Policy 5.1.6 Design new developments to provide opportunity for access and circulation to future adjacent developments.
14. Objective 5.3 Maintain Level of Service (LOS) "C" on roadway links, wherever possible, and LOS "D" in the vicinity of SR 60 and high employment centers. Figure 9-2 depicts the LOS standards that are applicable to all segments of the General Plan Circulation Element Map.
15. Policy 5.5.7 For developments fronting both sides of a street, require that streets be constructed to full width. Where new developments front only one side of a street, require that streets be constructed to half width plus an additional 12-foot lane for opposing traffic, whenever possible. Additional width may be needed for medians or left and/or right turn lanes.
16. Policy 5.5.10 Provide adequate sight distances for safe vehicular movement at all intersections and driveways.

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(CONT.)

Kim Zuppiger
January 6, 2025
Page 11

4.12 Transportation

The EIR improperly "screens out" the project from performing a project-specific VMT analysis. Appendix P: VMT Report states that "The Project is estimated to generate 358 vehicle trip-ends per day and would be below the 400 daily trip threshold,"in an effort to artificially appease the City's Traffic Impact Analysis Guidelines[17] that exempts projects generating less than 400 ADT from providing a complete VMT analysis.

However, Appendix P and the EIR leaves out that the Trip Generation section of the City's Traffic Impact Analysis Guidelines states that "For projects that anticipate the generation of significant truck traffic, all truck trips shall be evaluated utilizing Passenger Car Equivalents (PCEs)," in determining the average daily trips (ADT) of projects. Table 2: Project Trip Generation Summary within Appendix O: Trip Generation Memo states that the proposed project will generate 542 PCE trips daily. Converting the 358 ADT to PCE indicates that the project exceeds the City's VMT screening threshold of 400 ADT. Therefore, a project-specific VMT analysis analysis is required and must be included as part of a revised EIR. D-16

The EIR also relies upon a VMT screening analysis that concludes the proposed project site is located in a low VMT-generating Traffic Analysis Zone (TAZ) which results in less than significant Transportation impacts. The project's VMT impacts are misrepresented by the WRCOG VMT modeling. Appendix P states the project is located in TAZ ID 3,670 (WRCOG VMT Modeling Program notes it is TAZ ID 1228), which is bound by Eucalyptus Ave. to the north, Day St. to the west, Alessandro Blvd. to the south, and 215 Frontage Road to the east. The TAZ is primarily comprised of vacant land and underdeveloped properties with other low-density residential development and a few scattered commercial properties. The proposed project is unique in that the TAZ in which the Project site is located does not contain any other operational warehouse buildings and is at least 50% vacant land. The VMT screening analysis does not adequately or accurately represent the VMT impacts of the proposed project and a revised EIR must be prepared with a project-specific VMT analysis. D-17

Also, the VMT analysis states that the project TAZ VMT is 10.21 VMT per employee, which is lower than the Citywide employment-based VMT of 11.01 VMT per employee. This is a negligible difference 0.80 miles traveled. Fehr and Peer's WRCOG SB 743 Implementation Pathway Document Package[18] "recommends that a per capita or per employee VMT that is fifteen D-18

[17] Moreno Valley Traffic Impact Analysis Preparation Guide https://www.moval.org/departments/public-works/transportation/TIA-Guidelines.pdf
[18] WRCOG SB 743 Implementation Pathway Document Package https://www.fehrandpeers.com/wp-content/uploads/2019/12/WRCOG-SB743-Document-Package.pdf

percent below that of existing development" is a reasonable threshold to determine that a project would have a less than significant VMT impact. The EIR's 0.80 mile reduction is a 7% reduction in VMT compared to the Citywide daily average VMT, which does not meet the applicable threshold of a 15% reduction in existing VMT. Additionally, the EIR is internally inconsistent as the Transportation analysis relies on a low VMT area to conclude impacts will be less than significant while the Population and Housing analysis relies on the workforce of the entire Inland Empire region to fill its jobs, which will exponentially increase project generated VMT.

D-18 (CONT.)

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's actual VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

D-19

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site or the maneuvering area available at the intersection of the project driveways and adjacent street. Notably, the EIR states that the Bay Avenue driveway, "is restricted to right turns into the Project Site for incoming trucks and left turns out of the Site for outgoing trucks." However, as shown on

D-20

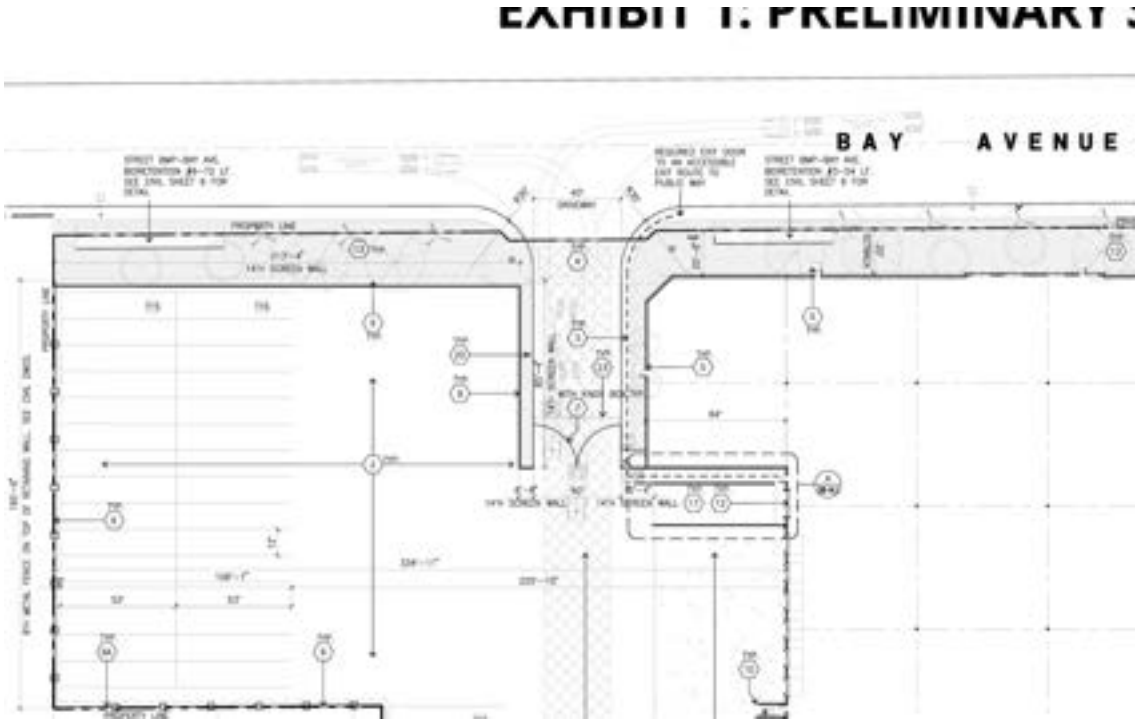

Exhibit 1: Preliminary Site Plan within Appendix O, trucks access the site via both left and right inbound turning movements. The exhibit does not model multiple trucks simultaneously entering and exiting the site. The 40 ft. driveway is not wide enough to accommodate more than one truck accessing the site and therefore requires additional onsite queuing area. The same is true for the southernmost 40 ft. wide driveway on Day Street.

There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. Notably, the truck/trailer parking stalls are designed in a tandem configuration at the northwest corner of the site and are within the gated truck court. These parking stalls that may be in use at any time and further restrict truck/trailer movement, including increasing truck idling as tandem parked trucks require additional time to maneuver. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

The EIR states that, "The City reviewed the Project's site plan, conceptual grading, and conceptual utility plan drawings to confirm that no hazardous transportation design features would be introduced within the City public right-of-way through implementation of the Project." However, the EIR has excluded the City's plan review and the applicable code requirements and standards

D-20
(CONT.)

from public review. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the City's plan review and the applicable code requirements and standards contribute directly to analysis of the problem at hand. A revised EIR must be prepared to include the City's plan review and the applicable code requirements and standards for review, analysis, and comment by the public and decision makers in order to comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Further, deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding.

D-20 (CONT.)

There are also no exhibits depicting emergency vehicle access. A similar statement is made regarding emergency vehicle access, in that "The City reviewed the Project's site plan drawings and confirmed that the Project would provide adequate access to and from the Project Site and within the Project Site for emergency vehicle response." However, the EIR has excluded the City's plan review and the applicable code requirements and standards from public review. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the City's plan review and the applicable code requirements and standards contribute directly to analysis of the problem at hand. A revised EIR must be prepared to include the City's plan review and the applicable code requirements and standards for review, analysis, and comment by the public and decision makers in order to comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Further, deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding.

D-21

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets, which is required by General Plan Policy 5.5.10. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with a sight distance analysis based on

D-22

the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

D-22 (CONT.)

5.3 Growth Inducing Impacts

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impact to population and housing. The EIR states that the project jobs, "would *likely* be filled by residents of the housing units either already built or planned for development within *nearby* incorporated and unincorporated areas, and it is not *expected* that any new housing units would need to be constructed to accommodate the Project's employees. Accordingly, because it is *anticipated* that *most* of the Project's future employees would already be living in the northwestern Riverside County/southwestern San Bernardino County area, the Project's introduction of employment opportunities on the Project Site is not expected to induce substantial growth in the area." Relying on the workforce population of the entire Inland Empire region will increase project related VMT. Additionally, the EIR has not provided any meaningful evidence to support claims regarding the location of the project workforce, such as the unemployed workforce's interest in or qualifications for work in the industrial sector. The EIR has not provided any meaningful evidence to support a less than significant finding and must be revised to including a finding of significance.

D-23

SCAG's Connect SoCal Demographics and Growth Forecast[19] notes that the City will add 38,700 jobs between 2019 - 2050. Utilizing the EIR's calculation of 163 employees, the project represents 0.42% of the City's employment growth from 2019 - 2050. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2019 and projects "in the pipeline" to determine if the project will exceed SCAG's employment growth forecast for the City. For example, other recent industrial projects such as Old 215 Business Park (345 employees), Compass Danbe Centerpointe Warehouse (677 employees), Cottonwood and Edgemont (175 employees), and World Logistics Center (20,300 direct jobs plus 7,386 indirect/induced jobs in the County (3,693 jobs induced within City) total jobs in city = 23,993), combined with the proposed project will cumulatively generate 25,353 employees, which is 65.5% of the City's employment growth forecast over 31 years accounted for by only five recent industrial projects. This number increases exponentially when the City's commercial development activity and other industrial development is added to the calculation. A revised EIR must be prepared to include a cumulative analysis on this topic.

D-24

[19] SCAG Connect SoCal Demographics and Growth Forecast https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-demographics-growth-forecast-final-040424.pdf?1712261839

The EIR concludes that, "the Project would not remove obstacles to growth or include improvements that that could induce growth." However, it excludes from its analysis the project's required Change of Zone application to allow construction of a building with more than 50,000 sf of building area. Changing the site's Zoning designation will remove an obstacle to growth as the project building is 194,775 sf, nearly four times the existing maximum building area of 50,000 square feet. The proposed project will accordingly generate four times the employees, vehicle trips, and associated emissions and impacts than are currently accounted for in regional and local plans. The EIR must be revised to include this information for analysis and include a finding of significance.

The EIR has excluded for discussion for the precedence setting action that approval of the required Change of Zone sets for future changes in the area. The EIR must be revised to include a finding of significance as the required Change of Zone to implement the project will set precedent for approval of other similar applications that will facilitate growth not accounted for in local and regional plans, including the AQMP, RTP/SCS, and General Plan. This is a precedent-setting action that will encourage and facilitate other activities that will significantly affect the environment individually and cumulatively. The EIR characterizes this analysis as "speculative," but it is not as the proposed project is a catalyst for changing the character of the area to higher density industrial rather than a limited-size business park setting.

D-25

5.4.3 Effects Found Not to be Significant: Population and Housing

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impact to population and housing. The EIR states that "it is *anticipated* that the employment base for both the construction and operational phases of the Project would come from the existing population in the Inland Empire, which comprises western Riverside County and southwestern San Bernardino County." Relying on the workforce population of the entire Inland Empire region will increase project related VMT. Additionally, the EIR concludes that the "*region* already contains an ample supply of *potential* employees under existing conditions and the Project's labor demand is not *expected* to draw substantial numbers of new residents to the area" without providing any meaningful evidence to support this claim, such as the unemployed workforce's interest in or qualifications for work in the industrial sector. The EIR has not provided any meaningful evidence to support a less than significant finding and must be revised to including a finding of significance.

D-26

The EIR also states that, "There are no components of the Project that would reasonably result in indirect or unplanned population growth because the surrounding area is mostly developed under existing conditions or approved for development." However, the EIR excludes from its analysis

D-27

the project's required Change of Zone application to allow construction of a building with more than 50,000 sf of building area. The project building is 194,775 sf, nearly four times the existing maximum building area. The proposed project will accordingly generate four times the employees, vehicle trips, and associated emissions and impacts than are currently accounted for in regional and local plans. The EIR must be revised to include this information for analysis and include a finding of significance.

D-27 (CONT.)

SCAG's Connect SoCal Demographics and Growth Forecast[20] notes that the City will add 38,700 jobs between 2019 - 2050. Utilizing the EIR's calculation of 163 employees, the project represents 0.42% of the City's employment growth from 2019 - 2050. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2019 and projects "in the pipeline" to determine if the project will exceed SCAG's employment growth forecast for the City. For example, other recent industrial projects such as Old 215 Business Park (345 employees), Compass Danbe Centerpointe Warehouse (677 employees), Cottonwood and Edgemont (175 employees), and World Logistics Center (20,300 direct jobs plus 7,386 indirect/induced jobs in the County (3,693 jobs induced within City) total jobs in city = 23,993), combined with the proposed project will cumulatively generate 25,353 employees, which is 65.5% of the City's employment growth forecast over 31 years accounted for by only five recent industrial projects. This number increases exponentially when the City's commercial development activity and other industrial development is added to the calculation. A revised EIR must be prepared to include a cumulative analysis on this topic.

D-28

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Development" alternative and only one other - No Project Alternative. The EIR does not evaluate a reasonable range of alternatives as only one alternative beyond the required No Development alternative is analyzed. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). The "No Project Alternative" assumes the development of each of the four parcels that comprise the overall project site with a 50,000 square foot industrial building, the maximum permitted per the existing Zoning designation. However, this Alternative is illogical and could not occur under the existing conditions. For example, APN 263230001 is only 33,541 square feet in area and therefore clearly cannot accommodate the construction of a 50,000 square foot building. Additionally, APN 263230004 and APN

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[20] SCAG Connect SoCal Demographics and Growth Forecast https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-demographics-growth-forecast-final-040424.pdf?1712261839

263230003 are each 99,752 square feet in area and could not accommodate the construction of a 50,000 square foot building on each lot due to parking requirements, setbacks, and Fire Department access requirements. Each of the lots are approximately 160 feet wide and Table 9.05.040-8 in the Municipal Code requires each lot to be 200 feet wide, and therefore the individual lots are not eligible development sites and must be combined in order to construct a building. The EIR has not provided a reasonable range of alternatives as the "No Project Alternative" could not occur under any circumstance. The EIR must be revised to include a range of alternatives that could actually occur under existing conditions in order to comply with CEQA.

D-29 (CONT.)

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

D-30

Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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January 3, 2025

Gary Ho
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Los Angeles, CA 90017

Subject: Comments on the Bay & Day Commerce Center Project (SCH No. 2023090050)

Dear Mr. Ho,

We have reviewed the Draft Environmental Impact Report ("DEIR") for the Bay & Day Commerce Center ("Project") located in the City of Moreno Valley ("City"). The Project proposes to construct 188,905-square-feet ("SF") of warehouse space and 8,740-SF of office space on the 9.95-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas ("GHG") impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and GHG impacts that the project may have.

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Air Quality

Failure to Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act ("CEQA") assess air quality impacts and calculate criteria air pollutant emissions using the California Emissions Estimator Model ("CalEEMod"). [1] CalEEMod provides default values based on site-specific information, which can be adjusted with project-specific data, provided these changes are supported by substantial evidence. After entering relevant data, the model calculates construction and operational emissions and generates

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[1] "CalEEMod User Guide." CAPCOA, April 2022, *available at:* https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf.

output files that detail the parameters used and any changes to default values, with justifications for each adjustment.[2]

The DEIR relies on CalEEMod Version 2022.1 to estimate Project emissions (p. 4.2-23). However, our review of the model reveals that the current version fails to generate complete output files. Specifically, the 'User Changes to Default Data' table omits quantitative details of default value modifications (Appendix B, pp. 153).

8. User Changes to Default Data

Screen	Justification
Construction: Construction Phases	Data for schedule provided by client Building, Paving, and Architectural Coating overlap to present a conservative analysis
Construction: Off-Road Equipment	T/L/B replaced with Crawler Tractor to accurately calculate disturbance for Site Preparation and Grading phases Standard 8 hours work days Tier 4 Interim applied to construction equipment over 100 HP
Construction: Trips and VMT	Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction
Construction: Architectural Coatings	SCAQMD Rule 1113
Construction: Dust From Material Movement	—

Previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model's default values (see example excerpt below):

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	8/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreage	3.67	3.68
tblLandUse	LotAcreage	2.73	2.74

The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. The DEIR therefore should have provided access to the model's ".JSON" files, which allow third parties to review the model's revised input parameters.[3] Verification of the DEIR's air modeling and subsequent analysis is not possible without access to the complete output files and the specific numeric changes to the default values. A revised EIR should be prepared to include an updated air quality analysis that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.

D-32 (CONT.)

[2] "CalEEMod User's Guide." CAPCOA, April 2022, *available at:* https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 1.
[3] "Video Tutorials for CalEEMod Version 2022.1." CAPCOA, May 2022, *available at:* https://www.caleemod.com/tutorials.

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR relies on CalEEMod Version 2022.1 to estimate the Project's air quality emissions and fails to provide the complete output files required to adequately evaluate model's analysis (p. 4.2-23). Regardless, when reviewing the Project's CalEEMod output files, provided in the Air Quality Impact Analysis ("AQIA") as Appendix B to the DEIR, we were able to identify several model inputs related to Project construction and operation that are inconsistent with information disclosed in the DEIR. The impacts of these unsubstantiated changes are quantified in the section of this letter titled "Updated Analysis Indicates a Potentially Significant Air Quality Impact." A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impact that construction and operation of the Project will have on local and regional air quality.

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Unsubstantiated Changes to Architectural Coating Emission Factors

The DEIR's "13796 - Edgemont LDC (Construction)," "13796 - Edgemont LDC (Operations Warehouse)," and "13796 - Edgemont LDC (Operations High-Cube Cold Storage)" models include changes to the default construction and operational architectural coating emission factors (see screenshot below) (Appendix B, pp. 153, 188, 221).

Note: Only the "13796 - Edgemont LDC (Operations Warehouse)" model is included in screenshot for reader clarity.

D-34

The justification provided for these changes is:

> "SCAQMD Rule 1113" (Appendix B, pp. 153, 188, 221).

The model's reductions to the architectural coating emission factors lack sufficient justification. The DEIR states that the Project must use coatings compliant with South Coast Air Quality Management District ("SCAQMD") Rule 1113. However, Rule 1113's Table of Standards specifies volatile organic compounds ("VOC") limits ranging from 50 g/L to 730 g/L across 57 coating categories.[4] As the DEIR does not specify a particular coating type with a defined VOC limit, the accuracy of the revised emission factors remains unverified.

Furthermore, the CalEEMod 2022.1 output files do not show the numeric changes to any model defaults. While Table 5.5 references architectural coatings, it only lists the square footage of the area to be coated (see screenshot below) (Appendix B, pp. 67, 145).

[4] "Small Entity Compliance Guide." U.S. Environmental Protection Agency, July 1999, *available at*: https://www.epa.gov/sites/default/files/2015-06/documents/compliance-vocsarchcoatings.pdf.

5.5. Architectural Coatings

We cannot confirm the accuracy of the model's architectural values as the output files do not include the architectural coating emission factors used in the model. The DEIR should have provided access to the model's ".JSON" files, which would allow third parties to review the revised input parameters.[5]

D-34 (CONT.)

Additionally, the assumption that the Project's architectural coating values will comply with SCAQMD Rule 1113 is unsupported, as the DEIR does not explicitly mandate adherence to these standards through a formal mitigation measure. The Association of Environmental Professionals ("AEP")'s *CEQA Portal Topic Paper* on mitigation measures explains that it is recommended to include project design features that address environmental impacts in the Mitigation Monitoring and Reporting Program ("MMRP").[6]

Without formal inclusion in the MMRP, the use of low-VOC coatings in compliance with Rule 1113 could be entirely omitted from the Project's design. The DEIR lacks a formal commitment to implement, monitor, or enforce these coatings, creating uncertainty about whether the standards will be upheld. By utilizing unsupported reductions to the default architectural coating emission factors, CalEEMod may underestimate the Project's construction-related and operational VOC emissions. The model is therefore unreliable for determining the significance of the Projects air quality emissions.

D-35

Unsupported Application of Tier 4 Final Engine Emissions Standards

The "13796 - Edgemont LDC (Construction)" model assumes Project's off-road construction equipment fleet would meet Tier 4 Interim emissions standards (see screenshot below) (Appendix B, pp. 143).

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[5] "Video Tutorials for CalEEMod Version 2022.1." CAPCOA, May 2022, *available at:* https://www.caleemod.com/tutorials.
[6] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Rubber Tired Dozers	Diesel	Tier 4 Interim	2.00	8.00	367	0.40
Demolition	Excavators	Diesel	Tier 4 Interim	3.00	8.00	36.0	0.38
Demolition	Concrete/Industrial Saws	Diesel	Tier 4 Interim	1.00	8.00	33.0	0.73
Site Preparation	Rubber Tired Dozers	Diesel	Tier 4 Interim	3.00	8.00	367	0.40
Site Preparation	Crawler Tractors	Diesel	Tier 4 Interim	4.00	8.00	84.0	0.37
Grading	Graders	Diesel	Tier 4 Interim	1.00	8.00	148	0.41
Grading	Excavators	Diesel	Tier 4 Interim	1.00	8.00	36.0	0.38
Grading	Crawler Tractors	Diesel	Tier 4 Interim	3.00	8.00	84.0	0.37
Grading	Rubber Tired Dozers	Diesel	Tier 4 Interim	1.00	8.00	367	0.40
Building Construction	Forklifts	Diesel	Tier 4 Interim	5.00	8.00	82.0	0.20
Building Construction	Generator Sets	Diesel	Tier 4 Interim	2.00	8.00	14.0	0.74
Building Construction	Cranes	Diesel	Tier 4 Interim	2.00	8.00	367	0.29
Building Construction	Welders	Diesel	Tier 4 Interim	2.00	8.00	46.0	0.45
Building Construction	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	5.00	8.00	84.0	0.37
Paving	Pavers	Diesel	Tier 4 Interim	2.00	8.00	81.0	0.42
Paving	Paving Equipment	Diesel	Tier 4 Interim	2.00	8.00	89.0	0.36
Paving	Rollers	Diesel	Tier 4 Interim	2.00	8.00	36.0	0.38
Architectural Coating	Air Compressors	Diesel	Tier 4 Interim	1.00	8.00	37.0	0.48

The justification provided for these changes is:

> "T/L/B replaced with Crawler Tractor to accurately calculate disturbance for Site Preparation and Grading phases Standard 8 hours work days Tier 4 Interim applied to construction equipment over 100 HP"(Appendix B, pp. 153).

The DEIR includes the following construction equipment table which omits any mention of Tier 4 Interim emissions standards (see exerpt below) (p. 3-7, Table 3-2).

Table 3-2 Estimated Construction Equipment Fleet

Construction Activity	Equipment	Amount	Hours Per Day
Demolition	Concrete/Industrial Saws	1	8
	Excavators	3	8
	Rubber Tired Dozers	2	8
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	3	8
	Excavators	1	8
	Graders	1	8
	Rubber Tired Dozers	1	8
Building Construction	Cranes	2	8
	Crawler Tractors	5	8
	Forklifts	5	8
	Generator Sets	2	8
	Welders	2	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

Source: (Urban Crossroads, 2023a, Table 3-4)

The AQIA's inclusion of Tier 4 Interim emissions standards lacks sufficient support, as the DEIR and associated documents do not explicitly require Tier 4 Interim emission standards. Tier 4 Interim

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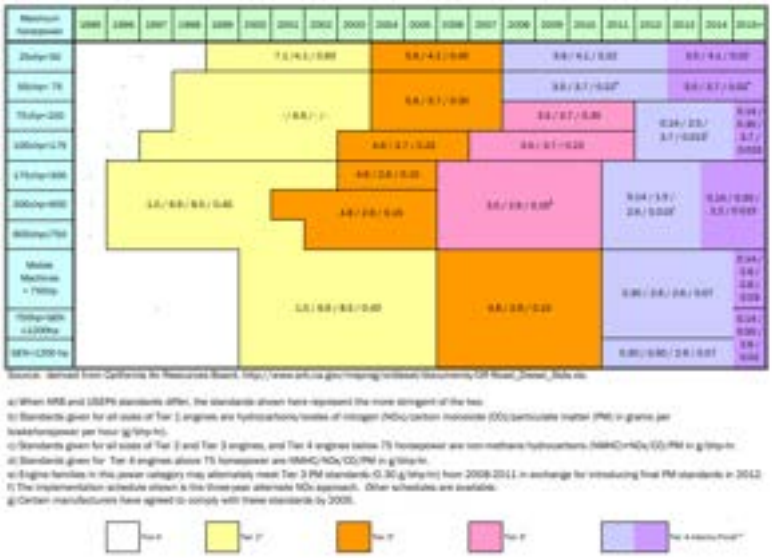
represents the 2nd cleanest burning equipment and has the lower emissions compared to Tier 1, Tier 2, and Tier 3 (see excerpt below):[7]



By modeling construction emissions assuming a full Tier 4 Interim equipment fleet, the AQIA does not account for the potential for higher emissions resulting from the use of lesser tiers. Until a revised EIR confirms the commitment to Tier 4 Interim emissions standards, the model should not be relied upon to determine the significance of the Project's impacts.

D-36 (CONT.)

Underestimated Number of Saturday and Sunday Operational Vehicle Trips

The "13796 - Edgemont LDC (Operations Warehouse)" and "13796 - Edgemont LDC (Operations High-Cube Cold Storage)" models include changes to the default operational vehicle fleet mix percentages (see screenshot below) (Appendix B, pp. 188, 221).

Screen	Justification
Construction: Construction Phases	Data for schedule provided by client Building, Paving, and Architectural Coating overlap to present a conservative analysis
Construction: Off-Road Equipment	T/L/B replaced with Crawler Tractor to accurately calculate disturbance for Site Preparation and Grading phases Standard 8 hours work days Tier 4 Interim applied to construction equipment over 100 HP
Construction: Trips and VMT	Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction
Construction: Architectural Coatings	SCAQMD Rule 1113
Operations: Vehicle Data	Trip characteristics based on information provided in the Trip Generation assessment
Operations: Fleet Mix	Passenger Car Mix estimated based on CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, MCY). Truck Fleet Mix based on 2, 3 and 4 axle trucks
Operations: Architectural Coatings	SCAQMD Rule 1113

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[7] "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at:* https://www.sf.gov/sites/default/files/2024-03/San_Francisco_Clean_Construction_Ordinance_2015.pdf , p. 6.

As stated in the "User Changes to Default Data" table, the justification provided for these changes is:

> "Trip characteristics based on information provided in the Traffic Analysis" (Appendix B, pp. 188, 221).

According to the DEIR's Vehicle Miles Traveled Screening Evaluation ("VMT Report"), included as Appendix O, the proposed Project is expected to generate 358-daily operational vehicle trips. (see excerpt below) (Attachment C, pp. 10, Table C-2)

TABLE C-2: PROJECT TRIP GENERATION SUMMARY

		AM Peak Hour			PM Peak Hour			
Land Use	Quantity Units[1]	In	Out	Total	In	Out	Total	Daily
Actual Vehicles:								
Warehousing	146.081 TSF							
Passenger Cars:		18	4	22	5	17	22	162
2-axle Trucks:		0	0	0	0	0	0	16
3-axle Trucks:		0	0	0	0	0	0	18
4+-axle Trucks:		1	1	2	1	1	2	56
Total Truck Trips (Actual Vehicles):		1	1	2	1	1	2	90
Warehousing Subtotal Trips (Actual Vehicles)[2]		19	5	24	6	18	24	252
High-Cube Cold Storage Warehouse	48.694 TSF							
Passenger Cars:		4	0	4	1	3	4	68
2-axle Trucks:		0	0	0	0	0	0	14
3-axle Trucks:		0	0	0	0	0	0	4
4+-axle Trucks:		0	1	1	0	0	0	20
Total Truck Trips (Actual Vehicles):		0	1	1	0	0	0	38
Cold Storage Subtotal Trips (Actual Vehicles)[2]		4	1	5	1	3	4	106
Passenger Cars		22	4	26	6	20	26	230
Trucks		1	2	3	1	1	2	128
Project Total Trips (Actual Vehicles)[2]		**23**	**6**	**29**	**7**	**21**	**28**	**358**

[1] TSF = thousand square feet

[2] Total Trips = Passenger Cars + Truck Trips.

The Project's models should accurately reflect the operational daily vehicle trip rate. Review of the CalEEMod output files show that the "13796 - Edgemont LDC (Operations Warehouse)" and "13796 - Edgemont LDC (Operations High-Cube Cold Storage)" models include a total of approximately 79.85 Saturday and 64.42 Sunday vehicle trips (see screenshots below) (Appendix B, pp. 178, 211).[8,9]

D-37 (CONT.)

[8] *Calculated:* 7.85 + 13.9 + 21.2 + 36.9 = 79.85 total daily Saturday vehicle trips.

[9] *Calculated:* 3.05 + 5.67 + 20.3 + 35.4 = 64.42 total daily Sunday vehicle trips.

Unrefrigerated Operational Model:

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday
Unrefrigerated Warehouse-No Rail	89.9	7.85	3.05
Parking Lot	0.00	0.00	0.00
Other Asphalt Surfaces	0.00	0.00	0.00
User Defined Industrial	162	13.9	5.67

Cold Storage Operational Model:

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday
Refrigerated Warehouse-No Rail	38.0	21.2	20.3
User Defined Industrial	66.0	36.9	35.4

D-37 (CONT.)

The Saturday and Sunday trips are underestimated by approximately 278 trips and 294 trips; thus, the trip rates used in the model are inconsistent with the information provided by the DEIR.[10,11] CalEEMod uses the operational vehicle trip rates to calculate the emissions associated with operational on-road vehicles.[12] The model underestimates the Project's mobile-source operational emissions by including underestimated Saturday and Sunday operational vehicle trips, therefore, the model should not be relied upon to determine Project significance.

Unsubstantiated Changes to Operational Fleet Mix Values

Review of the CalEEMod output files reveals the "13796 - Edgemont LDC (Operations Warehouse)" and "13796 - Edgemont LDC (Operations High-Cube Cold Storage)" models include changes to the default operational vehicle fleet mix percentages (see screenshot below) (Appendix B, pp. 188, 220, 221).

Screen	Justification
Construction: Construction Phases	Data for schedule provided by client Building, Paving, and Architectural Coating overlap to present a conservative analysis
Construction: Off-Road Equipment	T/L/B replaced with Crawler Tractor to accurately calculate disturbance for Site Preparation and Grading phases Standard 8 hours work days Tier 4 Interim applied to construction equipment over 100 HP
Construction: Trips and VMT	Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction
Construction: Architectural Coatings	SCAQMD Rule 1113
Operations: Vehicle Data	Trip characteristics based on information provided in the Trip Generation assessment
Operations: Fleet Mix	Passenger Car Mix estimated based on CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, MCY). Truck Fleet Mix based on 2, 3 and 4 axle trucks
Operations: Architectural Coatings	SCAQMD Rule 1113

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[10] *Calculated:* 358 proposed vehicle trips – 79.58 modeled vehicle trips = 278.42 underestimated vehicle trips.
[11] *Calculated:* 358 proposed vehicle trips – 64.42 modeled vehicle trips = 293.58 underestimated vehicle trips.
[12] "CalEEMod User's Guide." CAPCOA, April 2022, *available at:* https://www.caleemod.com/user-guide, Appendix C, p. C-20.

The VMT Report includes the following fleet mix table (see excerpt below) (Attachment C, pp. 10, Table C-1):

TABLE C-1: TRIP GENERATION RATES

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Actual Vehicle Trip Generation Rates									
Warehousing[3]	TSF	150	0.131	0.039	0.170	0.050	0.130	0.180	1.710
Passenger Cars (AM=88.2%, PM=83.3%, Daily=64.9%)			0.120	0.030	0.150	0.034	0.116	0.150	1.110
2-Axle Trucks (AM=1.97%, PM=2.70%, Daily=5.86%)			0.002	0.001	0.003	0.003	0.002	0.005	0.100
3-Axle Trucks (AM=2.44%, PM=3.46%, Daily=7.27%)			0.002	0.002	0.004	0.003	0.003	0.006	0.124
4+-Axle Trucks (AM=7.39%, PM=10.45%, Daily=21.97%)			0.007	0.006	0.013	0.010	0.009	0.019	0.376
High-Cube Cold Storage Warehouse[3]	TSF	157	0.085	0.025	0.110	0.034	0.086	0.120	2.120
Passenger Cars (AM-72.7%, PM-75.0%, Daily-64.6%)			0.076	0.004	0.080	0.019	0.071	0.090	1.370
2-Axle Trucks (AM-9.5%, PM-8.7%, Daily-12.3%)			0.003	0.007	0.010	0.005	0.005	0.010	0.260
3-Axle Trucks (AM-3.0%, PM-2.8%, Daily-3.9%)			0.001	0.002	0.003	0.002	0.001	0.003	0.083
4+-Axle Trucks (AM-14.8%, PM-13.6%, Daily-19.2%)			0.005	0.011	0.016	0.008	0.008	0.016	0.407

[1] Trip Generation & Vehicle Mix Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Eleventh Edition (2021).
[2] TSF = thousand square feet
[3] Truck Mix: South Coast Air Quality Management District's (SCAQMD) recommended truck mix, by axle type.
Normalized % - Without Cold Storage: 16.7% 2-Axle Trucks, 20.7% 3-Axle Trucks, 62.6% 4-Axle Trucks.
Normalized % - With Cold Storage: 34.7% 2-Axle Trucks, 11.0% 3-Axle Trucks, 54.3% 4-Axle Trucks.

The changes to the model's operational fleet mix values are, however, unsupported. As outlined in the "Failure to Provide Complete CalEEMod Output Files" section of this letter, the CalEEMod 2022.1 output files do not show numeric changes to any model defaults. The justification for the changes made to the fleet mix percentage are noted in the "User Changes to Default Data" table, without any detail regarding what the specific changes are. While the DEIR includes a table of proposed fleet mix values, its CalEEMod models' output files fail to show what values were inputted in the model. Without verifying the breakdown of truck types used in the model, it is unclear if these values align with the DEIR or supporting documents.

CalEEMod calculates operational emissions from on-road vehicles based on fleet mix percentages.[13] Unsubstantiated changes to these percentages may result in an underestimation of the Project's mobile-source operational emissions, rendering the model unreliable for determining the Project's significance.

D-38 (CONT.)

Updated Analysis Indicates a Potentially Significant Air Quality Impact

We created an updated model to provide an estimate of the Project's construction and operational emissions based upon the Project-specific information substantiated in the DEIR. In this model, we excluded unsupported changes to the architectural coating emission factors, Tier 4 interim emissions standards, and operational fleet mix values. We altered the Saturday and Sunday vehicle trip values to reflect the values supported by the DEIR. All other inputs remain consistent with the DEIR's model.[14]

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[13] "CalEEMod User Guide Version 2022.1." April 2022, *available at*: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf.
[14] See Attachment A for CalEEMod output files.

Our updated analysis estimates that the Project's construction-related and operational VOC emissions would exceed the applicable SCAQMD thresholds of 75 pounds per day ("lbs/day"), as referenced by the DEIR (p. 4.2-30, Table 4.2-7) (see table below).[15]

SWAPE Criteria Air Pollutant Emissions	
Construction	**VOC** (lbs/day)
DEIR	50.37
SWAPE	97.6
% Increase	93.8%
SCAQMD Threshold	**75**
Exceeds?	**Yes**

Our analysis shows that the Project's construction-related VOC emissions increase by approximately 93.8%, exceeding SCAQMD's significance threshold. This updated modeling indicates a potentially significant air quality impact that the DEIR failed to identify or address. A revised EIR is necessary to properly evaluate and mitigate the Project's potential air quality impacts on the environment.

D-39 (CONT.)

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

The development of the proposed Project may contribute to the disproportionate health risk impact that warehouses already pose on community members living, working, and going to school within the immediate area of the Project site. According to the SCAQMD, communities of color living within a half mile of warehouses face higher health risks, including increased rates of asthma and heart attacks, along with a greater environmental burden.[16]

Specifically, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.[17] Another study indicates "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."[18]

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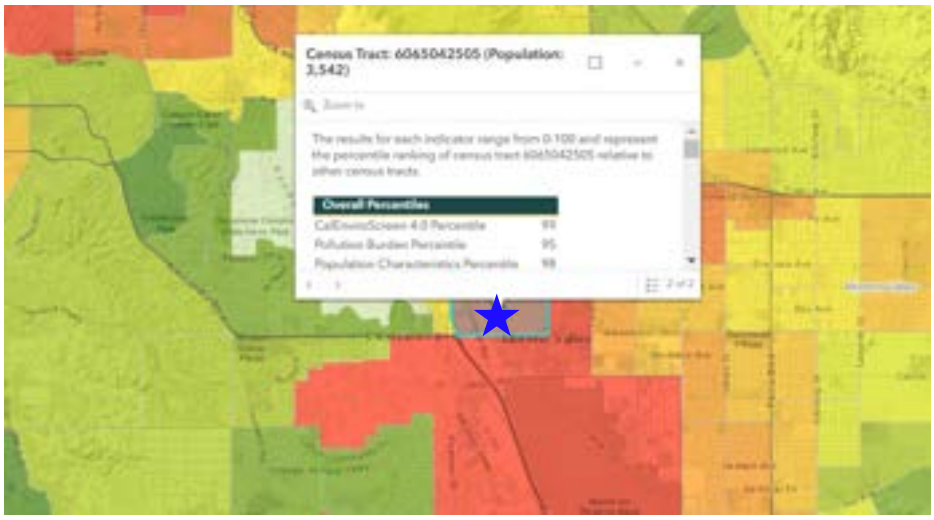
[15] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25.
[16] "South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule." SCAQMD, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9.
[17] "Southern California warehouse boom a huge source of pollution. Regulators are fighting back." Los Angeles Times, May 2021, *available at:* https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution.
[18] "Location of warehouses and environmental justice: Evidence from four metros in California." Metro Freight Center of Excellence, January 2018, *available at:* https://www.metrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.

Furthermore, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands explains that the warehouse and logistics industry is expanding rapidly, with many new projects being built in low-income communities of color. These projects attract high volumes of polluting truck traffic, which emits harmful nitrogen oxide and particulate matter, contributing to severe health issues like asthma, COPD, cancer, and premature death.[19]

The ongoing development of industrial warehouses in these communities presents a major environmental justice issue. Despite the negative public health impacts, warehouse development continues to accelerate, with the Inland Empire adding 10 to 25 million square feet of new industrial space annually.[20]

Riverside County, where the proposed Project is located, has long been burdened by disproportionately high levels of air pollution.[21] When using CalEnviroScreen 4.0, CalEPA's screening tool that ranks each census tract in the State for pollution and socioeconomic vulnerability, we found that the Project's census tract is in the 95th percentile of most polluted census tracts in the State (see screenshot below).[22]

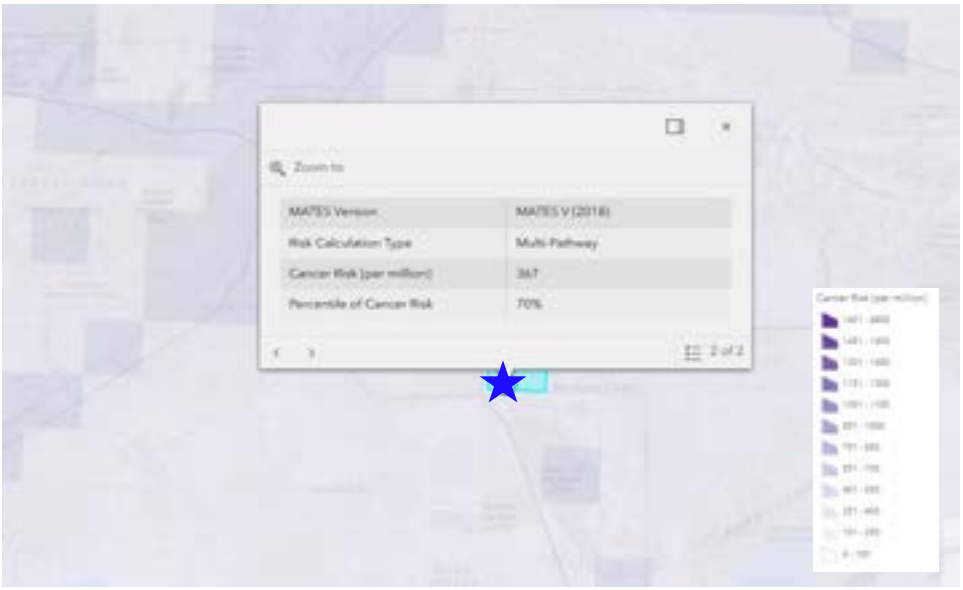


The Data Visualization Tool for Mates V, a monitoring and evaluation study conducted by SCAQMD, demonstrates that the County already exhibits a heightened residential carcinogenic risk from exposure

D-40 (CONT.)

[19] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.
[20] "2020 North America Industrial Big Box Review & Outlook." CBRE, 2020, *available at:* https://www.cbre.com/-/media/project/cbre/shared-site/insights/local-responses/industrial-big-box-report-inland-empire/local-response-2020-ibb-inland-empire-overview.pdf, p. 2.
[21] "Air Quality Element." Riverside General Plan, *available at:* https://riversideca.gov/cedd/sites/riversideca.gov.cedd/files/pdf/planning/general-plan/13_Air_Quality_Element.pdf, p. AQ-11.
[22] "CalEnviroScreen 4.0." OEHHA, October 2021, *available at:* https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40, census tract #6071002204.

to air toxics.[23] Specifically, the location of the Project site is in the 70th percentile of highest cancer risks in the South Coast Air Basin ("SCAB"), with a cancer risk of 367 in one million (see screenshot below).[24]



Additionally, according to CalEnviroScreen's Senate Bill ("SB") 535 Disadvantaged Communities Map, the Project site is identified as a designated disadvantaged community (see screenshot below).[25]

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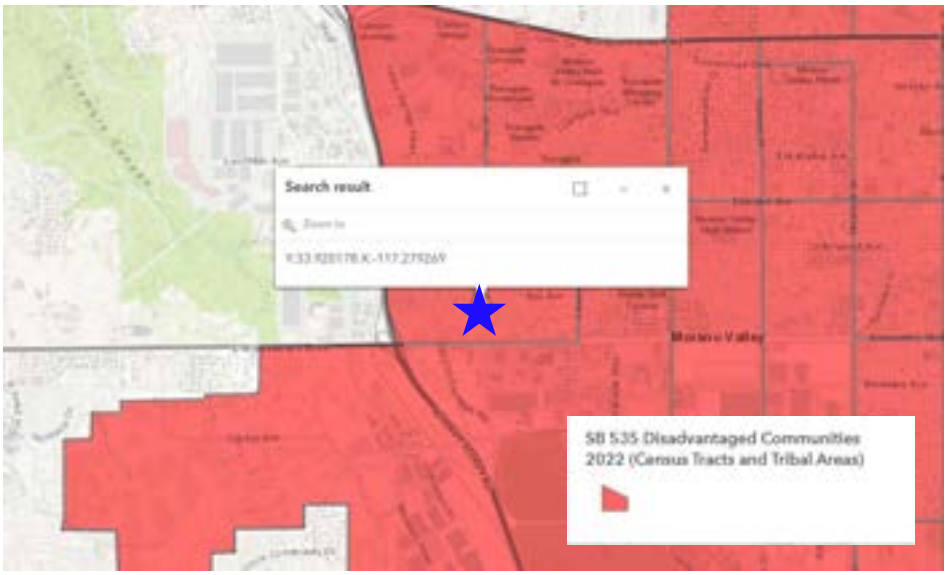
(CONT.)

[23] "Residential Air Toxics Cancer Risk Calculated from Model Data in Grid Cells." MATES V, 2018, *available at:* https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk; see also: "MATES V Multiple Air Toxics Exposure Study." SCAQMD, *available at:* http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v.

[24] "Gridded Cancer Risk." SCAQMD, *available at:* https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?data_id=dataSource_112-7c8f2a4db79b4a918d46b4e8985a112b%3A20315&views=Click-tabs-for-other-data%2CGridded-Cancer-Risk.

[25] "SB 535 Disadvantaged Communities (2022 Update)." California Environmental Protection Agency, *available at:* https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/



D-40 (CONT.)

SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. The California Environmental Protection Agency is responsible for identifying those communities based on "geographic, socioeconomic, public health, and environmental hazard criteria."[26] As the Project site is within a disadvantaged community, and the Project's census tract exhibits a high cancer risk, the proposed Project may contribute to the disproportionate health impacts warehouses impose on nearby residents.

The proposed Project may exacerbate disproportionate health risks for community members within the immediate area, a concern underscored by the mandates of SB 1000. SB 1000, enacted to address environmental justice considerations, requires local governments to integrate environmental justice elements into their planning processes, particularly focusing on reducing health risks for disadvantaged communities.[27]

The Mobile Source Health Risk Assessment ("HRA Report"), provided as Appendix C to the DEIR, notes the proposed Project site is 88 feet away, or approximately 27 meters, from residential receptors (p. 2), however review of Google Earth reveals that the Project site is located immediately adjacent to residential receptors (see screenshot below) (sensitive receptors in red).

[26] "Final Designation of Disadvantaged Communities." California Environmental Protection Agency, *available at:* https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf?emrc=e05e10.
[27] "Environmental Justice in Local Land Use Planning." CA DOJ, *available at:* https://oag.ca.gov/environment/sb1000.

Due the Project site's vicinity to sensitive receptors, the DEIR should comply with the objectives of SB 1000, which aim to address environmental justice challenges by incorporating policies to reduce the unique health risks faced by disadvantaged communities.

In accordance with the California Department of Justice ("CA DOJ") guidelines, the effects of GHG emissions and air pollutants from warehouses should be evaluated cumulatively. The CA DOJ states:

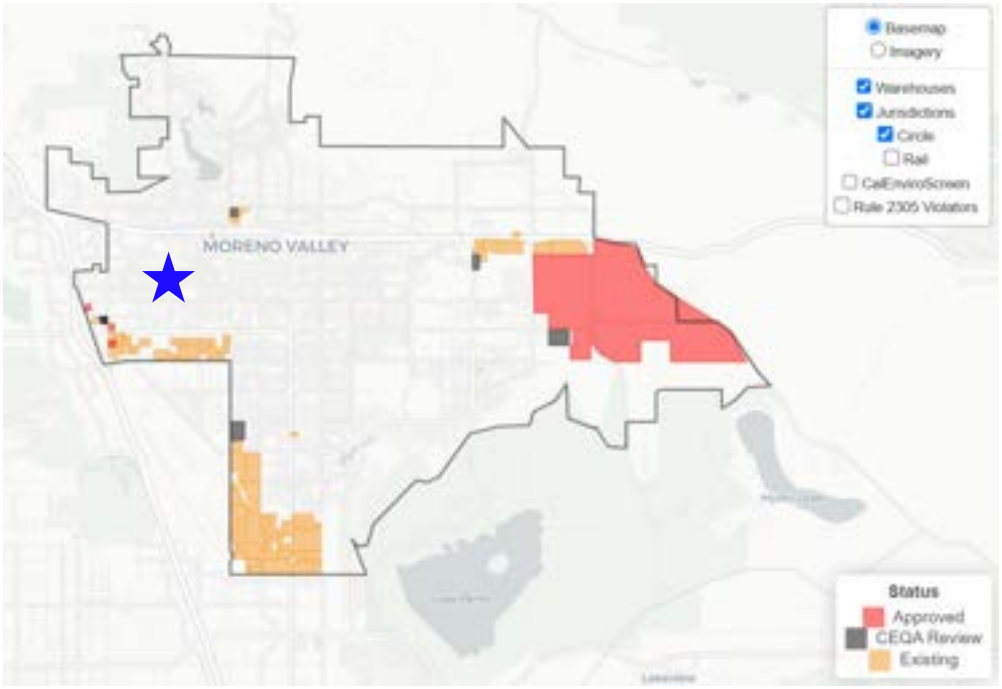
> "When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds."[28]

To accurately assess the Project's impact on disadvantaged communities, both existing and anticipated warehouse developments should be considered during the environmental review process.

The Warehouse Cumulative Impact Tool for Community dashboard ("Warehouse CITY"), developed by the Redford Conservancy at Pitzer College and Radical Research LLC, is a tool that visualizes and quantifies existing, potential, and approved warehouse locations across Southern California. Review of Warehouse CITY reveals that there are 76 existing warehouses currently in the Moreno Valley, 4 more that have been approved, and 6 that are currently under CEQA review (see screenshot below).[29]

D-40
(CONT.)

[28] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." CA DOJ, available at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf, p. 6.
[29] "Warehouse and Air Quality Mapping." Pitzer College & Radical Research LLC, *available at*: https://radicalresearch.shinyapps.io/WarehouseCITY/.



The presence of numerous existing warehouses in the City underscores the need to reassess the Project's cumulative health risks with regard to CA DOJ guidelines and SB 1000 environmental justice requirements.

D-40 (CONT.)

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would have a less-than-significant health risk impact based on quantified construction and operational health risk assessments ("HRA"), detailed in the HRA Report. The HRA Report estimates that the cumulative maximum cancer risk to nearby residential sensitive receptors from construction and operation is 6.62 in one million, which would not exceed the SCAQMD significance threshold of 10 in one million (see excerpt below) (p. 5, Table ES-3).

TABLE ES-3: SUMMARY OF CONSTRUCTION AND OPERATIONAL CANCER AND NON-CANCER RISKS

Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
30 Year Exposure	Maximum Exposed Sensitive Receptor (Location R3)	6.62	10	NO
Time Period	**Location**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold**
Annual Average	Maximum Exposed Sensitive Receptor (Location R3)	≤0.01	1.0	NO

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The DEIR's conclusion of a less-than-significant health risk impact is unsupported. The HRA relies on emissions estimates from an air model that includes inputs that are not substantiated by the DEIR, as discussed in the section titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions." The resulting DPM concentrations, used to calculate health risks from Project construction, are potentially underestimated. Therefore, the DEIR's HRA cannot reliably determine Project significance.

Furthermore, The HRA Report's operational HRA underestimates Fraction of Time At Home ("FAH") values for third trimester, infant, and child receptors. It uses an FAH value of 0.85 for third trimester (age -0.25 to 0) and infant (age 0 to 2) receptors, and 0.72 for child receptors (age 2 to 16) (see excerpt below) (p. 22).

TABLE 2-7: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (30 YEAR RESIDENTIAL)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
-0.25 to 0	361	10	0.25	0.85	350	24
0 to 2	1,090	10	2	0.85	350	24
2 to 16	572	3	14	0.72	350	24
16 to 30	261	1	14	0.73	350	24

The FAH values for third trimester, infant, and child receptors in the HRA are unsupported. SCAQMD guidance specifies that FAH values should be 1 for ages from the third trimester to 16, assuming children attend school or daycare near home with no discount for time spent outside the affected area.[30] The HRA Report should have followed this guidance and used an FAH of 1 for third trimester, infant, and child receptors.[31] Using unsupported FAH values may underestimate the cancer risk to nearby sensitive receptors from Project construction and operation. A revised EIR should therefore be prepared to include FAH values that are in line with the relevant guidance.

D-41 (CONT.)

Screening-Level Analysis Demonstrates Potentially Significant Health Risk Impact

To conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.[32] AERSCREEN uses a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach should be conducted prior to the approval of the Project.

We prepared a preliminary HRA of the Project's construction and operational health risk impact to residential sensitive receptors using the annual PM_{10} exhaust estimates from the DEIR's CalEEMod "13796 - Edgemont LDC (Construction)," "13796 - Edgemont LDC (Operations Warehouse)," and "13796 - Edgemont LDC (Operations High-Cube Cold Storage)" models. Consistent with recommendations set forth by the Office of Environmental Health Hazard Assessment ("OEHHA"), we assumed residential

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[30] "Risk Assessment Procedures." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.
[31] Ibid.
[32] "Air Quality Dispersion Modeling - Screening Models," U.S. EPA, *available at:* https://www.epa.gov/scram/air-quality-dispersion-modeling-screening-models.

exposure begins during the third trimester stage of life.[33] The DEIR's CalEEMod model indicates that construction activities will generate approximately 29.4 pounds of DPM over the 325-day construction period.[34] The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{29.4\ lbs}{325\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.000475\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.000475 grams per second ("g/s"). Subtracting the 325-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 29.11 years. The DEIR's operational CalEEMod emissions indicate that operational activities will generate approximately 60 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{60\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00086\ g/s}$$

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(CONT.)

Using this equation, we estimated an operational emission rate of 0.00086 g/s. Construction and operation were simulated as a 9.95-acre rectangular area source in AERSCREEN, with approximate dimensions of 284- by 142-meters. A release height of three meters was selected to represent the height of stacks of operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution. The population of the Moreno Valley was obtained from U.S. 2023 Census data.[35]

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project Site. The U.S. EPA suggests that the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10% in screening procedures.[36] According to the AQIA, the nearest sensitive receptors are residences approximately 88 feet, or 26.8 meters, from the Project site (p. 4.2-34). According to the AERSCREEN output files, the Maximally Exposed Individual Receptor ("MEIR") is located approximately 150 meters downwind of the Project site. The single-hour concentration estimated by AERSCREEN for Project construction is therefore approximately 0.458 µg/m^3 DPM at approximately 150 meters downwind. Multiplying this single-hour

[33] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18.
[34] See Attachment B for health risk calculations.
[35] "Moreno Valley." U.S. Census Bureau, 2023, *available at:* https://datacommons.org/place/geoId/0649270?q=%20Moreno%20Valley.
[36] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." U.S. EPA, October 1992, *available at:* https://www.epa.gov/sites/default/files/2020-09/documents/epa-454r-92-019_ocr.pdf.

concentration by 10%, we get an annualized average concentration of 0.0458 µg/m^3 for Project construction at the MEIR. For Project operation, the single-hour concentration estimated by AERSCREEN is 0.831 µg/m^3 DPM at approximately 150 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.0831 µg/m^3 for Project operation at the MEIR.[37]

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA, as recommended by SCAQMD.[38] Guidance from OEHHA and the California Air Resources Board ("CARB") recommends the use of a standard point estimate approach, including high-point estimate (i.e. 95th percentile) breathing rates and age sensitivity factors to account for the increased sensitivity to carcinogens during early-in-life exposure and accurately assess risk for susceptible subpopulations such as children. The residential exposure parameters used for the various age groups in our screening-level HRA are as follows:

Exposure Assumptions for Residential Individual Cancer Risk

Age Group	Breathing Rate (L/kg-day)[39]	Age Sensitivity Factor[40]	Exposure Duration (years)	Fraction of Time at Home[41]	Exposure Frequency (days/year)[42]	Exposure Time (hours/day)
3rd Trimester	361	10	0.25	1	350	24
Infant (0 – 2)	1090	10	2	1	350	24
Child (2 – 16)	572	3	14	1	350	24
Adult (16 – 30)	261	1	14	0.73	350	24

For the inhalation pathway, the procedure requires the incorporation of several discrete variates to effectively quantify dose for each age group. Once determined, contaminant dose is multiplied by the cancer potency factor in units of inverse dose expressed in milligrams per kilogram per day (mg/kg/day^{-1}) to derive the cancer risk estimate; thus, to assess exposures, we used the following dose algorithm:

D-42 (CONT.)

[37] See Attachment C for AERSCREEN output files.
[38] "AB 2588 and Rule 1402 Supplemental Guidelines." SCAQMD, October 2020, *available at:* http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab-2588-supplemental-guidelines.pdf?sfvrsn=19, p. 2.
[39] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.
[40] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-5 Table 8.3.
[41] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-5, Table 8.4.
[42] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 5-24.

$$Dose_{AIR,per\ age\ group} = C_{air} \times EF \times \left[\frac{BR}{BW}\right] \times A \times CF$$

where:

$Dose_{AIR}$ = dose by inhalation (mg/kg/day), per age group
C_{air} = concentration of contaminant in air (µg/m3)
EF = exposure frequency (number of days/365 days)
BR/BW = daily breathing rate normalized to body weight (L/kg/day)
A = inhalation absorption factor (default = 1)
CF = conversion factor (1x10-6, µg to mg, L to m3)

We used the following equation for each appropriate age group to calculate the overall cancer risk:

$$Cancer\ Risk_{AIR} = Dose_{AIR} \times CPF \times ASF \times FAH \times \frac{ED}{AT}$$

where:

$Dose_{AIR}$ = dose by inhalation (mg/kg/day), per age group
CPF = cancer potency factor, chemical-specific $(mg/kg/day)^{-1}$
ASF = age sensitivity factor, per age group
FAH = fraction of time at home, per age group (for residential receptors only)
ED = exposure duration (years)
AT = averaging time period over which exposure duration is averaged (always 70 years)

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(CONT.)

Consistent with the 325-day construction schedule, the annualized average concentration for construction was used for the entire third trimester of pregnancy (0.25 years), and the first 1.75 years of the infantile (0 – 2) stage of life. The annualized average concentration for operation was used for the remainder of the 30-year exposure period, which makes up the latter 0.25 years of the infantile stage of life, the entire child stage of life (2 – 16), as well the entire adult (16 – 30 years) stage of life. The results of our calculations are shown in the table below.

The Maximally Exposed Individual at an Existing Residential Receptor

Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Cancer Risk
3rd Trimester	Construction	0.25	0.0576	7.83E-07
	Construction	*0.64*	*0.0458*	*4.81E-06*
	Operation	*1.36*	*0.0831*	*1.86E-05*
Infant (0 - 2)	Total	2		2.34E-05
Child (2 - 16)	Operation	14	0.0831	3.01E-05

Adult (16 - 30)	Operation	14	0.0831	3.34E-06
Lifetime		**30**		**5.76E-05**

The excess cancer risks for the 3rd trimester of pregnancy, infants, children, and adults at the MEIR located approximately 150 meters away, over the course of Project construction and operation, are approximately 0.783, 23.4, 30.1, and 3.34 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years) is approximately 57.6 in one million. The infant, child and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, resulting in a potentially significant impact not previously addressed or identified by the DEIR or associated documents.

Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. The purpose of the screening-level HRA is to demonstrate the potential link between Project-generated emissions and adverse health risk impacts. The U.S. EPA's Exposure Assessment Guidelines suggest an iterative, tiered approach to exposure assessments, starting with a simple screening-level evaluation using basic tools and conservative assumptions.[43] If needed, more refined analyses with advanced models and detailed input data can follow, balancing cost and benefit.

Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, a revised EIR should be prepared to include a refined health risk analysis which adequately and accurately evaluates health risk impacts associated with both Project construction and operation. If the refined analysis similarly concludes that the Project would result in a significant health risk impact, then mitigation measures should be incorporated, as described in our "Feasible Mitigation Measures Available to Reduce Emissions" section below.

D-42 (CONT.)

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project construction and operation would produce net annual GHG emissions of 2,595.19 metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (see excerpt below) (p. 4.7-19, Table 4.7-3).

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[43] "Exposure Assessment Tools by Tiers and Types - Screening-Level and Refined." U.S. EPA, May 2024, *available at:* https://www.epa.gov/expobox/exposure-assessment-tools-tiers-and-types-screening-level-and-refined.

Table 4.7-3 Annual Project GHG Emissions

Emission Source	Emissions (MT/yr)				
	CO_2	CH_4	N_2O	Refrigerants	Total CO_2e
Annual construction-related emissions amortized over 30 years	28.61	0.00	0.00	0.02	29.32
Mobile Source	1,553.65	0.03	0.20	2.19	1,617.11
Area Source	3.93	0.00	0.00	0.00	3.94
Energy Source	496.68	0.05	0.00	0.00	498.90
Water Usage	62.45	1.46	0.04	0.00	109.48
Waste	16.25	1.62	0.00	0.00	56.85
A/C and Refrigeration Equipment	0.00	0.00	0.00	8.17	8.17
TRUs					271.42
Total CO_2e (All Sources)	**2,595.19**				

Source: (Urban Crossroads, 2023d; Table 3-6)

The DEIR concludes that the Project would remain below the SCAQMD threshold of 3,000 MT CO_2e per year (p. 4.7-19). However, the DEIR's analysis and the subsequent less-than-significant impact conclusion are unsupported for the following reasons:

(1) The DEIR's quantitative GHG analysis relies upon a flawed air model;
(2) The DEIR's quantitative GHG analysis relies upon an outdated threshold; and
(3) The DEIR's unsubstantiated air model indicates a potentially significant impact.

D-43 (CONT.)

1) Unsubstantiated Quantitative Analysis of Emissions

The DEIR estimates that the Project would generate net annual GHG emissions of 2,595.19 MT CO_2e/year, however, the quantitative analysis presented in the DEIR lacks reliable support. Our review of the DEIR's CalEEMod models, included in Appendix B, revealed discrepancies between several input values and the information disclosed in the DEIR.[44] In the section titled "Updated analysis Indicates a Potentially Significant Air Quality Impact", we demonstrated that the emissions would exceed regulatory thresholds, making the DEIR's analysis unreliable for assessing the Project's significance.

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2) Unsupported Reliance on an Outdated Quantitative GHG Threshold

The 3,000 MT CO_2e/year threshold is based on the SCAQMD's 2008 Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans report. This guidance was established when the Global Warming Solutions Act of 2006, commonly called "AB 32," was the main regulating law for GHG reductions in California, requiring the state to cut GHG emissions to 1990 levels by 2020.[45] Furthermore, AEP guidance states that for projects beyond 2020, the threshold must be updated using a new gap

D-45

[44] See the section of this letter titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions."
[45] "Health & Safety Code 38550." California State Legislature, January 2006, *available at:* https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=38550.

analysis to assess future development and reduction potential for the next GHG reduction target.[46] As it is currently December 2024, thresholds for 2020 are no longer applicable to the Project and should be revised to reflect the current GHG reduction target. The SCAQMD bright-line threshold of 3,000 MT CO_2e/year is therefore outdated and inapplicable to the proposed Project; thus, the DEIR's less-than-significant GHG impact conclusion should not be relied upon.

We recommend that the Project apply the SCAQMD 2035 service population efficiency target of 3.0 metric tons of carbon dioxide equivalents per service population per year ("MT CO_2e/SP/year"), calculated by applying a 40% reduction to the 2020 targets.[47]

D-45 (CONT.)

3) Failure to Identify a Potentially Significant GHG Impact

To assess the Project's GHG emissions, we compared them to the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year. According to California Air Pollution Control Officers Association ("CAPCOA")'s *CEQA & Climate Change* report, a service population ("SP") is defined as "the sum of the number of residents and the number of jobs supported by the project."[48] According to the DEIR, the Project is expected to support 163 employees, and does not mention any future residents (p. 3-9). When dividing the Project's net annual GHG emissions, as estimated by the DEIR, by an SP of 163 people, the Project would emit approximately 15.92 MT CO_2e/SP/year (see table below).[49]

Project Greenhouse Gas Emissions	
Annual Emissions (MT CO_2e/year)	2,595.19
Service Population	163
Service Population Efficiency (MT CO_2e/SP/year)	15.92
SCAQMD 2035 Target	**3.0**
Exceeds?	***Yes***

The Project's service population efficiency value exceeds the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year, indicating a potentially significant impact not previously identified or addressed by the DEIR. The DEIR's less-than-significant GHG impact conclusion should therefore not be relied upon. A revised EIR should be prepared that includes an updated GHG analysis and additional mitigation measures to reduce the Project's GHG emissions to less-than-significant levels.

D-46

[46] "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." AEP, October 2016, *available at:* https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 39.
[47] "Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf, p. 2.
[48] "CEQA & Climate Change." CAPCOA, January 2008, *available at:* https://www.ourair.org/wp-content/uploads/CAPCOA-CEQA-and-Climate-Change.pdf, p. 71-72.
[49] *Calculated:* (2,595.19 MT CO_2e/year) / (163 service population) = (15.92 MT CO_2e/SP/year).

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts.[50] To reduce the VOC emissions associated with Project construction and operation, we recommend the DEIR consider incorporating the following mitigation measure from the CA DOJ:[51]

- Require the use of super compliant, low-VOC paints less than 10 g/L during the architectural coating construction phase and during Project maintenance.

Further mitigation used by other land use development projects to address VOC emissions is as follows:[52]

- Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain
- Use compliant low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.
- Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.
- Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

Additionally, Los Angeles County recommends:[53]

- If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September.

While the Project is not located in Los Angeles County, the use of low-VOC paints would nonetheless decrease the Project's significant VOC emissions.

D-47

[50] "Guidance on Frequently Questioned Topics in Roadway Analysis for the California Environmental Quality Act (CEQA)." CEQA, February 2018, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/handbook/roadway-ceqa-guidance_v10.pdf, p. 2.
[51] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.
[52] "Banning Commerce Center Project." Kimley-Horn and Associates, Inc., June 2024, *available at*: https://ceqanet.opr.ca.gov/2022090102/2; Draft Environmental Impact Report, p. 1-7.
[53] "Mitigation Monitoring and Reporting Program." Los Angeles County Housing Element Update Program EIR. August 2021, *available at*: https://planning.lacounty.gov/wp-content/uploads/2023/07/Housing_final-peir-mitigation-monitoring.pdf.

To reduce the DPM emissions associated with Project construction and operation, we recommend the DEIR consider several mitigation measures (see list below).

The CARB recommends: [54]

- 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.
- 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.
- Require 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 are equal to or exceed that of a Tier 4 engine.
- 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.
- Require 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 (NOx) standard starting in the year 2022.
- Require all construction equipment and fleets to be in compliance with all current air quality regulations.
- Require 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.
- Require all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units.
- Requiring all TRUs entering the project-site be plug-in capable.
- Requiring 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 and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).
- Require future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- Require all heavy-duty trucks entering or on the project site to be zero-emission vehicles, and be fully zero-emission. A list of commercially available zero-emission trucks can be obtained from

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[54] "Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers." CARB, August 2023, *available at*: https://ww2.arb.ca.gov/sites/default/files/2023-08/CARB%20Comments%20-%20NOP%20for%20the%20%20Oak%20Valley%20North%20Project%20DEIR.pdf; Attachment A, p. 5 – 8.

the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP). Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.
- Restrict trucks and support equipment from idling longer than two minutes while on site.
- Require the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.

Furthermore, the CA DOJ suggests:[55]

- 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.
- 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.
- 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.
- 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 GHG 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.

Lastly, the SCAQMD Staff recommends: [56]

- Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare 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.

D-48 (CONT.)

[55] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.
[56] "Draft Environmental Impact Report (EIR) for the Proposed CADO Menifee Industrial Warehouse Project (Proposed Project)." SCAQMD, April 2024, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/april-2024/RVC240313-05.pdf?sfvrsn=8, p. 3 - 4.

- Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

D-48 (CONT.)

The CalEEMod User Guide confirms that the methods for mitigating DPM emissions include the use of "alternative fuel, electric equipment, diesel particulate filters (DPF), oxidation catalysts, newer tier engines, and dust suppression."[57]

To reduce the GHG emissions associated with the Project, we recommend the following mitigation measures from the CA DOJ: [58]

- 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.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- 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.
- Running conduit to designated locations for future electric truck charging stations.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- 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.
- 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.

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[57] "Calculation Details for CalEEMod." CAPCOA, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-a2020-4-0.pdf?sfvrsn=6, Appendix A, p. 60.
[58] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

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

We also recommend these measures drawn up by the SCAQMD staff: [59]

- Maximizing the use of solar energy by installing solar energy arrays.
- Using light-colored paving and roofing materials.
- Utilizing only Energy Star heating, cooling, and lighting devices and appliances.

D-49 (CONT.)

CEQA Guidelines 15126.4 (c)(3) include "[o]ffsite measures, including offsets that are not otherwise required, to mitigate a project's emissions" as an option for GHG mitigation.[60] An example of this was in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended.[61] We recommend consideration of local carbon offset programs to reduce the Project's GHG impacts as a measure of last result.

We have proposed numerous cost-effective mitigation measures from CARB, the CA DOJ, and others to reduce Project-related VOC, DPM, and GHG emissions during construction and operation. A revised EIR should incorporate all feasible mitigation measures; updated analyses of air quality, health risk, and GHG emissions, and a commitment to implementing these measures prior to Project approval to ensure emissions are minimized to the greatest extent feasible.

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Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

[59] "Draft Environmental Impact Report (EIR) for the Proposed CADO Menifee Industrial Warehouse Project (Proposed Project)." SCAQMD, April 2024, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/april-2024/RVC240313-05.pdf?sfvrsn=8, p. 3.
[60] "Cal. Code Regs. tit. 14 § 15126.4." CEQA Guidelines, May 2024, *available at*: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-151264-consideration-and-discussion-of-mitigation-measures-proposed-to-minimize-significant-effects.
[61] "Cal. Pub. Resources Code § 21168.6.7." 2023, *available at*: https://casetext.com/statute/california-codes/california-public-resources-code/division-13-environmental-quality/chapter-6-limitations/section-2116867-oakland-sports-and-mixed-use-project-conditions-for-approval-certification-of-project-for-streamlining.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: CalEEMod Output Files
Attachment B: Health Risk Calculations
Attachment C: AERSCREEN Output Files
Attachment D: Matt Hagemann CV
Attachment E: Paul Rosenfeld CV

Responses to Comment Letter D:
Blum, Collins & Ho, LLP on behalf of the Golden State Environmental Justice Alliance

D-1 This comment consists of introductory remarks, an acknowledgment that the comments on the DEIR are being provided by Blum, Collins & Ho, LLP on behalf of the Golden State Environmental Justice Alliance (GSEJA), and a request that GSEJA receive future public notices related to the Project. The statement of interest is acknowledged, and the City will include GSEJA on the mailing list for future public hearings and CEQA notices related to the Project.

D-2 The commenter summarizes the Project Description that was disclosed in the DEIR. No specific comment or request for additional information is made; therefore, no further response is required. Notwithstanding, the City does acknowledge that changes have been made to the Project following public review of the DEIR, and an updated Project Description is provided in Section F.2 of this FEIR.

D-3 The commenter asserts the Project is a piecemealed portion of a larger project but fails to provide any evidence to support this assertion. The Project is wholly unrelated to the two projects referenced by the commenter (Moreno Valley Commerce Center and Nandina Commerce Center). Specifically, a) the three development sites are non-contiguous; and b) each project has independent utility and is not structurally, legally, or financially dependent upon the other project – this point is emphasized, for example, by the fact that Nandina Commerce Center project has already been constructed and is operational. *(Banning Ranch Conservancy v. City of Newport Beach (2012) 211 Cal.App.4th 1209, 1225-1226.)* Based on the information provided above, the analysis in the DEIR is CEQA compliant and no changes to the DEIR are needed.

D-4 The commenter asserts the Project's proposed connection to an approved, but unbuilt, storm drain line represents piecemealing under CEQA. The storm drain line in question is part of the Moreno Valley Business Center project, which was approved by the City of Moreno Valley approximately four years ago, and is anticipated to be fully constructed by the time Project construction commences. The Moreno Valley Business Center project was included in the Project's cumulative impact analysis (see DEIR at p. 4-2); therefore, the DEIR fully disclosed the full scope and scale of potential combined environmental impacts of the Project and the Moreno Valley Business Center project, including effects related to the construction of the planned storm drain line. The analysis provided in the DEIR adequately addressed the potential environmental impacts from construction and operation of the Project and no changes to the EIR are warranted.

D-5 The commenter claims the re-formatted versions of the Project's design drawings provided in Section 3.0 of the DEIR omit important details regarding the Project's design and renders the DEIR's project description deficient. The City disagrees with this assertion. First, the exhibits presented in the DEIR were re-formatted to maximize clarity while still retaining notes and call-outs applicable to the Project's design. The original drawings were formatted at a size of 42 inches by 30 inches while the DEIR was published at 8.5 inches by 11 inches (with some exhibits published at 11 inches by 17 inches). Had the Project's design drawings not been re-formatted for use in the DEIR, the drawings would have been illegible at a reduced size and would not have provided the public with any

meaningful information regarding the Project proposal. Second, the written descriptions provided in Section 3.0 of the DEIR summarize all pertinent details and notes from the Project's design drawings, including, but not limited to the maximum building height. Thus the DEIR did not deprive the public of meaningful information regarding the full scope of the Project proposal and its potential physical impacts. Lastly, the Project's design drawings are in the public record and were available for public review during the entirety of the 45-day DEIR review period. No person – including the commenter – contacted the City to review the design drawings or to request copies of the design drawings during the DEIR review period. The CEQA Guidelines require that an EIR provide a project description that informs the public of a project's physical alterations to the environment but does not require "… extensive detail beyond that needed for evaluation and review of the environmental impact" (CEQA Guidelines Section 15124). The project description provided in the DEIR satisfies the requirements of CEQA and no revisions to the EIR are needed.

D-6 The commenter summarizes existing air quality conditions within the census tract where the Project Site is located using data obtained from the California Environmental Protection Agency (CalEnviroScreen 4.0). The commenter also notes that the Project Site is located in proximity to several census tracts that are classified by the State of California as "disadvantaged communities" and asserts that air pollution from the Project represents an environmental justice issue. Although environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports), the air quality analysis contained in the DEIR demonstrates the Project would not expose any receptor, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or diesel particulate matter (see DEIR at pp. 4.2-31 through 4.2-35). No changes to the EIR are warranted.

D-7 The commenter asserts the DEIR's use of CalEEMod to estimate the Project's energy demand was inappropriate and that the CBECC-Com, EnergyPro, or IES VE models should have been used instead. The compliance modeling software that is referenced by the commenter is used to confirm the final design of a development project complies with applicable energy efficiency regulations based on detailed information included in construction drawings. The information needed to demonstrate compliance with Title 24 using the CBECC-Com, EnergyPro, or IES VE models is not available at this time and is not typically prepared until after a discretionary development project has been approved/entitled. The DEIR and underlying technical studies correctly utilize CalEEMod which estimates energy demand based on average intensity factors for similar land use types based on the Project design drawings provided to the City for entitlement. Because the ultimate user(s) of the Project is unknown at this time, it is appropriate to rely on the CalEEMod default assumptions which have been derived by the California Air Pollution Control Officers Association (CAPCOA) and are supported by the SCAQMD. The energy demand calculations provided in the DEIR are adequate and supported by substantial evidence.

D-8 The commenter asserts that the proposed change of zone would allow the Project to develop the Project Site at an intensity four times greater than allowed by existing zoning and that the DEIR underreports the potential environmental impacts associated with the Project. This comment is based on an incorrect reading of the City's General Plan and zoning code. Maximum development intensity of the Project

Site is governed by the City's general plan while the City's zoning code regulates the form that development of the Project Site must take. The City's general plan allows the Project Site to be developed at a maximum intensity of 1.0 FAR – up to 318,010 s.f. of building area – and this amount of building area would be allowed with or without the Project. The intent of the proposed change of zone is to change how the building area allowed on the Project Site is distributed across the subject property – in a single, larger building as opposed to multiple buildings 50,000 s.f. or smaller. Accordingly, the Project would not increase the maximum allowable building intensity on the Project Site.

Following public review of the DEIR, the Project was revised to provide 142,797 s.f. of building floor area, which is 45 percent of the maximum allowable building area allowed for the Project Site and approximately 51,000 s.f. less than what was disclosed and evaluated in the DEIR, as such, the analysis provided in the DEIR overestimates the potential environmental effects related to the building intensity proposed for the Project Site.

D-9 The commenter disputes the DEIR's conclusion that the Project would comply with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP) and asserts that the DEIR does not provide substantial evidence to support the conclusion. On January 11, 2024, the Riverside County Airport Land Use Commission (RCALUC) reviewed the Project at a publicly noticed hearing and determined the Project was consistent with March Air Reserve Base/Inland Port ALUCP and would not cause or contribute to airport-related safety hazards. The RCALUC documented the determination regarding the Project in a letter to the City of Moreno Valley that is part of the Project's administrative record. Although this information was not included in the DEIR, in response to this comment, the EIR has been revised to summarize the RCALUC's consistency determination and the letter issued by the RCALUC is cited as substantial evidence (see FEIR p. 4.8-13).

D-10 The commenter cites the Moreno Valley Municipal Code and the Riverside County ALUCP to assert that the Project requires review by the RCALUC to confirm the Project's consistency March Air Reserve Base/Inland Port ALUCP and that relevant information should be cited in the EIR. This comment is fully addressed by Response D-9, above. No further response is needed.

D-11 The commenter asserts the DEIR's analysis of potential environmental effects related to conflicts with applicable land use plans is inadequate, based on the commenter's belief the Project is not consistent with the March Air Reserve Base/Inland Port ALUCP. This comment is fully addressed by Response D-9, above. No further response is needed.

D-12 The commenter repeats the assertion that the proposed change of zone would allow the Project to develop the Project Site at an intensity four times greater than allowed by existing zoning and that the DEIR underreports the potential environmental impacts associated with the Project. Refer to Response D-8, which fully addresses this comment.

D-13 The commenter asserts the land use analysis included in the DEIR is deficient because it does not include the findings required by the Moreno Valley Municipal Code for approval of a change of zone

application. The CEQA significance thresholds utilized by the City for the land use analysis require the disclosure of "… significant environmental impact due to a conflict with any land use plan, policy, or regulation *adopted for the purpose of avoiding or mitigating an environmental effect*" (*emphasis added*). The Municipal Code sections cited by the commenter address the City's administrative procedures and other requirements for a change of zone, including the necessary findings for approving a change of zone and do not address issued pertaining to the appropriate mitigation for the Project. Such findings will be based on the evidence set forth in the administrative record and memorialized in the the staff reports, resolutions, and ordinances that will be presented to and considered by the Planning Commission and City Council. Furthermore, the commenter does not provide any evidence that: a) the City cannot make the findings required by the Municipal Code to justify approval of the Project; or b) that a significant environmental impact would occur as a result of the City's inability to make the required findings to justify approval of the Project. In light of the foregoing, no revisions to the EIR are warranted.

D-14 The commenter argues that the land use analysis provided in the DEIR is invalid because the horizon year of the City's General Plan is 2020 and, therefore, any development projects that proceed after 2020 are not accounted for in the growth projections or environmental analysis that support the General Plan. Additionally, the commenter repeats their assertion that the Project would increase the maximum development intensity allowed on the Project Site and that associated impacts were underreported in the DEIR. The commenter does not provide any information to support the assertion that the growth projections and environmental analysis that support the City's General Plan are invalid simply because the horizon year has passed. Furthermore, the DEIR does not streamline its analysis or tier off the environmental analysis for the City's General Plan as outlined in CEQA Guidelines Section 15152; therefore, the adequacy of the DEIR's analysis is unaffected by the horizon year of the City's General Plan. The commenter's assertions regarding the proposed development intensity of the Project and the purported associated deficiencies with the DEIR are fully addressed by Response D-8. No revisions to the EIR are warranted.

D-15 The commenter asserts that the DEIR is inadequate because it did not provide a point-by-point consistency analysis for all General Plan goals, policies, and programs. In numerous instances, CEQA case law has held that a project's consistency with a general plan is not an environmental consideration and does not need to be addressed in a CEQA document. What a CEQA document must address is whether any inconsistencies between the proposed development project and the applicable general plan (or other applicable land plan/regulation) would result in an environmental effect. In the absence of an inconsistency determination resulting in an environmental effect, it is adequate to state that there is no evidence that any such inconsistency would occur (which was done in the DEIR, see p. 4.10-7). In light of the foregoing, no further response – and no revision to the EIR – is necessary.

D-16 The commenter claims that the DEIR improperly relied on provisions in the City's traffic impact analysis preparation guidelines that allowed the Project to be screened out from a detailed vehicle miles traveled (VMT) analysis. The commenter is conflating the City's guidelines for the VMT analysis required for CEQA assessments and the level of service (LOS) analysis that is utilized by the City as part of the entitlement plan review. The City's Guidelines for LOS analysis clearly indicates that

passenger car equivalent (PCE) trips, which is a converted/weighted traffic metric, shall be utilized in the analysis of roadway performance[1] and that actual vehicle trips shall be utilized in the VMT analysis.[2] Accordingly, the DEIR, which disclosed the Project would generate 358 vehicle trips per day, properly concluded that the Project would not exceed the screening level threshold adopted by the City for the requirement of a detailed VMT analysis (400 vehicle trips[3]). No changes to the EIR are warranted.

It bears to mention that following public review of the DEIR, the scope of development proposed by the Project was reduced and the Project now proposes 142,797 s.f. of building floor area, approximately 51,000 s.f. less building area than what was evaluated in the DEIR. Based on the trip generation rates presented in DEIR Technical Appendix O, the change to the Project would result in approximately 100 fewer daily traffic trips than disclosed in the DEIR which further supports the DEIR's conclusion that the Project would not exceed the City's VMT screening level threshold of 400 trips per day.

D-17 The commenter argues that the DEIR's conclusion that the Project Site is located in a low VMT-generating Traffic Analysis Zone (TAZ) is improper and skewed by the relative lack of development in the Project's vicinity. First, CEQA does not require a project's potential impacts to be evaluated in a vacuum. CEQA Guidelines Section 15382 defines a "significant effect on the environment" to mean "…a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." The character of the existing environment in the Project area and the relationship of the Project to this existing environment is fundamental to the Project's environmental analysis and cannot be dismissed because the commenter disagrees with the conclusion. Second, the commenter misunderstands the reasons why the Project's TAZ is classified as a "Low VMT Area." The location of the Project's TAZ, in proximity to a freeway and major local arterial roadways as well as commercial services and retail, serves to shorten the average length of vehicle trips as compared to other locations in the City or Moreno Valley or the greater part of western Riverside County. The commenter does not provide any evidence to rebut the technical findings of the Project's VMT modeling, as such, no further response – or change to the EIR – is necessary.

D-18 The commenter cites recommendations made by the consulting firm Fehr & Peers in a document prepared for the Western Riverside Council of Governments (WRCOG) to assert the Project's VMT represents a significant impact instead of the less than significant impact disclosed in the DEIR. The document cited by the commenter is irrelevant to the Project's environmental analysis and its EIR. CEQA Guidelines Section 15064.7 grants authority of CEQA lead agencies "… to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." The City's *Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service*

[1] *Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment* (p. 12) https://www.moval.org/city_hall/departments/pub-works/transportation/TIA-Guidelines.pdf
[2] Ibid. (p. 24)
[3] Ibid.

Assessment, which establishes the analysis methodology and thresholds of significance for evaluated VMT impacts City-wide, was adopted via resolution at a public hearing before the Moreno Valley City Council on May 19, 2020. Substantial evidence in support of the *Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment* was presented to and considered by the City Council on that date, and the City has applied these standards uniformly to all development projects within the City limits over the last six years. Accordingly, the DEIR's reliance on the City's adopted significance thresholds for VMT analysis was appropriate and the City is not obligated to consider the alternative significance thresholds offered by the commenter.

D-19 The commenter asserts that the VMT analysis used in the DEIR underreports the VMT that would be generated by proposed Project operations. The commenter does not provide any evidence to support this assertion, nor does the commenter provide alternative VMT calculations to demonstrate the modeling performed in support of the DEIR is not accurate. Further, the Project's VMT analysis was prepared in accordance with the City's *Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment*, which was approved by the City in accordance with CEQA Guidelines Section 15064.7 and has been applied to all development projects within the City limits over the last six years. Accordingly, the DEIR's reliance on the City's adopted analysis methodologies and significance thresholds for VMT was appropriate, as such, no revision to the EIR is required.

D-20 The commenter asserts the DEIR does not provide adequate information to support the conclusion that implementation of the Project would not result in substantial safety hazards due to design features, and argues that the Project's design creates hazards that would result in a significant and unavoidable impact to the environment. First, the Project's entitlement plans, which are illustrated and incorporated by reference in the DEIR, and part of the administrative record that has been made available for public review and inspection at City Hall, demonstrate that the Project's design does not create unsafe conditions for heavy trucks or emergency vehicles. City Planning, Land Development, and Transportation Division staff reviewed these plans and required the Project Applicant to demonstrate compliance with applicable Municipal Code requirements and City design standards prior to public review of the DEIR. Thus, the DEIR and administrative record contain sufficient evidence to support the EIR's conclusion. Second, the commenter does not provide any technical evidence to counter the City's position that the Project complies with applicable design standards/requirements. Further, the commenter does not provide any technical evidence to support their claim that the Project's design would result in significant and unavoidable impacts nor does the commenter elaborate on what the actual resulting environmental impact would be. In light of the foregoing, no further response is necessary and no revisions to the EIR are warranted.

D-21 The commenter asserts that the DEIR does not provide sufficient information to support the conclusion that implementation of the Project would not result in inadequate emergency access. This comment is fully addressed by Response D-20 and no further response is necessary.

D-22 The commenter asserts that the DEIR is deficient because it does not analyze horizontal or vertical sight distance at the Project's driveways. It is premature to prepare a sight distance analysis at this

stage of the analysis of the Project as sight distance is based on detailed construction plans, including site, grading and landscaping plans, that are prepared as part of the building permitting process and are not available during the entitlement, discretionary phase of the Project. The City will condition Project approval upon the requirement to demonstrate adequate sight distance triangles on appropriate building plans. The City will not issue grading or building permits for the Project – or any development project in the City – without proof that adequate sight distance can be provided; therefore, it is appropriate to presume that the Project will comply with the City's sight distance standards and would not result in transportation-related safety hazard. No revision to the EIR is necessary.

D-23 The commenter asserts the DEIR's conclusion regarding potential impacts to population and housing (related to job growth) is invalid because concrete information regarding the future employment pool for the Project is not known. As acknowledged, and allowed, by CEQA Guidelines Section 15144, environmental analysis "…necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." The DEIR fulfills its obligation under CEQA to forecast potential future impacts related to population and housing based on regional growth and employment projections (and the Project's consistency with the local land use plan that was used as the basis for these projections). Further, the Project's location in a major metropolitan area with a current population of over 4 million people, and that is expected to continue to grow into the future, supports the DEIR's assumption that a local pool of workers will be available at the time the Project becomes operational. Going beyond the analysis already presented in the DEIR and attempting to predict the size of the labor pool that may be interested in the types of jobs that may be offered by the Project, as suggested by the commenter, exceeds CEQA's requirements for analysis (see CEQA Guidelines 15145). The conclusion made by the DEIR is reasonable and no changes to the EIR are warranted.

D-24 The commenter asserts that the DEIR does not analyze cumulative impacts related to employment growth. The commenter also provides a list of four (4) example cumulative development projects – located up to eight (8) miles from the Project Site – and asserts that these projects should be considered by the DEIR in a cumulative analysis of impacts related employment growth. When considering cumulative projects for analysis in the EIR, the City selected projects that had similar environmental setting, had the potential to contribute traffic to the same roadway facilities, and had the potential to affect sensitive receptors (during construction and/or operation) located in the same general geographic area. The commenter does not provide any evidence that the Project, which is consistent with the City's long-standing land use plan for the Project area, would result in any unanticipated cumulative impacts related to local or regional growth. Furthermore, the commenter does not provide any evidence that any of the identified projects have the potential to combine with the Project to result in substantial, adverse effects on the environment due to their physical location, physical effects, construction characteristics, or operational characteristics. (*South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 336 [bare assertions, unsupported by supporting evidence, that relevant projects were improperly excluded are insufficient to establish that the project list adopted by lead agency is defective or misleading].) Due to the lack of information provided by the commenter, no further response is necessary.

D-25 The commenter disagrees with the conclusion in the DEIR that implementation of the Project would not remove obstacles to growth and would not induce growth. The basis of this comment is the commenter's belief that the Project would develop the Project Site at a significantly higher intensity than allowed by existing zoning. As previously addressed in Response D-8, the commenter's interpretation of the City's zoning code is incorrect; the Project would develop the Project Site at an intensity that is less than allowed by the City's existing land use regulations. Accordingly, the Project would not result in unplanned growth that would either remove obstacles to growth or include improvements that could induce growth. No revisions to the EIR are needed.

D-26 The commenter restates the comment that the DEIR's conclusion regarding potential impacts to population and housing (related to job growth) is invalid because concrete information regarding the future employment pool for the Project is not known. Refer to Response D-23, which fully addresses this comment. No further response is necessary and no revisions to the EIR are warranted.

D-27 The commenter restates the assertion that the Project would develop the Project Site at a significantly higher intensity than allowed by existing zoning, which would result in unplanned growth and environmental impacts not disclosed in the DEIR. This comment is fully addressed by Responses D-8, D-12, and D-25.

D-28 The commenter restates the comment that the DEIR is inadequate because it does not evaluate potential growth inducing impacts related to job growth from four (4) other development Projects. Refer to Response D-24, which fully addresses this comment.

D-29 The commenter asserts that the DEIR does not evaluate a reasonable range of alternatives and claims the No Project Alternative described in the EIR is not feasible. As discussed in DEIR Section 6.0, *Alternatives*, an appropriate range of alternatives to the Project was, in fact, considered. The City considered four potential alternatives to the Project, including possible alternatives that were initially considered and, for a variety of reasons, rejected. In determining an appropriate range of alternatives to be evaluated in this EIR, the City utilized criteria established by CEQA Guidelines Section 15126.6: 1) whether the alternative could accomplish the basic objectives of the Project, 2) whether the alternative would have resulted in a reduction of significant adverse environmental impacts, or 3) whether the alternative was considered infeasible to construct or operate. Because the DEIR already considered four potential alternatives to the Project and because the Project would not result in any significant and unavoidable environmental impacts – and, thus, making it impossible for any alternative to satisfy Criteria 2, above – the City was justified in not requiring additional alternatives to be evaluated. Therefore, contrary to the commenter's assertion, the DEIR adequately considered a range of alternatives and no revision to the DEIR is required.

The commenter's claim regarding the infeasibility of the No Project Alternative is based on an incorrect interpretation of the City's zoning code. Contrary to the commenter's assertion, the City's zoning code does not limit development on the Project Site to one 50,000 s.f. warehouse building per parcel. The zoning code does not place any restrictions on the number of buildings that can be construction on the Project Site but, instead, establishes requirements for setbacks, building separation, lot coverage, and

landscape coverage and limits individual warehouse buildings to a maximum floor area of 50,000 s.f. Multiple buildings can be developed on the Project Site under existing zoning as long as required development standards can be met. The design of the No Project Alternative described and analyzed in the DEIR is feasible pursuant to the City's General Plan and zoning code, and no changes to the EIR are warranted.

D-30 The commenter suggests that the DEIR be recirculated and requests to receive Project-related public notices. As demonstrated in these written responses and this FEIR, the DEIR circulated for public review was fundamentally and basically adequate and none of the criteria set forth in CEQA Guidelines Section 15088.5 have been met. Recirculation of the EIR is not required. As requested, the City will include GSEJA on the notification list for future public notices related to the Project.

D-31 This comment provides a general summary of the Project Description as provided in the DEIR. The commenter also provides a general statement that they do not believe the DEIR adequately evaluates the topics of air quality, health risk, and greenhouse gas (GHG) impacts. Refer to Responses D-32 through D-46 below, which provide responses to the commenter's specific comments and substantiate the adequacy of the Project's DEIR and its supporting technical studies.

D-32 The commenter asserts the modeling files included in the DEIR technical appendix are incomplete and do not allow a full review of the modeling parameters and assumptions used in the Project's air quality analysis. The commenter requests modeling output files be provided in a specific file format to facilitate review. The model output file requested by the commenter is unavailable due to technical limitations of the current version of the CalEEMod software. However, the model outputs provided by CalEEMod, and included in the DEIR technical appendix, do provide the full set of modeling parameters and assumptions that were used for the Project's analysis. Thus, the information provided in the DEIR does not deprive the public of a reasonable opportunity to review the technical details of the Project's analysis.

D-33 The commenter asserts that the DEIR understates the Project's construction and operational air pollutant emissions due to assumptions that are purported to be unsubstantiated. Specifically, the commenter questions the construction and operational assumptions used in the Project analysis. The specific comments and questions related to the air quality modeling that was performed for the Project are addressed by Responses D-34 through D-38 below.

D-34 The commenter claims that unsubstantiated architectural coating emissions parameters were used to estimate VOC emissions from Project construction. As stated in the DEIR (refer to p. 4.2-20), the Project would be required to comply with SCAQMD Rule 1113 which limits the VOC content of architectural coatings to 50 g/l for the building envelope. The "building envelope" coating category is appropriate to use for the Project because the primary painting activities would be for the physical interior and exterior structure (walls), which constitute the "building envelope." The SCAQMD's rule also serves as substantial evidence because the SCAQMD is the applicable jurisdiction governing air quality in the Project's region. The DEIR relied on appropriate assumptions to quantify construction and operational-related emissions and no changes to the analysis are necessary.

D-35 The commenter claims that the EIR must include a mitigation measure requiring compliance with SCAQMD Rule 1113 in order for the environmental analysis to take credit for reduced VOC emissions. The use of low VOC architectural coatings is a regulatory requirement established by SCAQMD Rule 1113 and applies to all development activities throughout the South Coast Air Basin (SCAB). Under CEQA, regulatory requirements and mitigation measures are distinct yet related concepts. Regulatory requirements are established by laws or regulations, and compliance is mandatory. Mitigation measures, on the other hand, are actions taken to reduce the environmental impact of a project, often proposed as a result of the CEQA review process. In this case, compliance with SCAQMD Rule 1113 is mandatory and is enforced by law. As such, it is reasonable for the environmental analysis to assume the Project's use of SCAQMD Rule 1113 compliant architectural coatings. The DEIR relied on appropriate assumptions to quantify construction and operational-related air pollution emissions and no changes to the analysis are necessary.

D-36 The commenter claims the assumption that construction equipment meeting the CARB Tier 4 Interim standard would be used on-site during Project construction is unsupported by evidence and, because of that, the DEIR underreports construction-related air pollutant emissions from the Project. Tier 4 Interim equipment already is in widespread use across the region and the assumption used in the DEIR is reasonable. To be consistent with the information presented in DEIR Technical Appendix B, the EIR project description has been revised to disclose that all construction equipment will meet Tier 4 Interim standards (see p. 3-7). Additionally, the Project Applicant has requested that the City condition the Project to require the use of Tier 4 Interim construction equipment, albeit this condition of approval is not considered to be required mitigation measures under the CEQA analysis of the Project. The DEIR relied on appropriate assumptions to quantify construction-related air pollution emissions and no changes to the analysis are necessary.

D-37 The commenter asserts the Project's air pollutant modeling underestimated operational vehicle trips on Saturdays and Sundays and, therefore, the DEIR underreported the Project's mobile-source operational air pollutant emissions. The commenter does not provide any evidence to indicate that the purported underestimation of weekend traffic from Project operations would result in a significant air quality impact that was not disclosed in the DEIR. Nonetheless, the assumption of reduced Project activity on weekends is supported by substantial evidence. Weekend trip rates used in the Project's analysis were derived using data from the Institute of Traffic Engineers *Trip Generation Manual (11th Edition)*, which is the same data source used to calculate the Project's average weekday traffic. Additionally, the software model used in the Project's air quality analysis, CalEEMod, assumes reduced weekend activities at warehouses as a default assumption. The DEIR relied on appropriate assumptions to quantify operational-related air pollutant emissions and no changes to the analysis are necessary.

D-38 The commenter claims the operational fleet mix values used to model the Project's mobile-source emissions are unsubstantiated and may have resulted in the DEIR underestimating the Project's air quality impact. The operational fleet mix used in the Project's air quality analysis was manually adjusted in CalEEMod to separate passenger vehicles and trucks to allow the daily trips for each vehicle type of vehicle to be accounted for in the modeling. The truck fleet mix was estimated based on Project

traffic generation data presented in DEIR Technical Appendix O. The passenger vehicle fleet mix was adjusted based on the CalEEMod default fleet mix, removing heavy duty trucks from the mix. The commenter does not recommend an alternative vehicle fleet mix for analysis, nor does the commenter provide any evidence to suggest that an alternative vehicle fleet mix would result in a significant environmental effect that was not disclosed in the DEIR. The DEIR relied on appropriate assumptions to quantify operational-related air pollutant emissions and no changes to the analysis are necessary.

D-39 The commenter provides an alternative air pollution analysis (CalEEMod v. 2022.1.1.29 with varying defaults set) that claims to demonstrate that the Project would result in a significant air quality impact during construction from VOC emissions. The commenter does not provide any substantiation for the assumptions made in the alternative air quality modeling. As demonstrated by Responses D-34 through D-38, the Project's air quality analysis is technically sound and relied on appropriate assumptions and methodologies that are supported by substantial evidence. No revisions to the EIR are warranted.

D-40 The commenter claims that warehouses, in general, are a high-polluting land use and based on this generalization asserts that the Project, specifically, would result in disproportionate health risk impacts on the surrounding community. The commenter does not cite any evidence to support their assertion that the Project would generate excessive volumes of air pollution nor does the commenter identify purported health risk impacts that would result from the Project. As explained in detail in the DEIR, the Project would not generate significant regional or localized air pollution and the Project would not expose nearby residential, worker, or school child receptors to substantial adverse health risks (see DEIR at Section 4.2, *Air Quality*). Also refer to Response D-6. No further response is required.

D-41 The commenter asserts that the Project's health risk assessment underestimates the Fraction of Time at Home (FAH) values for residential receptors, thereby, underestimating the cancer risk posed to nearby, existing sensitive receptors as a result of the Project's construction and operation. First, it bears noting that the SCAQMD guidelines cited by the commenter apply specifically to health risk assessments performed under Rules 1401, 1401.1, and 212, which are applicable to permitting stationary sources of hazardous emissions and are not relevant/applicable to industrial development projects where the majority of air pollutant emissions are generated by mobile sources (as is the case with the Project). The Project's health risk assessment analysis utilized FAH values that are consistent with the Office of Environmental Health Hazard Assessment (OEHHA) Risk Assessment Guidelines (see DEIR Appendix C). The analysis considers a conservative scenario in which a child is born at the start of Project construction and exposed to construction-related emissions and is then exposed to Project operational emissions for the remainder of the 30-year exposure duration. The analysis also analyzes a worst-case operational scenario in which a child is exposed to Project operational emissions from the third trimester through the first 30 years of life. These scenarios conservatively assume that emissions will remain static throughout the life of the Project and do not account for future emission reductions that would occur as more stringent emission standards and regulations are implemented. Accordingly, the Project's HRA accurately accounts for potential exposure of residential receptors to hazardous diesel particulate matter emissions and no changes to the Project's analysis – or DEIR – are warranted.

D-42 The commenter provides an alternative preliminary health risk assessment (AERSCREEN v. 21112) that claims to demonstrate that Project construction and operation could result in a potentially significant health risk impact. The AERSCREEN model utilized by the commenter uses a simplified approach and is designed for quick, initial assessments. The AERMOD model utilized in the Project's analysis is more refined, requiring more detailed inputs (such as local meteorological data) and provides more accurate and detailed modeling results. The methodology used by the DEIR to quantify potential health risks from diesel particulate matter was appropriate and no changes to the analysis are necessary.

D-43 The commenter disagrees with the conclusion in the DEIR that Project impacts related to GHG emissions would be less than significant. The specific comments and questions related to the GHG analysis that was performed for the Project are addressed by Responses D-44 through D-46 below.

D-44 The commenter reiterates previous comments claiming that the air pollutant model for the Project utilized unsubstantiated modeling assumptions, and that the commenter's alternative air pollution analysis demonstrates a significant air quality impact. Refer to Responses D-33 and D-39, which fully address this comment.

D-45 The commenter asserts that the GHG emissions significance threshold utilized by the DEIR is outdated and offers an alternative significance threshold. This assertion is contrary to case law. The City's use of the 3,000 $MTCO_2e$ per year significance threshold for GHG emissions is appropriate and supported by substantial evidence, as documented in the DEIR (see pp. 4.7-15 through 4.7-17). No revisions to the EIR are required.

D-46 The commenter provides an alternative GHG emissions analysis that claims to demonstrate that the Project's GHG emissions would result in a potentially significant impact on the environment. The commenter does not provide any substantiation for the assumptions made in the alternative GHG emissions modeling. As demonstrated by Responses D-34 through D-38 and D-44 & D-45, the Project's GHG emissions analysis is technically sound and relied on appropriate assumptions, methodologies, and significance thresholds that are supported by substantial evidence. No revisions to the EIR are warranted.

D-47 The commenter suggests that the City consider and apply nine (9) mitigation measures to reduce Project-related air pollution, including construction- and operational-related VOC emissions. The Project would be required to comply with City-approved design features, regulatory standards (both State and local), conditions of approval, and permit requirements that will serve to reduce operational air pollutant emissions, as noted throughout the DEIR. As disclosed in the DEIR, the Project would result in less-than-significant environmental effects from air pollutant emissions and, therefore, would not require mitigation (see DEIR p. 4.2-37). The commenter did not provide any comments that disprove the DEIR's finding of less than significant air quality impacts. Based on the foregoing response, none of the conditions required by CEQA to impose mitigation on the Project have been met and no revisions to the EIR are warranted.

D-48 The commenter suggests that the City consider and apply 27 mitigation measures to reduce Project-related air pollution, including construction- and operational-related DPM emissions. The Project would be required to comply with City-approved design features, regulatory standards (both State and local), conditions of approval, and permit requirements that will serve to reduce operational air pollutant emissions, as noted throughout the DEIR. As disclosed in the DEIR, the Project would result in less-than-significant environmental effects from air pollutant emissions and, therefore, would not require mitigation (see DEIR p. 4.2-37). The commenter did not provide any comments that disprove the DEIR's finding of less than significant air quality impacts. Based on the foregoing response, none of the conditions required by CEQA to impose mitigation on the Project have been met and no revisions to the EIR are warranted.

D-49 The commenter suggests that the City consider and apply 16 mitigation measures to reduce Project-related air pollution, including GHG emissions. The Project would be required to comply with City-approved design features, regulatory standards (both State and local), conditions of approval, and permit requirements that will serve to reduce GHG emissions, as noted throughout the DEIR. As disclosed in the DEIR, the Project would result in less-than-significant environmental effects from GHG emissions and, therefore, would not require mitigation (see DEIR p. 4.7-22). The commenter did not provide any comments that disprove the DEIR's finding of less than significant GHG impacts. Based on the foregoing response, none of the conditions required by CEQA to impose mitigation on the Project have been met and no revisions to the EIR are warranted.

D-50 The commenter reiterates the previous assertion that the DEIR should be revised to include updated analyses for air quality, health risk, and GHG emissions as well as additional mitigation measures to reduce Project-related VOC, DPM, and GHG emissions. As demonstrated by the preceding responses (see Responses D-32 through D-45), the DEIR and its supporting technical reports are technically accurate and based on sound analysis methodologies supported by substantial evidence, and no revisions to the EIR are needed.

Note: Eighty-five (85) pages of reference exhibits and materials that did not include any comments on the Project's environmental analysis or require a written response (i.e., air quality modeling output files, professional resumes) have been omitted from this FEIR for brevity. The City has received and reviewed these materials, and the full comment letter is included within the administrative record.

COMMENT LETTER E

SAN GORGONIO CHAPTER

Box Springs Group

SENT VIA EMAIL
January 7, 2025

Kim Zuppiger, Project Planner
Patty Rodriguez, City Clerk
City of Moreno Valley
Email: planningnotices@moval.org; cityclerk@moval.org

RE: Public comment for the Bay & Day Commerce Center, SCH# 2023090050 - Draft EIR

Dear City of Moreno Valley Planning Staff,

Thank you for the opportunity to provide comments on the draft Environmental Impact Report (EIR) on the Bay & Day Commerce Center (the Project) – SCH# 2023090050.

The Project aims to place a 194,775 sq.ft. warehouses on the corner property of Bay Avenue and Day Street in the Edgemont community of Moreno Valley. The Edgemont community census tract 06065042505 is in the 99th percentile for cumulative impact score in CalEnviroScreen4.0 – 95th percentile for pollution burden and 98th percentile for vulnerable population characteristics – literally a top 1% Environmental Justice (EJ) neighborhood in the state.[1] The project will demolish at least five residential structures and is surrounded on more than three sides by existing residential structures (northwest, north, northeast, east, and south of the project). Bay Avenue and Day Street are not designated truck routes[2], and there is no direct access to Alessandro Blvd. for trucks servicing the warehouse.

E-1

In our review, the Sierra Club Box Springs Group found the Project EIR is deficient in multiple areas. A summary is listed here, with detailed information in the body of the letter supporting each claim.

1. Environmental Justice was not analyzed as an environmental impact in the draft EIR, despite the Edgemont community status as a 99th percentile community in CalEnviroScreen4.0 and similar designation in the General Plan EJ element. Please analyze the project with respect to the City of Moreno Valley General Plan chapter 8 – EJ, specifically with respect to reducing pollution exposure, improving community health, providing safe housing, and community participation in the planning process.
2. The Cumulative Impacts project list is inaccurate and inadequate. Please include the following warehouse projects – Old 215 Business Park, Penske Sales, Leasing, and Maintenance Project, Sycamore Hills Distribution Center, Compass Danbe Centerpointe, West Campus Upper Plateau, World Logistics Center, Stoneridge Commerce Center, Harvest Landing Retail Center, and Beaumont Pointe.

E-2

[1] https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] https://www.moreno-valley.ca.us/city_hall/departments/pub-works/transportation/pdfs/truck-routes.pdf

3. The Air Quality analysis is inadequate and makes numerous errors. Please compare to current air quality standards for the federal (NAAQS) and state (CAAQS) standards. Please perform a cumulative health risk assessment that includes adjacent warehouse projects, adjacent truck routes, and the 215 Freeway in analyzing cumulative cancer risk in order to properly inform decision-makers and adequately mitigate impacts.
4. The project is not located on a City of Moreno Valley approved Truck Route and is inconsistent with new AB 98 requirements for warehouses that require rezoning to be on truck routes or commercial oriented roads.
5. Multiple conflicts with Land Use and Planning goals for active transportation, transit goals, housing goals, and housing replacement for demolition of homes under AB 98. The project fails to consider alternatives that meet existing Business Park zoning that would provide the buffering between residential districts and industrial/warehouse structures larger than 50,000 sq.ft. described in the industrial zoning descriptions.

E-2 (CONT.)

Environmental Justice

The Bay & Day Commerce Center project fails to mention that it is asking for a more intensive upzone of a use in the most impacted census tract in the City of Moreno Valley under the CalEnviroScreen4.0 tool. **Figure 1** displays a screenshot of the CalEnviroScreen4.0 census tract where the Project is located.

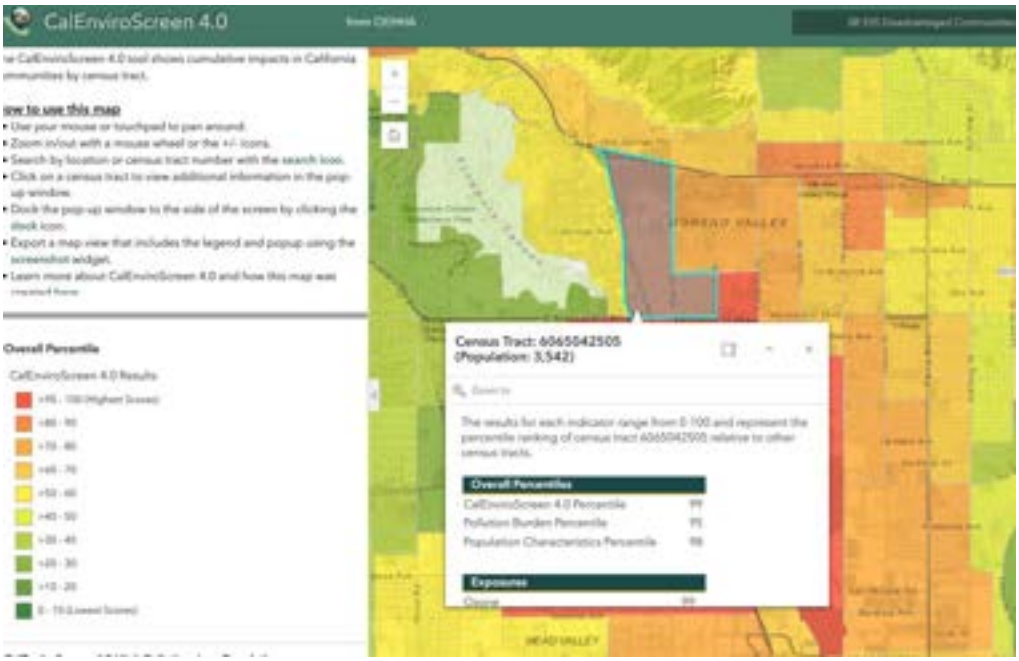

Figure 1. CalEnviroScreen4.0 indicator map screenshot for the Edgemont census tract. Screenshot taken 1/2/2025[3].

E-3

City of Moreno Valley policies in the adopted EJ element within the General Plan require various steps to reduce pollution exposure, improve community health, provide safe housing, and ensuring community participates in the planning process. However, the draft EIR provides no indication or checklists that these issues were considered for this project, at least not within the context of this being the most impacted neighborhood in the city.

[3] https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/

The City should take all necessary steps to ensure that the project mitigates its negative impacts on adjacent vulnerable community members. The first step is going through the EJ policy guidelines in Chapter 8 of its General Plan and ensuring that all Goals EJ-1 through EJ-4 are adequately covered by this EIR and this project's mitigation plan. Given that this project is asking for a zone change, is not on a truck route, demolishes housing, and is adjacent to dozens of homes that are already extensively overburdened with local warehouses and truck emissions, extensive mitigation is necessary to remediate the project impacts.

E-3 (CONT.)

Cumulative Impacts

The project list included in Figure 4.0-1 of the EIR is inadequate. It includes only four projects – Cottonwood & Edgemont Project, Old 215 Industrial Park, Alessandro Corporate Center, and Moreno Valley Business Center. It is supposed to include a summary of projects with the manual addition of 'past, present, and reasonably foreseeable projects." However, it looked out only 0.5 miles from the project site, which is both an arbitrary and insufficient distance, given typical distances traveled for workers commuting and trucks delivering to a warehouse project.

Within the 0.5 mile area, it excluded the Penske Sales, Leasing, and Maintenance Project (840 feet), the First Industrial Warehouse at Day Street (1,400 feet), and Old 215 Business Park (2,100 feet) as projected future projects. If the project distance was extended to 1 mile, it would include the Compass Danbe Centerpointe project and just touch the edge of the West Campus Upper Plateau project. At 1.5 miles, it would include the under construction warehouses at Sycamore Hills Distribution Center.

This also ignores a few other key mega-warehouse projects along the 215/60 corridor, such as the World Logistics Center (40.4M sq.ft.), Stoneridge Commerce Center (7.9M sq.ft.), Harvest Landing Retail Center (5.7M sq.ft.), and Beaumont Pointe (5.5M sq.ft.). These projects will all use the same 215 and 60 corridor for truck trips, leading to ever more truck congestion, road maintenance costs, and pollution that will directly and indirectly impact the residents in the Edgemont neighborhood.

Note, this is just additional warehouses. It doesn't include the existing 1,600 acres (~39M sq.ft.) of warehouses within 3 miles of the project site shown in **Figure 2**. These are completely omitted from the analysis of 'cumulative impacts'. The 215-corridor has a glut of warehouses in this area. Please do a reasonable job of assessing their cumulative impacts and add the local and regional impacts.

E-4

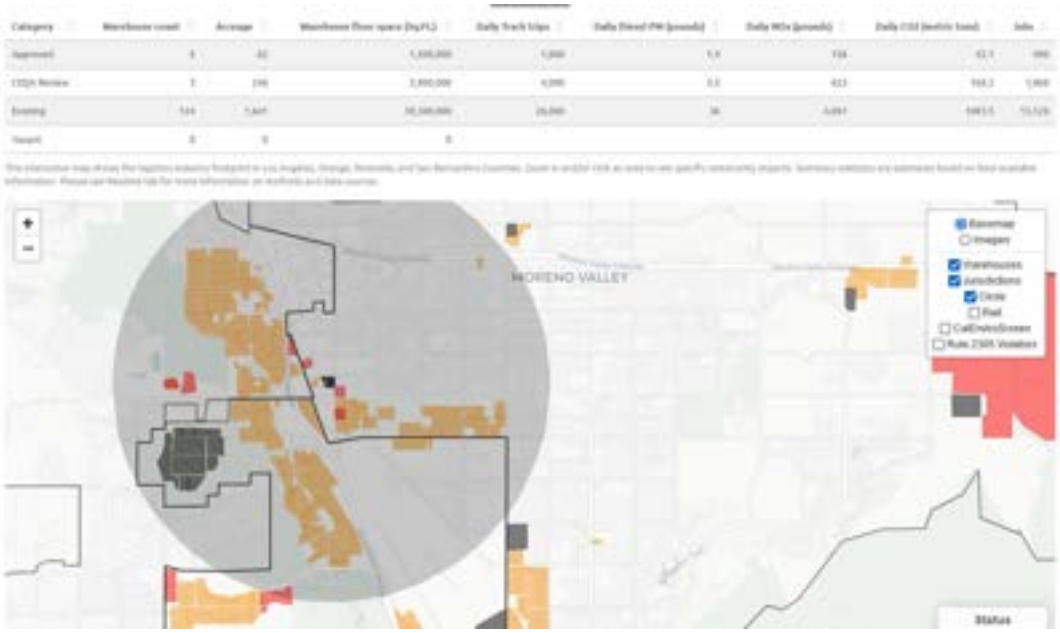

Figure 2. Warehouse CITY v1.21a screenshot of existing, approved, and under review warehouses within 3 miles of the proposed Bay & Day Commerce Center.

E-4 (CONT.)

Air Quality

There are major issues with the analysis performed. First, the air quality analysis for both the health risk assessment and transportation analysis were completed on October 2nd, 2023; prior to the project public comment period closing to the public and agencies for comment. The analyses were completed prior to received comments from the South Coast Air Quality Management District, who submitted a comment letter on health risk assessment and mitigation strategies on October 5th, 2023. Multiple environmental organizations submitted comments on air quality (SAFER, CARE CA, Sierra Club). The Attorney General's office submitted comments on air quality and environmental justice.

None of the comments were addressed in the EIR, because the analysis was completed and submitted by October 2nd, 2023.

E-5

Key issues I found include a failure to include the cumulative impacts of multiple warehouse projects and truck routes on the residential structures in the health risk analysis, even with the minimal list of projects included. This underestimates cumulative risk, which is the relevant standard. Please include Alessandro Blvd, the Old Route 215, and all projects along those corridors in the health risk modeling of cancer risk.

A full accounting of the cumulative impacts of the large mega-projects indicate that this additional project is one-too-many when considering cumulatively. This is the intent of the cumulatively considerable standard in state law and the City of Moreno Valley is required to include all its past actions as cumulative impacts on additional warehouse projects. Given the World Logistics Center approval, the city is already full up on warehouses.

E-6

Additionally, there were about 10 errors due to this section being a copy-paste of an older document without updating for current 2024/25 conditions. Please fix all these errors. E-7

- $PM_{2.5}$ standard is out-of-date – Table 4.2-1 – should be 9.0 ug/m^3 as adopted by the EPA in 2024[4] E-8
- NO_2 is nonattainment along SR-60, which trucks for this project will travel along – please update Table 4.2-2[5] E-9
- Fig 4.2-1 - Ozone trend stops at 2020 – data is complete through 2023 E-10
- Fig 4.2-4 – $PM_{2.5}$ trend is showing an annual average compared to the daily standard. This is misleading and inaccurate. Annual standard is 9.0 ug/m^3, not 35.0. See, e.g, https://ww2.arb.ca.gov/our-work/programs/state-and-federal-area-designations/federal-area-designations/pm2-5 - E-11
- Fig 4.2-5 – $PM_{2.5}$ trend of annual mean vs. a daily standard – same misrepresentation and inaccuracy. E-12
- Fig 4.2-7 and 4.2-8 – refers to CO when it shows NO_2? Inaccurate plot. E-13
- Table 4.2-3 is two years out-of-date and includes inaccurate NAAQS values. Current years should be 2021-2023 for most recent three complete years of data. See http://www.aqmd.gov/home/air-quality/historical-air-quality-data where data from 2023 is reported. E-14
- Fig. 4.2-10 – MEIW does not include cumulative impacts of Diesel PM from adjacent warehouses and road uses in calculations. Adjacent warehouses under construction will increase cumulative exposures and need to be included in analysis, either qualitatively or quantitatively (using their DPM cancer risk estimates). Moreover, this area is affected by truck routes (Alessandro Blvd, the 215 Freeway). Those are not included in this analysis and will have additional trucks as a result of cumulative impacts from other approved and planned warehouse projects. E-15
- Table 4.2-7 – why are construction schedules for 2024 when the EIR comment period ends in 2025? E-16

Greenhouse Gases (GHGs)

The GHG analysis fails to accurately consider the full greenhouse gas emissions of the Project. E-17

- The project omits CO_2 emissions associated with concrete foundations and building materials. Each cubic yard of concrete poured (~1 ton of concrete) emits ~180 kg of CO_2. Assuming a concrete slab thickness of 6 inches for the foundation of the 10 acre warehouse, the calculation is 43,560 $feet^2$/acre * 0.5 feet thick * 0.037037 $yard^3/ft^3$ * 400 pounds of $CO_2/yard^3$ * 10 acres = 1,613 tons of CO_2 for the foundation. The total amortized emissions from the 'construction' in Table 3-6 in Appendix I are less than 900 tons. E-18
- The project GHG analysis in Appendix I uses inaccurate building size for its calculations. It uses 145,309 ft^2 for warehouse uses and 48,436 ft^2 for cold-storage = 193,745 ft^2. The Project is 194,775 ft^2. E-19
- The project refers to an out-of-date CARB scoping plan on p.4.7-11. The current adopted 2022 plan is the correct reference document.[6] E-20
- The Project analysis claims that the GHG analysis is conservative by using a combination of 'Warehousing' and 'High-Cube cold storage' to generate trip rates. However, the ITE 11th edition includes six warehousing types as shown in **Table 1**. High-cube fulfilment and high-cube (sort) category 155 and High-cube parcel category 156 warehouses have significantly higher trip rates per square foot than the 'warehouse' category 150 or the high-cube cold storage (157). A conservative analysis for the speculative warehouse is needed to estimate its impact, which would E-21

[4] https://www.epa.gov/criteria-air-pollutants/naaqs-table
[5] https://ww2.arb.ca.gov/sites/default/files/2024-10/State_2023_NO2.pdf
[6] https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents

include total trip rates for fulfilment or parcel warehouses or a clear prohibition on higher trip rate uses for the building.

Table 1 – ITE 11th edition total trip rates and truck rates for warehouse land use codes.

Warehouse category	ITE land use code	Total Trip Rate per 1000 sf	Truck rates per 1,000 sf
Warehousing*	150	1.71	0.6
High cube transloading	154	1.4	0.22
High-cube fulfilment (non-sort)	155	1.81	0.26
High-cube fulfilment (sort)	155	6.44	0.19
High-cube parcel	156	4.63	0.58
High-cube cold storage*	157	2.12	0.75

E-21 (CONT.)

Including the emissions from the building materials, inaccurate building sizes, and a more conservative trip rate assumption based on the potential range of warehouse land use choices, it is possible that the emissions would be high enough to exceed the 3,000 $MTCO_2e$ significance threshold. Please perform a rigorous analysis of conservative planning assumptions to prove that GHG emissions are indeed insignificant.

E-22

Moreover, the 3,000 $MTCO_{2e}$ threshold itself is based on an out-of-date 2008 interim guidance letter for stationary sources. Stationary sources are defined in air quality regulations as 'industrial' and, in this case, non-commercial and residential sources. Stationary sources are subject to air quality permits from SCAQMD in order to operate and warehouses do not fall under this category. As a result, this significance threshold is not appropriate for an area source emissions node like a warehouse and cannot be accurately applied. See p. 2 of the SCAQMD GHG interim guidance document.

'In the absence of a statewide threshold, AQMD staff recommends its interim approach to the Board for consideration and it will also become part of the AQMD's input to the statewide process. The interim GHG significance threshold proposal recommended by staff to the Board that applies only to industrial (stationary source) projects where the AQMD is the lead agency is a narrower recommendation than the version presented at the October 29, 2008 Climate Change Committee meeting.' Emphasis via underline is added.

E-23

Truck Routes

The city of Moreno Valley has designated truck routes[7] as part of its city ordinances. The nearest truck route to the project is Alessandro Blvd. Old Route 215 is not a truck route, nor is Day Street or Bay Avenue. Thus, the project site is not located on an approved truck route and truck access will require traversing non-truck route local streets.

AB 98, passed in late 2024, requires new projects that require rezoning to be located on truck routes or commercial oriented roads.

65098.2.7

E-24

[7] https://www.moreno-valley.ca.us/city_hall/departments/pub-works/transportation/pdfs/truck-routes.pdf

(a) The purpose of this section is to ensure that logistics use developments, beginning January 1, 2026, are sited in locations that minimize adverse impacts on residential communities and enhance transportation efficiency. This is achieved by restricting logistics use development to roadways that are suited to handle the associated traffic and that predominantly serve commercial uses.
(b) (1) Any new logistics use development shall be sited on roadways that meet the following classifications:
(A) Arterial roads.
(B) Collector roads.
(C) Major thoroughfares.
(D) Local roads that predominantly serve commercial uses.
(2) For purposes of this chapter, local roads shall be considered to predominantly serve commercial uses if more than 50 percent of the properties fronting the road within 1000 feet are designed for commercial or industrial use according to the local zoning ordinance.
(c) A waiver may be granted where siting on the designated roadways pursuant to subdivision (b) is impractical due to unique geographic, economic, or infrastructure-related reasons. The waiver shall be approved by the city, county, or city and county, provided that the applicant demonstrates all of the following:
(1) There is no feasible alternative site that exists within the designated roadways.
(2) A traffic analysis has been completed and submitted to the local approving authority.
(3) The site is an existing industrial zone.
(4) The proposed site will incorporate mitigations to minimize traffic and environmental impacts on residential areas to the greatest extent feasible.
(Added by Stats. 2024, Ch. 931, Sec. 1. (AB 98) Effective January 1, 2025.)

E-24 (CONT.)

This project was not analyzed for consistency with the newly enacted AB 98 rules. The project is not located on a truck route or any of the allowable road types in section (b)(1). The entirety of the truck route analysis in Section 4.12.1(B) is to mention that Alessandro Blvd is 0.25 miles south of the site and is the 'likeliest truck route'. There has been no analysis to demonstrate that a waiver is necessary as in section (c). Moreover, it is demonstrably the case that the site is requesting a rezone for a more intensive use from Business Park to Light Industrial and is not incorporating mitigations to minimize traffic and environment impacts to residential areas 'to the greatest extent feasible'. Given that it is now possible to require all operations to be completely electrified, or to simply require a less intensive land-use by maintaining a business park sizing requirement, the Project is not demonstrating maximum mitigation.

Additionally, the project will need to include a truck routing plan (65098.4) and a description of all item types to be stored within the facility.

Land Use Issues – Rezoning, Housing Replacement

Rezoning

The Project requires discretionary approval to rezone the existing Business Park designation to Light Industrial to accommodate the nearly 200,000 square foot proposed building.

E-25

The City General Plan defines the two land-use types in its Chapter 9.05 Ordinances for industrial districts.

- **Business Park District (BP).** The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.
- **Light Industrial District (LI).** The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the special site development standards in Section 9.05.040(B)(9).

E-25 (CONT.)

The clearly defined intent of the Business Park district is to provide a smoother transition between sensitive receptors (i.e., homes, parks, churches, schools) and industrial uses. Thus, it requires smaller, less intensive buildings. It should be 'attractive', 'pleasant', and 'prestigious'. The Light industrial district is for 'high performance' and is distinctly required to 'require buffering between residential districts for warehouse structures greater than 50,000 sq.ft.'

This is clearly an overreach by the project applicant. Residential uses surround the site and it is completely inconsistent with city policy to rezone this to Light Industrial for a larger building size while removing all the intentional protections associated with BP zoning for the neighborhood. It is unclear how the city is justifying not providing any alternatives in Section 6 of the EIR that provide an environmental superior alternative that are consistent with a 'Business Park' approval that mitigates the requirement for a rezone. CEQA requires an environmentally superior alternative to avoid the project's environmental impacts. The problems with the Truck Routes, Land Use and Planning inconsistencies, greenhouse gas and air quality, and environmental justice impacts could all be partially mitigated by a smaller project consistent with the Business Park designation of the current zoning.

Provide an environmentally superior alternative to this project to comply with CEQA mandates. The rationale for omitting it in Section 6.3 of the EIR is bogus.

E-26

Land Use and Planning

Multiple characterizations of consistency with existing land use and planning in Table 4.10-1 are controversial and potentially erroneous.

- Conflict with multimodal transportation – conflict of trucks with pedestrian/bike paths and continued deterioration of the value of the March/Moreno Field transit station by reduction of residential in its catchment area.
- Conflict with communities – residential homes are displaced and industrial adjacent to residential is a land-use compatibility issue.
- Economy – warehouse uses are inherently low density, low quality job uses with anti-union occupants. Possible to remediate with community benefits agreement mandating local hiring and payscales.
- Larger buildings change the character and nature of an area and, in-and-of-themselves are a significant and unavoidable impact to aesthetics, walkability, and land-use compatibility.

E-27

E-28

E-29

E-30

Lastly, AB 98 requires a 2:1 housing replacement for demolition of homes and one year of displacement rent for any renters (65098.6). Please add a section on how the demolished housing will be replaced as part of this project. E-31

Summary

Thank you again for the opportunity to provide comments on the draft Environmental Impact Report (EIR) on the Bay & Day Commerce Center (the Project) – SCH# 2023090050. We hope these comments are taken seriously and addressed fully to mitigate the significant unaddressed impacts associated with this project. E-32

Please keep the Sierra Club Box Springs Group notified of all documents and meetings related to the Bay and Day Commerce Center project.

Sincerely,

Michael McCarthy, PhD
Sierra Club
Box Springs Group
Co-Conservation Chair
Email: mikem@radicalresearch.llc

P.O. Box 1325
Moreno Valley, CA 92556-1325

Responses to Comment Letter E: Sierra Club Box Springs Group

E-1 This comment consists of introductory remarks and summarizes information regarding the Project Site setting that was disclosed in the DEIR. No specific comment related to the DEIR or the Project's environmental analysis is made; therefore, no further response is required. Notwithstanding, the City does acknowledge that changes have been made to the Project following public review of the DEIR, and an updated Project Description is provided in Section F-2 of this FEIR.

E-2 The commenter believes the DEIR is deficient and provides an overview of the comments that are further discussed within the comment letter. Refer to Responses E-3 through E-28 below, which provide responses to the commenter's specific comments.

E-3 The commenter provides a screenshot of the CalEnviroScreen 4.0 tool and asserts that the Project Site must comply with the environmental justice element of the City's 2021 General Plan. Although environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports), the air quality analysis contained in the DEIR demonstrates the Project would not expose any receptor, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or diesel particulate matter (see DEIR at pp. 4.2-31 through 4.2-35). No changes to the EIR are warranted.

E-4 The commenter claims that the cumulative projects list utilized in the DEIR is insufficient and provides a list of additional projects – including projects located several miles from the Project Site – that the commenter asserts should be included in the analysis of cumulative impacts.

CEQA Guidelines Section 15130(b) describes two acceptable methods for conducting a cumulative impact analysis: 1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency (referred to in the DEIR as "the list of projects approach"), *or* 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact (referred to in DEIR as the "summary of projections approach"). Although CEQA only requires one approach for the cumulative analysis to be utilized, the DEIR relies on a hybrid of the two cumulative analysis approaches allowed by CEQA as a conservative measure (see DEIR at pp. 4-1 through 4-3). The foundation of the Project's cumulative analysis relies on the projection of impacts associated with buildout of the Project's general geographic area, which included the Cities of Moreno Valley and Riverside, as well as northwest unincorporated territory of Riverside County (see DEIR at pp. 4-3). The summary of projections approach captures impacts from development projects that are consistent with existing general plans.

The summary of projections was supplemented with the addition of four projects that met the criteria disclosed in the DEIR (see DEIR at pp. 4-2). The criteria used to select the cumulative projects that would supplement the summary of projections approach were intended to identify development

activities that may have effects localized to the Project area that may be underestimated by solely relying on a summary of projections. When considering the cumulative projects the DEIR would use to supplement the summary of projections analysis, the City selected projects that had similar environmental setting, had the potential to contribute traffic to the same local and arterial roadway facilities, had the potential to affect the same sensitive receptors located near the Project Site, were known at the time the NOP for the Project's DEIR was advertised (which established the Project's environmental baseline pursuant to CEQA Guidelines Section 15125(a), and were not already operational or accounted for in local and regional impact models (to avoid double-counting potential cumulative effects). A 0.5-mile radius around the Project Site was used to identify projects to add to the cumulative analysis because this radius would capture: 1) projects with a similar environmental setting as the Project Site; 2) projects that would contribute traffic to the same local and arterial roadways as the Project; and 3) projects that had the potential to affect the same sensitive receptors as the Project, with a particular emphasis placed on potential noise and air quality impacts. As disclosed in the DEIR, air pollution concentrations by approximately 80 percent within 1,000 feet of their source (see DEIR Appendix C, p. 2) and noise levels fall by 6 decibels at the doubling distance (for example, a sound level of 60 decibels at 50 feet drops to 54 decibels at 100 feet and 48 decibels at 200 feet, etc., see DEIR Appendix M, pp. 8-9). Accordingly, the 0.5-mile (2,640-foot) radius that was used to identify cumulative projects to supplement the summary of projections approach would capture the area surrounding the Project Site with the highest potential for cumulatively considerable effects.

The cumulative projects listed by the commenter include projects that were not filed until after the NOP for the Project's EIR was filed, are located too far from the Project Site to result in a cumulatively considerable impact, are already accounted for by the summary of projections analysis used in the DEIR, and/or are already included in the Project's cumulative analysis (the project identified by the commenter as "Old 215 Business Park" is included in the Project's cumulative analysis as the "Old 215 Industrial Park." Further, the commenter does not provide any evidence that any of the identified projects have the potential to combine with the Project to result in substantial, adverse effects on the environment due to their physical location, physical effects, construction characteristics, or operational characteristics that are not already disclosed in the DEIR. (*South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 336 [bare assertions, unsupported by supporting evidence, that relevant projects were improperly excluded are insufficient to establish that the project list adopted by lead agency is defective or misleading].) The analysis provided in the DEIR adequately addresses potential for the Project to contribute to cumulatively considerable environmental effects and, due to the lack of evidence provided by the commenter, no further response is necessary.

E-5 The commenter asserts that the Project's air quality analysis is deficient because it was completed prior to the close of the NOP comment period. Pursuant to CEQA Guidelines Section 15082(a)(4), "[t]he lead agency may begin work on the draft EIR immediately without awaiting responses to the notice of preparation. The draft EIR in preparation may need to be revised or expanded to conform to responses to the notice of preparation." Although work began on the Project's EIR, including its supporting technical studies, prior to the close of the NOP comment period, all work done was reassessed upon receipt of comments on the NOP to ensure that all applicable comments were addressed by the Project's environmental analysis. The commenter does not provide any evidence that demonstrates the DEIR or

any of its supporting technical studies do not adequately address the comments received during the NOP comment period. The DEIR and its supporting technical information comply with the applicable requirements of CEQA and no revisions are required.

E-6 The commenter asserts that the Project's mobile source health risk analysis should be revised to account for emissions from nearby warehouse projects and, by omission of these other warehouse projects, the DEIR underreports the cumulative air pollution health risk from the Project. The Project's cumulative air quality impacts were quantified using the analysis methodology recommended by the SCAQMD and evaluated against significance thresholds adopted by the SCAQMD (see DEIR at pp. 4.2-21 to 4.2-23 and 4.2-24 to 4.2-27). As the agency charged with air pollution control for the South Coast Air Basin, the SCAQMD is an expert of local air quality and has adopted CEQA significance thresholds that are health protective and intended to improve local air quality. Based on their understanding of local air quality and the levels at which air pollution can have a substantive effect on air quality conditions in the SCAB, the SCAQMD has determined that specific quantitative thresholds established for each air pollutant are sufficient to determine whether a development project would have a significant adverse effect on a direct or cumulative level. In other words, if the quantitative thresholds are not exceeded, then the SCAQMD considers the air pollution levels to be low enough that a development project would not influence local or regional air quality conditions on either a direct or cumulative level. As noted in the Project's air quality impact analysis, "[t]he single threshold of significance used to assess project direct and cumulative impacts has in fact "worked" as evidenced by the track record of the air quality in the SCAB dramatically improving over the course of the past decades. As stated by the SCAQMD, the District's thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project" (see DEIR Appendix B at p. 31). The DEIR and the Project's mobile source health risk analysis report clearly demonstrate that the Project would not result in diesel particulate matter emissions that exceed the quantitative thresholds established by the SCAQMD for carcinogenic and non-carcinogenic and, therefore, potential direct and cumulative impacts would be less than significant (see DEIR at pp. 4.2-33 to 4.2-35 and DEIR Appendix C). Also, see E-4. The conclusion in the DEIR is supported by substantial evidence and no further response, or revisions to the EIR, are necessary.

E-7 The commenter asserts the DEIR's air quality analysis includes multiple errors that require correction in the FEIR. Refer to Responses E-8 through E-16 below, which provide responses to the commenter's specific comments.

E-8 The commenter states the federal $PM_{2.5}$ standard listed in DEIR Table 4.2-1 is out-of-date and requests that the DEIR be revised with the current (2025) standard. The City acknowledges that in 2024 the U.S. EPA changed the NAAQS for $PM_{2.5}$ from the level disclosed in the DEIR (12.0 $\mu g/m^3$) to a lower level (9.0 $\mu g/m^3$). The change to the NAAQS for $PM_{2.5}$ occurred after the NOP for the Project's EIR was advertised, which occurred on September 5, 2023 (see DEIR p. 2-3). As disclosed in the DEIR, the baseline that was used for the Project's environmental analysis was the physical environment as it existed when the NOP for the Project's EIR was advertised. Lead agencies are expected to use the best available, relevant regulatory standards at the time of preparing an EIR and the EIR is required to meaningfully disclose impacts in light of the current knowledge and thresholds. This is supported by

CEQA Guidelines Section 15125(a)(1), which states that "[g]enerally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective." Accordingly, establishing the environmental baseline at the date of the Project's NOP advertisement date (September 5, 2023) is appropriate under CEQA. DEIR Table 4.2-1 summarizes the ambient air quality standards that were in effect at the time the Project's NOP was advertised. Because the data presented in DEIR Table 4.2-1 reflects the environmental setting under which the Project's environmental analysis was conducted, no revisions to the EIR are warranted. Furthermore, the data presented in DEIR Table 4.2-1 is presented to provide the reader with background information – to disclose the criteria air pollution concentrations that have been established by the federal and State governments as harmful to human health and/or public welfare – and is not directly related to the Project's air quality analysis. SCAQMD, which created the criteria air pollutant significance thresholds used in the Project's air quality analysis, did not revise their significance standards in in response to the revision to the NAAQS; thus, the conclusions presented in the DEIR accurately reflect the current guidance of the local air pollution control agency. Based on the foregoing response, no revisions to the EIR are necessary.

E-9 The commenter requests that DEIR Table 4.2-2 be updated with current (2025) air quality data for NO_2. See Response E-8. DEIR Table 4.2-2 summarizes air quality standards in effect at the time the Project's NOP was advertised. Because the data presented in DEIR Table 4.2-2 reflects the environmental setting under which the Project's environmental analysis was conducted, no revisions to the EIR are warranted. Furthermore, disclosure of the data requested by the commenter would not alter the results of the Project's air quality impact analysis or the conclusions presented in the DEIR.

E-10 The commenter requests that DEIR Figure 4.2-1 be revised to provide additional data related to ozone level trends. DEIR Figure 4.2-1 summarizes data that was publicly available at the time the DEIR was prepared. CEQA requires that an EIR make a reasonable effort to disclose the environmental setting of the Project. In this case, air quality data that could be obtained at the time the NOP was published was presented in the DEIR to describe the Project's environmental setting. The available data set was through the year 2020. The data presented in Figure 4.2-1 successfully illustrated local air quality conditions and trends and the use of data from 2021 through 2025 would not add to the EIR in a meaningful way. Furthermore, the data presented in Figure 4.2-1 is presented for information only and does not affect the quantification of the Project's air quality impacts or the DEIR's determination of the significance of the Project's effects. Based on the foregoing response, the DEIR followed the requirements of CEQA and no revisions are warranted.

E-11 The commenter indicates that DEIR Figure 4.2-4 does not accurately summarize local $PM_{2.5}$ conditions. The commenter correctly notes that Figure 4.2-4 erroneously plots the applicable $PM_{2.5}$ 24-hour hour average standard; the standard should have been plotted as the annual average as noted by the commenter. Had Figure 4.2-4 been plotted correctly, the data would have shown $PM_{2.5}$ levels above the applicable standard but with overall concentrations trending down over the last 20 years. The error in the DEIR does not mislead the public regarding the Project's environmental setting. The DEIR disclosed that $PM_{2.5}$ concentrations in the South Coast Air Basin exceeded applicable State and federal

air quality standards (see DEIR p. 4.2-8, three pages before Figure 4.2-4 is presented). Further, based on the context of the text that introduces Figure 4.2-4, the intent of this figure is to show the trend of improving air quality conditions in the South Coast Air Basin, which is unaffected by the error in the figure's plotting. Furthermore, the data shown in Figure 4.2-4 is presented for information only and does not affect the quantification of the Project's air quality impacts or the DEIR's determination of the significance of the Project's effects.

E-12 The commenter indicates that DEIR Figure 4.2-5 does not accurately summarize local $PM_{2.5}$ conditions. The commenter correctly notes that Figure 4.2-5 erroneously plots the applicable $PM_{2.5}$ 24-hour hour average standard; the standard should have been plotted as the annual average as noted by the commenter. Had Figure 4.2-5 been plotted correctly, the data would have shown $PM_{2.5}$ levels above the applicable standard but with overall concentrations trending down over the last 20 years. The error in the DEIR does not mislead the public regarding the Project's environmental setting. The DEIR disclosed that $PM_{2.5}$ concentrations in the South Coast Air Basin exceeded applicable State and federal air quality standards (see DEIR p. 4.2-8, three pages before Figure 4.2-5 is presented). Further, based on the context of the text that introduces Figure 4.2-5, the intent of this figure is to show the trend of improving air quality conditions in the South Coast Air Basin, which is unaffected by the error in the figure's plotting. Furthermore, the data shown in Figure 4.2-5 is presented for information only and does not affect the quantification of the Project's air quality impacts or the DEIR's determination of the significance of the Project's effects.

E-13 The commenter asserts that DEIR Figures 4.2-7 and 4.2-8 are inaccurate due to an incorrect reference. Figures 4.2-7 and 4.2-8 correctly identify the plotted data as NO_2 volumes but a single footnote in each exhibit references CO. The reference to CO is a mistake but does not alter the data presented in the subject exhibits. Furthermore, the data shown in Figures 4.2-7 and 4.2-8 are presented for information only and does not affect the quantification of the Project's air quality impacts or the DEIR's determination of the significance of the Project's effects.

E-14 The commenter notes that DEIR Table 4.2-3 summarizes outdated air quality data. See Response E-7. DEIR Table 4.2-3 summarizes the ambient air quality standards that were in effect at the time the Project's NOP was advertised. Because the data presented in DEIR Table 4.2-3 reflects the environmental setting under which the Project's environmental analysis was conducted, no revisions to the EIR are warranted. Notwithstanding, use of the data requested by the commenter would not alter the results of the Project's air quality impact analysis or the conclusions presented in the DEIR.

E-15 The commenter asserts the Project's health risk assessment underreports health risk impacts at the maximally exposed individual worker (MEIW) receptor. See Response E-6, which fully addresses this comment. No further response or revision of the EIR is required.

E-16 The commenter questions the assumptions used on the Project's air quality impact analysis related to the construction schedule. The construction schedule disclosed in the DEIR (see DEIR p. 3-7) is based on assumptions provided by the Project Applicant at the time the Project's environmental analysis began. This schedule, which assumes construction starting in June 2024, has been delayed by

unanticipated delays in the Project's entitlement process. The DEIR acknowledged that the assumed construction schedule could change and explained why any delays to the construction schedule would be expected to reduce air pollutant emissions below the levels disclosed in the DEIR (see DEIR p. 4.2-23). The commenter does not provide any evidence that demonstrates the construction schedule assumptions used in the Project's environmental analysis do not allow for the full scale of Project-related air pollutant emissions to be quantified. Because the analysis provided in the DEIR overstates the construction air pollution effects of the Project, revisions to the EIR are not warranted.

E-17 The commenter notes that the Project's GHG emissions analysis omits CO_2 emissions from pouring concrete for the building's foundation and other building materials. The commenter proceeds to provide calculations that are purported to reflect the Project's GHG emissions from concrete pouring. The City acknowledges that the Project's GHG emissions analysis omits CO_2 emissions from concrete pouring as these emissions cannot be estimated at this time without substantial speculation. A final engineering design has not been prepared for the Project, rather, this is prepared as part of the Project's construction drawings and reviewed by the City as part of future ministerial grading and building permit reviews. Without a complete final engineering design, it is unknown how thick the Project's foundation would be poured or the type of concrete that would be used in Project construction (different types of concrete produce different volumes of CO_2 emissions). Additionally, the commenter does not provide any evidence to support the assumptions and methodology used for the CO_2 emissions calculations that were provided. First, the commenter assumes the Project would require a foundation that covers a 435,600 s.f. area when the DEIR disclosed the proposed building would only have 194,775 s.f. of total floor area (see DEIR p. 3-3).[4] The commenter does not provide any evidence to justify the assumption of a building foundation that is more than two times greater than the building footprint disclosed in the DEIR. Second, the commenter does not disclose that the SCAQMD's recommended methodology for calculating GHG emissions requires construction-related emissions to be amortized over a 30-year period. As it relates to the analysis presented in the DEIR, even if the calculations provided by the commenter were supported by substantial evidence – which this response demonstrates is not the case – the actual change in the Project's annual GHG emissions would be 53.8 tons per year. This correlates to an approximately 2.1 percent increase in the Project's annual GHG emissions (up to 2,649 $MTCO_2e$ per year), at which the Project's GHG emissions would remain approximately 12 percent below the applicable significance threshold. Based on the foregoing response, the commenter neither provides substantial evidence that the DEIR's methodology for quantifying the Project's GHG emissions is inconsistent with CEQA's requirements, nor does the commenter provide substantial evidence that the inclusion of GHG emissions from concrete pouring would alter the DEIR's conclusion of a less than significant impact.

E-18 The commenter notes that the Project's GHG analysis quantified GHG emissions for a building smaller than proposed by the Project. The DEIR acknowledged the discrepancy between the building size for the proposed Project and the size of the building evaluated in the Project's GHG report and disclosed that this discrepancy would not substantively affect the Project's environmental analysis or change any of the conclusions within the DEIR (see DEIR p. 4.7-19). Additionally, the size of the Project has been

[4] As noted in Section F.2 of this FEIR, the proposed building has been reduced to a size of 142,797 s.f. since the DEIR was released for public review.

reduced by more than 50,000 s.f. since the DEIR was prepared (an approximate 25 percent reduction in building area), and the GHG emissions disclosed in the DEIR overstate the GHG emissions that would be associated with the current Project proposal. The Project would not result in GHG emissions that were not disclosed and evaluated in the DEIR and no revisions to the Project's environmental analysis are needed.

E-19 The commenter notes that the DEIR references an outdated version of the CARB Scoping Plan. The Project's GHG emissions analysis report provided an analysis of the Project's consistency with the 2022 CARB Scoping Plan and concluded the Project would not prevent the State from achieving its GHG emissions reductions goals (see DEIR Technical Appendix I, p. 63). This information was inadvertently omitted from the DEIR. As part of preparation of the FEIR, Section 4.7, *Greenhouse Gas Emissions*, has been updated to address the 2022 Scoping Plan (see pp. 4.7-11 and 4.7-20). The information added to the EIR supplements the analysis provided in the DEIR and does not change any of the conclusions from the DEIR; as such, no recirculation of the EIR is required.

E-20 The commenter asserts that the DEIR underestimated Project-related truck traffic, which resulted in an underreporting of the Project's potential GHG emissions. The commenter provides a summary of trip generation rates from the Institute of Traffic Engineers *Trip Generation Manual (11th Edition)* in support of their assertion. The commenter does not consider the role vehicle fleet mix plays in GHG emissions modeling. Passenger vehicles are the "cleanest" vehicle type, generating the least amount of GHG emissions per mile traveled. Also, the GHG analysis methodology assumes passenger vehicles have relatively short vehicle trip lengths (see DEIR Appendix I, p. 56). Truck trips are classified by vehicle size: 2-axle, 3-axle, and 4+-axle. Based on the SCAQMD's recommended truck trip lengths, the average 2-axle truck trip (15.3 miles) and 3-axle truck trip (14.2 miles) travel less than half the distance as the average 4+-axle truck trip (39.9 miles) (Ibid.). Assuming all trucks produce GHG emissions at a comparable rate, 4+-axle trucks produce higher levels of GHG emissions than smaller trucks as a function of the longer distances their travel. The land uses assumed in the DEIR's GHG emissions analysis are conservative because they assume a high rate of truck trips and a high percentage of 4+-axle vehicle trips, which results in an overall higher number of miles traveled (and GHG emissions produced) per 1,000 s.f. of building area compared to the trip rates cited by the commenter which have a higher share of passenger vehicle trips and small truck trips (and a lower amount of GHG emissions per 1,000 s.f. of building area) even though the number of raw vehicle trips may be greater than assumed for the Project. The commenter does not provide any evidence or calculations to support their assertion that different vehicle trip rate assumptions would be more appropriate for the Project, nor does the commenter provide any evidence that indicates the use of alternative trip rate assumptions for the Project would result in GHG emissions that exceed the levels disclosed in the DEIR. The Project's GHG emissions analysis is technically sound and relied on appropriate assumptions and methodologies that are supported by substantial evidence. No revisions to the EIR are warranted.

E-21 The commenter asserts that the GHG emissions significance threshold utilized by the DEIR is not appropriate for the Project. CEQA Guidelines Section 15064.7(c) allows a lead agency to "…consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is

supported by substantial evidence." CEQA does not require lead agencies to consider all possible significance thresholds from agencies or experts before selecting a threshold for the subject environmental analysis. The SCAQMD is the regulatory agency responsible for improving air quality in the South Coast Air Basin and the agency is an expert on air pollution. As described in detail in the DEIR (see pp. 4.7-15 through 4.7-17), the SCAQMD conducted a thorough review process prior to establishing their GHG significance threshold, including multiple public meetings and workshops, review of guidance provided by the State, review of recommendations provided by experts and other stakeholders, and preparation of GHG emissions modeling. The 3,000 $MTCO_2e$ is based on the 90 percent emission "capture" rate methodology, which is an approach recommended by the California Air Pollution Control Officers Association (CAPCOA) and ensures that GHG emissions from the top 90 percent are mitigated while small projects (the bottom 10 percent, those with annual emissions less than 3,000 $MTCO_2e$) are considered to produce less than significant GHG emissions. The SCAQMD established the 3,000 $MTCO_2e$ significance threshold after reviewing GHG emissions levels from almost 800 projects within the SCAB to determine the level that would capture 90 percent of local GHG emissions while also facilitating the State's ability to reduce statewide GHG emissions to a level 80 percent below 1990 levels by the year 2050. Lastly, although the SCAQMD adopted the 3,000 $MTCO_2e$ threshold in 2008, the SCAQMD has not withdrawn its support of this threshold and all documentation supporting the threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Accordingly, the City's use of the 3,000 $MTCO_2e$ per year significance threshold for GHG emissions is appropriate and supported by substantial evidence disclosed in the DEIR. Further, the SCAQMD GHG significance threshold has been used as the basis for analysis in hundreds of CEQA documents throughout the Inland Empire since its adoption and is a legally adequate threshold of significance. See *Upland Community First v. City of Upland* (2024) 105 Cal.App.5th 1, in which the California Court of Appeal concluded that substantial evidence supported the City of Upland's finding in a Mitigated Negative Declaration that a 201,096-square-foot warehouse/parcel delivery service building would not have significant impacts on greenhouse gas emissions. The Court found that substantial evidence both supported the use of a 3,000 metric tons of carbon dioxide equivalent per year ($MTCO_2e$/year) quantitative threshold for significance and showed that the project's emissions would be below this threshold. The City's use of the SCAQMD GHG significance threshold in the DEIR complied with CEQA's requirements and no changes to the EIR are necessary.

E-22 The commenter asserts that the Project is inconsistent with the provisions in Assembly Bill 98 related to siting industrial projects along local truck routes. The Project commenced the local entitlement process prior to September 30, 2024, and is not subject to Assembly Bill 98. Notwithstanding, the Project Site is located 0.25-mile north of a City-designated truck route (Alessandro Boulevard) and abuts an Industrial Collector street (Bay Street). Industrial Collector streets are designed primarily for use by industrial and logistics uses and emphasize truck access. The Project's health risk assessment evaluated health risks associated with the Project, based on the Project's design and its primary truck travel route, and determined the Project would result in less than significant health risk impacts to sensitive receptors (see DEIR p. 4.2-33 to 4.2-35).

E-23 The commenter claims that the Project's design is inconsistent with the zoning district definitions contained in the City's Zoning Code. No specific comment or request for additional information is made related to the DEIR or the Project's environmental analysis; therefore, no further response is required.

E-24 The commenter asserts the DEIR lacks an analysis of an alternative to the Project that is consistent with the existing zoning district for the Project Site. The commenter also requests revisions to the EIR to identify an environmentally superior alternative to the Project. Contrary to the commenter's assertion, the DEIR does include an analysis of a Project alternative that is consistent with the existing zoning district for the Project Site and eliminates the need for a change of zone. The DEIR identifies this alternative as the "No Project Alternative." As disclosed in the DEIR, the No Project Alternative would result in more severe environmental impacts than the Project (see DEIR pp. 6-7 to 6-11). Additionally, as disclosed in the DEIR, "… CEQA does not mandate the selection of the 'environmentally superior' project if, through mitigation measures alone, the agency has adequately reduced a project's environmental effects to a less than significant level" (see DEIR p. 6-11). Thus, because the Project would not result in a significant and unmitigable impact to the environment, CEQA does not obligate the City to recognize an "environmentally superior alternative" in the DEIR. No revisions to the EIR are warranted.

E-25 The commenter asserts that analysis presented in DEIR Table 4.10-1 does not adequately evaluate potential effects of the Project on multimodal transportation. The commenter does not identify any environmental impacts that would result from the purported conflicts with multimodal transportation. Additionally, the DEIR provided a detailed analysis of potential effects of the Project on transportation and concluded that the Project would not result in any significant environmental effects related to transportation (see DEIR pp. 4.10-8, 4.12-5 through 4.12-10). The commenter does not provide any evidence that disproves or invalidates the analysis provided in the DEIR. No revisions to the EIR are warranted.

E-26 The commenter asserts that industrial development adjacent to existing residential land uses is a land use compatibility issue. Project Site and areas west of Day Street have been planned by the City of Moreno Valley for industrial land uses for over 20 years; the Project is consistent with the City's long-term vision of employment generating land uses in the Edgemont area. Further, the analysis provided throughout the DEIR demonstrates that the Project would not result in a significant effect on nearby residential land uses after consideration of mitigation measures, regulatory requirements, and Project design features. The commenter does not provide any evidence that disproves or invalidates the analysis provided in the DEIR, nor does the commenter provide any evidence of environmental impacts that would result due a Project-related land use compatibility. No further response is required and no revisions to the EIR are warranted.

E-27 The commenter asserts that warehouse jobs are low quality and recommends local hiring practices. The commenter does not request additional information in the DEIR nor does the commenter identify an environmental impact that was not identified in the DEIR (or that requires additional analysis). No further response is required.

E-28 The commenter asserts that significant and unavoidable impact to aesthetics, walkability, and land-use character/compatibility are inherent with large warehouse buildings. The commenter also requests that the DEIR disclose a plan for replacing any homes that would be demolished by the Project. The DEIR addresses these specific issues in Sections 4.1, *Aesthetics*, 4.10, *Land Use and Planning*, and 4.12, *Transportation*. The commenter does not provide evidence that disproves or invalidates the analysis provided in the DEIR, nor does the commenter provide any evidence of environmental impacts related to aesthetics, walkability, and land use character/compatibility that are specific to the Project and its setting. No further response is required and no revisions to the EIR are warranted.

Based on the revisions made to the Project's design following completion of the DEIR, the Project no longer would demolish any existing homes.

E-29 The commenter provides closing remarks. The request for future noticing is acknowledged, and the City will include the Sierra Club Box Springs Group on the mailing list for future CEQA notices related to the Project.

Comment Letter F

January 8, 2024

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

Kim Zuppiger
Project Planner
City of Moreno Valley
14177 Frederick St.
Moreno Valley, IL 92553

Via U.S. Mail and email to planningnotices@moval.org

re: Comments on the Environmental Impact Report for the Bay & Day Commerce Center Project, SCH No. 2023090050

Dear Ms. Zuppiger:

Advocates for the Environment submits the comments in this letter regarding the proposed the Bay & Day Commerce Center Project (**Project**). We are a non-profit public-interest law firm that uses environmental law to fight to improve the environment in California. This Project proposes to construct a 194,775 -square-foot commerce center facility on a 9.9-acre site located at the cross-streets of Bay Avenue and Day Street in the City of Moreno Valley (**City**) in Riverside County.

We have reviewed the Environmental Impact Report released in November 2024 (**EIR**) and submit comments regarding the sufficiency of the EIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

F-1

The City Should Require the Project to be Net-Zero

GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a very large portion of global GHG emissions. It is much less expensive to construct new building projects to be net-zero than to obtain the same level of GHG reductions by retrofitting older buildings. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore makes no sense to construct new buildings that are not net-zero.

Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided, after environmental groups sued and won under CEQA, to move forward as net-zero communities. This proves it is feasible. The Applicant for this project should do the same. We urge the City to adopt net-zero as the GHG significance threshold for this project, and require full fair-share

F-2

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mitigation. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.) The EIR fails to show how the Project will do this. Moving this Project forward as a net-zero project would be the right thing for the City to do and would also help protect the City and the Applicant from CEQA GHG litigation.

F-2 (CONT.)

CEQA GHG Significance Analysis

The EIR derived its GHG significance thresholds from the CEQA Appendix G Guidelines Thresholds, whether the Project would: 1) "Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment;" and 2) "Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (EIR, p. 4.7-15.) The EIR used CalEEMod to quantify the Project's emissions at 2,595.19 metric tons of carbon dioxide equivalent (**MTCO2e**) per year. (EIR, p. 4.7-19.) Under both thresholds, the City concluded that the Project's GHG emissions would be less than significant. But this significance conclusion was not supported by substantial evidence.

F-3

The City Cannot Solely Rely on the SCAQMD's Recommendation

Over a decade ago, SCAQMD adopted the 3,000 MTCO2e screening threshold, which is summarized in a staff proposal that was adopted by motion on December 5, 2008 (the **Staff Proposal**).[1] The Staff Proposal is the only available authority supporting the Threshold. The City failed to analyze or provide its own support for why the SCAQMD GHG threshold of 3,000 MTCO2e/year (the **Threshold**) is valid for this Project. The Threshold is not applicable to this Project because:

- the SCAQMD has no authority to set CEQA thresholds for projects for which it is not the lead agency;
- the rationale the SCAQMD used in establishing the 3,000 MTCO2e threshold is not applicable to the Project;
- the City provides no substantial evidence supporting the Threshold in the DEIR.

F-4

[1] http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds - Board Letter and attachments

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The SCAQMD Has No Authority to Set CEQA Thresholds for Other Agencies

The DEIR assumes, with no explanation, that the SCAQMD's 3,000 MTCO2e/year threshold is applicable to the Project. But the SCAQMD has no legal authority allowing it to set CEQA thresholds to be used by other agencies.

The SCAQMD's enabling statute (Health & Safety Code §§ 40400-40540) provides no authority to the agency to issue CEQA regulations or thresholds for other agencies. CEQA Guidelines § 15064.7(b) encourages each agency to develop thresholds of significance for the agency itself to use but provides no authority for the SCAQMD to develop CEQA thresholds for other agencies to use. The Staff Report itself limits the application of the Threshold to "projects where the AQMD is the lead agency." (Staff Report, p. 3.) The SCAQMD is a lead agency for projects which are unlike the land use development project here, and often have to do with point sources of emissions such as large industrial facilities and smokestacks which are managed under the AQMD's authority to regulate air quality. Thus, the rationale behind this Threshold is not applicable to Projects that do not resemble SCAQMD projects.

F-5

The SCAQMD does not have the authority to prescribe significance thresholds for which it is not the lead agency. Lead agencies may choose their own significance thresholds, but they must be supported by substantial evidence, which means "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts." (14 CCR § 15064.7(b).) The burden is on the City to provide substantial evidence for the threshold that they chose, but merely adopting the SCAQMD threshold without providing supporting evidence is not sufficient. The City cannot rely on the SCAQMD's evidence supporting the threshold because the evidence that the SCAQMD used, which itself is inadequate and insufficient to provide substantial evidence, does not apply to this Project.

Furthermore, it makes no sense for different thresholds to apply in the various air districts; global warming is a global phenomenon, and a ton of GHGs emitted in Los Angeles has the same impact as a ton emitted in Madera County. Other districts have adopted much lower thresholds, such as the 1,100 MTCO2e threshold recommended by the Sacramento Metro Air Quality Management District.[2] The DEIR did not explain why the Threshold is more appropriate for the Project than these lower thresholds adopted by other air districts.

F-6

The Chosen Threshold Is Not Supported by Substantial Evidence

Although the City noted that the California Supreme Court provided guidance indicating that a lead agency may rely on existing numerical thresholds such as local air districts, this does

[2] See Greenhouse Gas Thresholds for Sacramento County, SMAQMD https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf

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not diminish the lead agency's responsibility to support its significance thresholds by substantial evidence, which the City did not do here.

A lead agency must support its chosen threshold by substantial evidence. (CEQA Guidelines § 15064.7(b).) The City has not done so here. The City of Moreno Valley's reliance on the SCAQMD 3,000 MTCO2e/year threshold is misplaced because the SCAQMD's support for this threshold does not constitute substantial evidence that the threshold is appropriate for this Project, and the City did not provide supporting evidence specific to this Project to demonstrate that falling under this numerical Threshold would ensure the Project would have a less-than-significant GHG impact.

F-6 (CONT.)

CEQA also requires that significance determinations be based on scientific knowledge and current regulations. (CEQA Guidelines §§ 15064.4(b).) The California Air Resources Board (**CARB**) has emphasized that thresholds not aligned with California's current reduction goals are outdated under CEQA. (*See* California Air Resources Board 2022 Climate Change Scoping Plan, Appendix D, p. 26.)

The SCAQMD's threshold of 3,000 MTCO2e does not address Senate Bill 32 (**SB 32**). (*See* California Air Resources Board 2022 Climate Change Scoping Plan, Appendix D, p. 26, footnote 67 [noting that the only air quality districts that are in alignment with SB 32 are the recommendations from the Bay Area Air Quality Management District and Sacramento Metropolitan Air Quality Management District].) Consequently, the SCAQMD guidelines are not aligned with California's current regulatory scheme and are an outdated threshold not supported by substantial evidence. The City failed to justify its use in this instance.

The City claimed that the SCAQMD threshold is not outdated because it uses the Executive Order S-3-05 goal of 80% below 1990 GHG emissions levels by 2050. Yet, this goal has been superseded by a more stringent goal of carbon neutrality by 2045 through Executive Order B-55-18. Accordingly, current state climate goals require more stringent GHG thresholds to have a less-than significant GHG impact. The City's support for using the 3,000 MTCO2e threshold for this Project lacks substantial evidence.

F-7

Consistency with Identified Applicable Plans

The EIR also analyzed consistency with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions by including a discussion of SB 32 and Executive Order B-30-15, Title 24, the City of Moreno Valley Energy Efficiency and Climate Action Strategy, the City of Moreno Valley General Plan's Air Quality Element, and the City of Moreno Valley Bicycle Master Plan. Yet, there are many ways in which this Project is inconsistent with applicable plans, so it would have a significant impact under this threshold. This significance analysis violates CEQA by being misleading and incomplete in several areas, as discussed below.

F-8

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SB 32 formally established the climate goals which were originally set out in Executive Order B-30-15, which included not only a long-term 2050 climate goal, but also an intermediate 2030 goal which is rapidly approaching. The City claimed that the technical analyses have limitations for estimating 2050 emissions and that rendering a significance determination for 2050 relative to EO B-30-15 would be speculative, but the City did not provide any reason for its lack of analysis regarding the EO B-30-15 2030 goal of 40% below 1990 levels by 2030, which is just five years away. (EIR, p. 4.7-20.) The City did not demonstrate that the Project would be consistent with EO-B-30-15, and it likely would conflict with this goal because it does not include measures designed to reduce emissions by 40% below 1990 levels. The City did not provide substantial evidence of consistency with SB 32 or EO B-30-15.

F-8 (CONT.)

Additionally, the City's analysis of consistency with the City of Moreno Valley's Energy Efficiency and Climate Action Strategy was dependent upon the assumption that the project would not conflict with SB 32, which it did not adequately demonstrate as discussed above. Therefore, the Project's GHG impact is significant under the second threshold because it directly conflicts with established plans for reducing GHG emissions.

The EIR Should Have Analyzed All Applicable Plans

The City chose, as its second GHG threshold, whether the Project would "[c]onflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (EIR, p. 4.7-15.) This language requires that the EIR analyze the Project's consistency with *all* other applicable plans, not just the plans that the City prefers to analyze.

An agency must consider a project's GHG impact over the project's lifespan to reasonably evaluate the full extent of environmental impact as CEQA requires. The EIR assumes a building lifespan of 30 years when amortizing the construction emissions, which reflects the anticipated operational lifespan of the project. (EIR, p. 4.7-19.) Therefore, to comply with CEQA, the Project must show consistency with long-term State GHG goals, including Executive Order B-55-18 and the California Air Resources Board (**CARB**) 2017 and 2022 Scoping Plans, which the City did not demonstrate consistency with here.

F-9

Consistency with Executive Order B-55-18

EO B-55-18 requires the State of California to achieve carbon neutrality—net zero GHG emissions—by 2045. The Project is inconsistent with EO B-55-18 because it does not prohibit the use of gasoline, diesel, and natural gas. The transportation aspects of this commerce center include large heavy-duty trucks, which generally consume GHG-intensive fuels unless they are powered by hybrid or zero emission vehicle engines, which has not been committed to for this Project's operations. Further, Moreno Valley Utility (**MVU**) has been identified as the

F-10

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electricity provider for the Project. (EIR, p. 4.5-1). Only about a third of the 2022 MVU Power Mix is sourced from renewable energy, which is lower than the California utility average.[3] The burning of non-renewable fuels, both from transportation and on-site electricity usage, results in substantial GHG emissions, preventing the Project from achieving carbon neutrality.

F-10 (CONT.)

Consistency with the 2017 and 2022 CARB Scoping Plans

The 2017 Scoping Plan was developed to help California comply with SB 32, which mandates a 40% reduction in GHG emissions below 1990 levels by 2030 (Health & Safety Code § 38566). The EIR does not explain how the Project aligns with these objectives or the 2050 goal of reducing emissions by 80% below 1990 levels. Moreover, the 2017 Scoping Plan sets statewide per capita GHG emissions targets of 6 MTCO2e by 2030 and 2 MTCO2e by 2050 (CARB Scoping Plan, p. 99). With the Project's per-service population GHG emissions of nearly 16 MTCO2e, the Project significantly overshoots the 2050 target.[4] Given that this reduction must be achieved within the Project's operational lifespan, it is evident that the Project will remain inconsistent with the 2017 Scoping Plan's long-term goals.

F-11

The 2022 Scoping Plan sets a goal for 50% of all industrial energy demand to be electrified by 2045 (2022 CARB Scoping Plan, p. 77).[5] However, the EIR provides no analysis or evidence demonstrating how the Project would support or comply with this statewide goal. The 2022 CARB Scoping Plan emphasizes the need for industrial facilities to decarbonize by "displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions" (2022 CARB Scoping Plan, p. 208). Again, the EIR does not demonstrate how the Project would achieve these objectives, nor does it include any commitments to incorporate these technologies or fuels into its operations. The Project creates a conflict with the 2022 Scoping Plan by relying on fossil fuels in its operations, including diesel fuel in transportation and natural gas from SoCalGas.

F-12

Fair Share Mitigation

No mitigation measures were considered for GHGs due to the erroneous determination of less-than-significant impact. However, because the City should have found significant impact for GHG emissions, it must update its findings accordingly and mitigate to the extent required by CEQA. CEQA requires fair-share mitigation for significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.)

F-13

[3] MVU 2022 Power Content Label. https://www.moval.org/mvu/pdfs/power-content2022.pdf
[4] $2{,}595.19\ MTCO2e \div 162.9\ employees = 15.93\ MTCO2e/service\ population$
Employee estimate obtained from EIR p. 3-9.
[5] 2022 Scoping Plan located at: https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf

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Several feasible mitigation measures could be adopted to further reduce the Project's GHG emissions. In addition to complying with Title 24 energy efficiency standards—which the Project has already committed to—the City could enhance emissions reductions by incorporating additional energy-generating features. For example, installing rooftop solar panels or sponsoring local renewable energy programs could offset some of the Project's emissions.

Since 62%[6] of the Project's GHG impact originates from mobile emissions, mitigation measures targeted at reducing mobile sources of GHGs are essential to reducing the fair-share of the Project's cumulative contribution to significant GHG impact. The Project could enter into agreements with future tenants to enroll in the U.S. Environmental Protection Agency's SmartWay program[7] for trucking carriers and to use electric equipment and vehicles to the extent possible, and strictly prohibit idling on the premises. Lastly, we propose that the Project incorporate vehicle and heavy-duty truck charging stations proportionate to the number of loading dock stations, to ensure that adequate electric vehicle infrastructure is provided to support future electrified vehicle and truck fleets. The applicant should disclose the number of chargers and install the maximum amount feasible.

F-14

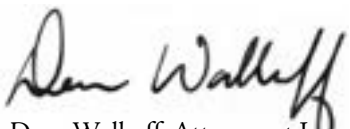
Conclusion

The chosen threshold of 3,000 MTCO2e was compared with Project emissions without providing substantial evidence for how it applies to a project in which SCAQMD is not the lead agency. And the Project was not consistent with applicable plans, policies, and regulations for the reduction of GHGs. Thus, the Project would have a significant GHG impact and the City did not support its determination that the Project would have a less-than-significant GHG impact by substantial evidence.

Please put Advocates for the Environment on the list of interested parties to receive updates about the progress of this potential project approval. We make this request under Public Resources Code, section 21092.2.

F-15

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

[6] $\left(\frac{1{,}617.11\ \text{MTCO2e}}{2{,}595.19\ \text{MTCO2e}}\right) \times 100 = 62.31\%$
[7] Learn About Smart Way, https://www.epa.gov/smartway/learn-about-smartway

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Responses to Comment Letter F: Advocates for the Environment

F-1 The commenter provides introductory remarks and summarizes the Project Description presented in the DEIR. No specific comment or request for additional information is made; therefore, no further response is required.

F-2 The commenter provides information regarding GHG emissions and mentions example projects that have aspired to achieve net-zero emissions. The commenter states that the City should therefore adopt net-zero as the Project's GHG significance threshold. These example projects cited by the commenter, Newhall Ranch and Tejon Ranch, are not comparable to the proposed Project because they are large projects, in different geographic markets, with different environmental characteristics, and with different use characteristics. The capabilities and feasibility of mitigating GHG impacts for Newhall Ranch and Tejon Ranch are different than those for the proposed Project due to their vastly different scales. Newhall Ranch is a mixed-use project that will provide 21,500 residential homes and over 11.5 million square feet of commercial retail and industrial land uses, while Tejon Ranch is a mixed-use project that will provide 19,300 residential homes and 10.1 million square feet of retail, commercial, and institutional uses. Given the size and scope of the Newhall Ranch and Tejon Ranch projects, the City finds that they are not directly comparable to the Project, which proposes a different type of land use (industrial warehouse) and provides only one building and a fraction of the total building (as compared to the tens of thousands of buildings proposed by the Newhall Ranch and Tejon Ranch projects). The sheer difference in size affords the Newhall Ranch and Tejon Ranch opportunities to reduce GHG emissions and economies of scale in incorporating new technologies to reduce GHG emissions that are not available for the Project.

Additionally, the information disclosed in DEIR Subsection 4.7, *Greenhouse Gas Emissions*, demonstrates that the Project would not conflict with the 2017 or 2022 California Air Resources Board (CARB) Scoping Plans, which identify the State's progress in reducing GHG emissions and provide a path towards carbon neutrality.

Further, most of the Project's GHG emissions would be produced by mobile sources, which are regulated by State and federal fuel standards and tailpipe emissions standards, and are outside of the control and authority of the City, the Project Applicant, and future Project building occupants. CEQA Guidelines Section 15091 provides that mitigation measures must be within the responsibility and jurisdiction of the lead agency (i.e., City of Moreno Valley) in order to be implemented. No other mobile source mitigation measures are available that are feasible for the City to enforce, beyond those already required by regulations, that have a proportional nexus to the Project's level of impact.

The City concludes that the GHG analysis provided for the Project is adequate, supported by substantial evidence, and is consistent with CEQA documents for other development projects in the City; therefore, no revisions to the EIR are necessary.

F-3 The commenter generally disagrees with the conclusion in the DEIR that Project impacts related to GHG emissions would be less than significant. No specific comment or request for additional

information is made and no evidence to support their assertion regarding the DEIR's conclusion is provided; therefore, no further response is required.

F-4 The commenter asserts the SCAQMD GHG significance threshold that the DEIR relies upon in its analysis of the Project's potential GHG impacts is not applicable to the Project because: a) the SCAQMD has no authority over the Project; b) the SCAQMD's rationale for establishing the significance threshold does not apply to the Project; and c) the City did not provide substantial evidence to support the use of the threshold. Refer to Responses F-5 through F-6, which provide responses to these specific comments.

F-5 The commenter asserts that the DEIR's reliance the SCAQMD GHG significance threshold is invalid because the SCAQMD does not have the authority to set significance thresholds for other agencies. CEQA Guidelines Section 15064.7(c) allows a lead agency to "…consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence." CEQA does not require lead agencies to consider all possible significance thresholds from agencies or experts before selecting a threshold for the subject environmental analysis. The SCAQMD is the regulatory agency responsible for improving air quality in the South Coast Air Basin (SCAB) and the agency is an expert on air pollution. The SCAQMD conducted a thorough review process prior to establishing their GHG significance threshold, including multiple public meetings and workshops, review of guidance provided by the State, review of recommendations provided by experts and other stakeholders, and preparation of GHG emissions modeling. The SCAQMD GHG significance threshold has been used as the basis for analysis in hundreds of CEQA documents throughout the Inland Empire since its adoption. See *Upland Community First v. City of Upland* (2024) 105 Cal.App.5th 1, in which the California Court of Appeal concluded that substantial evidence supported the City of Upland's finding in a Mitigated Negative Declaration that a 201,096-square-foot warehouse/parcel delivery service building would not have significant impacts on greenhouse gas emissions. The Court found that substantial evidence both supported the use of a 3,000 metric tons of carbon dioxide equivalent per year ($MTCO_2e$/year) quantitative threshold for significance and showed that the project's emissions would be below this threshold. The City relied on substantial evidence in selecting the SCAQMD GHG significance threshold for the Project, as described on DEIR pp. 4.7-15 through 4.7-17. The City's use of the SCAQMD GHG significance threshold in the DEIR complied with CEQA's requirements and no changes to the EIR are necessary.

F-6 The commenter reiterates their assertion that the DEIR's use the SCAQMD GHG significance threshold does not rely on substantial evidence. The commenter further asserts that the SCAQMD GHG threshold is outdated because it does not align with California's current GHG reduction goals. The DEIR provides a detailed explanation supporting the use of the SCAQMD GHG significance threshold, including citations to technical analyses prepared by the SCAQMD (see DEIR pp. 4.7-15 through 4.7-17). The DEIR also specifically addresses the age of the SCAQMD GHG significance threshold and explains why use of the threshold remains valid under today's legislative environment (see DEIR p. 4.7-17). The commenter's reference to Executive Order B-55-18 is not applicable to the Project's environmental analysis. Executive Order B-55-18 does not establish any regulations, policies,

or any other type of mandate for private development projects to reduce GHG emissions. Instead, Executive Order B-55-18 directs State agencies to establish an implementation program (i.e., regulations and policies) that will allow the State to achieve carbon neutrality by 2045. As of the writing of this response, none of the State agencies directed by Executive Order B-55-18 to create the implementation plan to achieve carbon neutrality have released any information regarding how the State will achieve its goal for carbon neutrality. Thus, the Project cannot be inconsistent with Executive Order B-55-18 when the State has not yet identified how compliance with the Order is to be achieved. Second, the purpose of the EIR is to disclose the potential effects of the Project on the existing environment and, as such, the analysis provided in the EIR serves as a snapshot in time. CEQA precludes the EIR from speculating as to what the Project's emissions may be 30 years in the future, when – as noted in the EIR – available analytical models cannot presently quantify all Project-related emissions in those future years due to the technological shifts anticipated and the unknown parameters of the regulatory framework in the future (see EIR at p. 4.7-20). The City concludes that the GHG analysis provided for the Project is adequate and is supported by substantial evidence; therefore, no revisions to the EIR are necessary.

F-7 The commenter claims that the DEIR's analysis of consistency with applicable GHG-reduction plans, policies, and regulations is inadequate. The commenter also claims the DEIR does not provide evidence of the Project's compliance with Executive Order B-30-15 or the City's Climate Action Strategy. The commenter does not provide any evidence to support their assertion that the Project would not be consistent with Title 24, the City of Moreno Valley General Plan's Air Quality Element, and the City of Moreno Valley Bicycle Master Plan; therefore, no further response on these items is necessary. The commenter's assertion that the DEIR does not provide adequate evidence to support the determination of consistency with Executive Order B-30-15 and the City's Climate Action Strategy is incorrect. Executive Order B-30-15 sets a goal to reduce GHG emissions in California to 40 percent below 1990 levels by 2030 (see DEIR p. 4.7-14). The City's Climate Action Strategy is based on compliance with AB 32 (not SB 32, as incorrectly noted by the commenter); AB 32 required California to reduce GHG emissions to 1990 levels by 2020 (see DEIR pp. 4.7-10 & 4.7-14). As disclosed in the DEIR, the SCAQMD GHG significance threshold used in the Project's analysis is based on the goal of Executive Order S-3-05 to reduce GHG emissions 80 percent below 1990 levels by 2050 (see DEIR p. 4.7-17). The GHG reduction target of Executive Order S-3-05 is more stringent than the reduction targets for Executive Order B-30-15 and the City's Climate Action Strategy. Accordingly, the DEIR's conclusion that the Project would be consistent with Executive Order B-30-15 and the City's Climate Action Strategy was correct and based on substantial evidence. No revisions to the EIR are warranted.

F-8 The commenter asserts the DEIR does not provide evidence the Project would be consistent with Executive Order B-55-18, or the 2017 and 2022 versions of the CARB Scoping Plan. These comments are addressed by Responses F-9 through F-11.

F-9 The commenter asserts that the Project would be inconsistent with Executive Order B-55-18's goal to achieve carbon neutrality by the year 2045. The comment is fully addressed by Response F-6 and no further response – or revision to the EIR – is needed.

F-10 The commenter claims that the Project is inconsistent with the long-term GHG emissions goals of CARB's 2017 Scoping Plan. The 2017 Scoping Plan has been superseded by the 2022 Scoping Plan; therefore, it is no longer in effect and a consistency analysis is not warranted. Notwithstanding, the City would like to acknowledge that the 2017 Scoping Plan identified a pathway for reducing GHG emissions to 40 percent below 1990 levels by the year 2030. Furthermore, the per capita GHG emissions target cited by the commenter is not a metric for evaluating consistency with the Scoping Plan. Specifically, the 2017 Scoping Plan states: "These goals are appropriate for the plan level (city, county, subregional, or regional level, as appropriate), but not for specific individual projects because they include all emissions sectors in the State" (see 2017 Scoping Plan, p. 99, Footnote 241). Thus, contrary to the commenter's assertion, the per capita GHG emissions targets from the Scoping Plan cannot be used – and were never intended to be used – to establish the Project's consistency with the Scoping Plan (or any other development project in the State). The DEIR and this FEIR provides substantial evidence to demonstrate that the Project would be consistent with the year 2030 GHG emissions target. No revisions to the EIR are warranted.

F-11 The commenter asserts that the Project conflicts with the 2022 Scoping Plan's goal of electrifying industrial sector energy demand. The DEIR disclosed that the energy demand for the proposed building would be satisfied by electricity and natural gas resources, with more than 50 percent of the Project's energy usage coming from electricity (see DEIR p. 4.5-6). The commenter does not provide any evidence to disprove the energy calculations disclosed in the DEIR. Furthermore, although the DEIR evaluated the proposed building's potential use of natural gas, the Project plans illustrated in the DEIR project description and on file with the City's Planning Division do not show a natural gas service connection to the Project. Thus, the DEIR's analysis of natural gas use by the Project, which, again, would be less than 50 percent of the Project's energy demand, was conservative and overstates the potential fossil fuel demand of the proposed building (and the associated GHG effects). The most likely scenario is that all of the proposed building's energy demand would be met with electricity. The DEIR includes substantial evidence to demonstrate that the Project would not conflict with the 2022 Scoping Plan goal to electrify 50 percent of the industrial sector energy demand by the year 2045. No revisions to the EIR are warranted.

F-12 The commenter reiterates disagreement with the conclusion in the DEIR that Project impacts related to GHG emissions would be less than significant. Refer to Responses F-2 through F-11, above, which address why the DEIR's analysis of Project impacts related to GHG emissions is adequate and compliant with CEQA. The commenter also suggests that the City consider and apply three (3) mitigation measures to reduce Project-related GHG emissions. The Project would be required to comply with City-approved design features, regulatory standards (both State and local), conditions of approval, and permit requirements that will serve to reduce GHG emissions, as noted throughout the DEIR. As disclosed in the DEIR, the Project would result in less-than-significant environmental effects from GHG emissions and, therefore, would not require mitigation (see DEIR p. 4.7-22). The commenter did not provide any comments that disprove the DEIR's finding of less than significant GHG impacts. Based on the foregoing response, none of the conditions required by CEQA to impose mitigation on the Project have been met and no revisions to the EIR are warranted.

F-13 The commenter summarizes points previously made in the comment letter. Refer to Responses F-2 through F-11. The commenter's request for future noticing is acknowledged, and the City will include Advocates for the Environment on the mailing list for future CEQA notices related to the Project.

Comment Letter G

Kim Zuppiger
City of Moreno Valley

January 8, 2025

RE: Bay and Day Commerce Center (BDCC) Draft EIR comments.

Dear City Planning Staff,

I appreciate this opportunity to submit some comments, concerns and recommendations on the proposed Bay and Day Commerce Center. Do you ever notice warehouse developers almost never use the word "warehouse" in their name which mislead the public to what is proposed? G-1

The existing zoning for the project's lands is Business Park as required by the court's 2024 General Plan Update litigation judgement – not Business Park/Light Industrial. The city's own code reads as follows: "Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses." The Light Industrial (LI) code reads: This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Since the narrow two-lane Day Street will be used by the project's diesel trucks 24/7 it must be considered part of the project and not used as a buffer to the residential district adjacent to the east. G-2

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Therefore warehouse uses – especially those greater than 50,000 sq ft -- are not to be in Business Park zoning which is the zoning required of the city for the project's lands following the court judgement against the city's 2021 General Plan (GP). G-3

The Notice of Preparation (NOP) was issued in 2023 with the city's 2021 General Plan and CAP in place. All notice of preparation (NOP) comments submitted by agencies and the public in 2023 were based on the a General Plan(GP), CAP and zoning that are no longer valid for use based on the 2024 GP/CAP court decision . Prior to issuing this Draft EIR the city needed to issue the NOP again with the correct zoning for surrounding land G-4

1

uses and General Plan in order to perhaps get additional comments from agencies like the California Air Resources Board (CARB) and updated ones from all who previously commented.

G-4 (CONT.)

The comment period for the project's NOP was from September 5, 2023 until October 5, 2023. The majority of NOP comment letters received were dated October 5, 2023 – including SCAQMD's. Appendices like Air Quality, GHG and Health Risk Assessment are dated October 2, 2023 before the NOP letters were even received. I also could not find any appendices that were done after the court decision invalidating the 2021 General Plan/CAP and zoning. They all must be revised and updated or they are not valid to use for agencies/public as well as decision makers.

G-5

When the project redoes the Air Quality Impact Analysis because it was done prior to the NOP due date and prior the court's judgement mentioned above it needs to rethink section "3.12 Odors". It is very clear that those involved with this analysis do not fully understand the impacts from diesel pollution at warehouses as is evident from the following: "The Project does not contain land uses typically associated with emitting objectionable odors." (page 59) Even the latest diesel trucks emit objectional smelling odors. The diesel pollution odors drifts well beyond property lines as well as beyond the boundaries of narrow two-lane Bay and Day Streets which will be used by the project's trucks. I personally experienced this very objectional odor when my neighbor would startup his big rig diesel truck that was more than 500 feet from my bedroom window. The odor from this project's 24/7 operation will easily impact those homes surrounding the project on all four sides. The residential designated area on the east side of Day Street will be impacted from both the project site and diesel trucks using the street 24/7 to come and go. They will no longer be able to enjoy their backyards both because of the harmful health impacts of diesel pollution, but also because of its objectional odor.

G-6

The city's effort to designate the project site as Business Park/Light Industrial will be prejudicial to their current efforts to revise the General Plan and CAP as required by the courts.

G-7

The entire Draft EIR fails to show how the project is going to reduce the current pollution burdens and other socio-economic impacts suffered by those who live

G-8

within the same census tract as the proposed warehouse — as can be read below from CalEnviroScreen. The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6065042505 relative to other census tracts. Its population of 3,542 with a Pollution Burden of 95 percentile rank means only 5% of Californians are suffering more pollution burdens.

Overall Percentiles
CalEnviroScreen 4.0
Percentile 99

Pollution Burden
Percentile 95

Population
Characteristics
Percentile 98

Exposures
Ozone 99
Particulate Matter 2.5 64

Diesel Particulate
Matter 64

Toxic Releases 80
Traffic 84
Pesticides 27
Drinking Water 67

The Bay and Day Commerce Center has existing family homes north, east, south and west of the warehouse and the project fails to use all feasible means to reduce the project's negative impacts on the families – especially the young and elderly in this Environmental Justice (EJ) SB 535 Disadvantaged Community – as well as reduce negative impacts to our non-attainment area. Jurisdictions and decisions makers are responsible to reduce the pollution burdens shown above by CalEnviroScreen. The adjacent narrow two-lane Bay Street and Day Streets cannot be considered buffers because the project's diesel trucks will be using them 24 hours a day and 7 days a week.. Therefore they are actually as much a part of the project as its drive aisles.

G-8 (CONT.)

G-9

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"3.11.1 FRIANT RANCH CASE
In December 2018, in the case of Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, the California Supreme Court held that an Environmental Impact Report's (EIR) air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. Most local agencies, including the City of Moreno Valley, lack the data to do their own assessment of potential health impacts from criteria air pollutant emissions, as would be required to establish customized, locally-specific thresholds of significance based on potential health impacts from an individual development project. **The use of national or "generic" data to fill the gap of missing local data would not yield accurate results because such data does not capture local air patterns, local background conditions, or local population characteristics, all of which play a role in how a population experiences air pollution.** Because it is impracticable to accurately isolate the exact cause of a human disease (for example, the role a particular air pollutant plays compared to the role of other allergens and genetics in causing asthma), existing scientific tools cannot accurately estimate health impacts of the Project's air emissions without undue speculation. Instead, readers are directed to the Project's air quality impact analysis above, which provides extensive information concerning the quantifiable and non-quantifiable health risks related to the Project's construction and long-term operation" (Page 58 Air Quality)

It is unacceptable that Moreno Valley with a populations of about 210,000 and probably 50 million sq ft of approved warehouses lacks the data to do their own assessment of potential health impacts from criteria air pollutant emissions, as would be required to establish customized, locally-specific thresholds of significance based on potential health impacts from an individual development project. If Moreno Valley had this data the Bay and Day Commerce Center would likely be shown to impact the health of the Environmental Justice community in which the developer has decided to build. In response to the judgement mentioned above the city of Moreno Valley is currently revising their General Plan and redoing their Climate Action Plan. During this process they need to generate the data to do their own assessment of potential health impacts from projects like this.

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Below is a 13 page settlement agreement signed less than a month ago by the developer of the Moreno Valley Compass Danbe Centerpointe warehouse – located just down Alessandro Blvd about a mile from this project. This settlement shows what is feasible and what the Bay and Day Commerce Center warehouse must also do to reduce the pollution burdens on this Disadvantaged Community as well as the environment. How will the project do its best to reduce its impacts on global warming? What else can it do to reduce its use of petroleum products and reduce greenhouse gas (GHG)? It is expected that the Final EIR will address each of the settlement points found below. One of the first listed is the need for 50 foot evergreen trees around the perimeter. These trees will reduce light, noise and diesel pollution and must be incorporated into the project as must most other parts of the settlement. Another is to make the building all electric as well as every piece of equipment with maximum permitted solar. The timeline to have all electric heavy duty trucks and vans well before state mandates will benefit both the families in the neighborhood as well as the environment. Agreeing to not have cold storage as part of the warehouse will significantly reduce noise and truck traffic. The Final EIR must compare the project's noise pollution caused by the proposed amount of cold storage as well as truck traffic vs no cold storage or it will be inadequate. I expect to see many other parts of this feasible settlement agreement found below as part of the Bay and Day Commerce Center Final EIR in order to protect nearby families, workers and the environment.

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It is the responsibility of all Planning Commissioners and City Council members to protect the Health, Safety and Welfare of Moreno Valley residents. This includes the environment in which we live and the air we breathe. All individuals on those decision making bodies need to encourage and if necessary direct our planning staff to include most of what is found in the next 13 pages in their staff report for the Bay and Day Commerce Center warehouse – especially those that reduce GHG, use of petroleum products, and other forms of pollution. It is important that this is done before it reaches any public hearings.

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EXHIBIT 1

PROJECT MITIGATION

Buffering and Screening Areas

A. Real Party shall provide Petitioners with a landscape plan and plant palette prior to execution of this Agreement. The landscape plan and plant palette shall become an enforceable part of this Agreement and shall include the following:

1. Along Alessandro Boulevard, the Compass Danbe Project must incorporate a heavily screened 20-ft setback, measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the property line of the Project. If a public sidewalk lies within the property line of the Project, the buffer area shall be measured from the nearest on-site development (including but not limited to truck loading and parking areas) to the edge of the sidewalk nearest to the Project. The west, south, and east boundaries of the Project must incorporate a heavily screened setback as shown in the Petitioner-approved landscape plan.

2. Buildings shall additionally set back from the property line a horizontal distance no shorter than the building is tall. The setback shall incorporate buffering and screening elements.

3. Evergreen, drought-tolerant trees that grow at least 50 feet tall shall be used as the outermost layer of the solid screen buffering treatment along the perimeter of the property to provide a solid wall of vegetation (i.e., interlacing or overlapping canopies) within five (5) years of planting. No palm trees shall be used. Real Party shall maintain trees for the life of the Project and shall replace dead or dying trees immediately with mature trees of a similar species.

4. All screening trees shall have their own dedicated irrigation system and shall be provided with sufficient water to reach their full width and height for the life of the Project. Real Party shall not prune trees except as necessary for the health of the tree or for public safety.

B. Real Party shall seek the City's approval of the landscape plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

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2. **Site Design**

A. Real Party shall provide Petitioners with a site plan prior to execution of this Agreement. The site plan shall become an enforceable part of this Agreement and shall include the following:

1. Loading docks shall be oriented such that no truck maneuvering into a loading dock or parked at a loading dock encroaches within 300 feet of the property line of the nearest sensitive receptor.

2. Warehouse buildings shall be single-story (excluding office and mezzanine) with an inside clear height no greater than 40 feet. Total building height, including roof-mounted equipment and screening elements, shall not exceed 50 feet. All rooftop equipment shall be shielded from view with a shield that is or appears to be an integrated part of the building.

3. Any warehouse facade shall be designed with enhanced architectural relief to minimize the appearance of a flat-wall surface typical of "tilt up" concrete construction. This shall include enhanced details to break up the appearance of long, flat walls along public rights of way. Design features may include faux windows, wall offsets, and varied panels. Real Party shall provide final renderings of building design options to Petitioners prior to building construction and buildings shall be constructed in accordance with one of the design options provided in those renderings. Renderings shall clearly identify all building elements, including true windows and faux windows.

(a) Any and all faux windows (blue panels) shall be glass, rather than painted-on wall coloring.

(b) The frame around any and all window areas shall be a three-dimensional relief, not just a painted wall separated by reveals.

4. For the life of the Project, any paints, architectural coatings, and industrial maintenance coatings used in building construction and maintenance shall have volatile organic compound levels of less than 10 g/L.

B. Prior to the issuance of any building permit, Real Party shall seek the City's approval of the site plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

3. **Tenant Operations**

A. Real Party shall communicate to prospective tenants, in writing, a preference for tenant(s) (1) that do not require three employee shifts and (2) that will limit operating hours to between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday. Notwithstanding the foregoing, 24/7 operations are not prohibited. Real

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Party shall provide Petitioners with written proof of compliance with this provision upon request.

Solar Power and Battery Storage

A. Real Party shall install the maximum amount of on-site rooftop solar generation permitted under the existing Moreno Valley Utility ordinance and other applicable law. If the existing Moreno Valley Utility ordinance is amended to allow additional onsite rooftop solar generation, and if that additional generation is approved by the Moreno Valley Utility and any other applicable utility and is allowed by other applicable law, then Real Party shall install additional on-site rooftop solar generation in an amount sufficient to meet the Project's electricity demand, including but not limited to all building electrical demand, all warehouse equipment electrical demand (including yard goats, hostlers, sweepers, forklifts, and all other equipment required to be electric by these terms), and all electrical demand related to on-site charging of clean fleet and passenger electric vehicles. Under no circumstances shall onsite solar generation supply less than 50 percent of the Project's electricity demand. If rooftop space is insufficient to meet this solar generation requirement, Real Party shall where feasible install additional solar photovoltaic panels on covered automobile parking spaces. For the purposes of this requirement, such solar panels shall be considered feasible where (i) covered automobile parking spaces are permitted by law and (ii) the solar photovoltaic panel(s) placed on covered automobile parking spaces would generate at least 50 percent of the energy generated by an equivalently-sized portion of the rooftop solar array in an average year.

1. Real Party shall include with the building permit application sufficient solar panels to meet this requirement. Real Party shall include its application an analysis of (a) projected power requirements at the start of operations and as power demand increases corresponding to the implementation of the "clean fleet" requirements in Section 20 below, and (b) generating capacity of the solar installation. Real Party shall provide Petitioners with a copy of the building permit application and solar analysis at the time Real Party submits said documents to the City.

2. Prior to issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that sufficient solar panels have been installed and are operational. Real Party shall annually monitor energy use throughout the life of the facility, and, as allowed by law and the applicable utility provider(s), shall install additional solar panels to serve increased demand. Real Party shall provide a copy of the Project's annual energy use and energy generation data to Petitioners on an annual basis.

3. If the on-site solar photovoltaic system will not be able to supply the Project's full operational electricity demand, including demand resulting from EV charging requirements, Real Party shall provide documentation prior to the issuance of any certificate of occupancy demonstrating that the

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additional electrical demand will be supplied with 100 percent carbon-free electricity sources for the life of the facility.

4. In the event of any change in law, rule, or regulation that removes limits on or otherwise allows for the installation of additional solar photovoltaic capacity, Real Party shall, within one year of the effective date of the change in law, rule, or regulation, increase the size of the Project's solar photovoltaic system to the maximum capacity permitted by law. Real Party shall provide Petitioners with written verification of compliance with this requirement within one month of any system upgrade.

B. Prior to the issuance of any certificate of occupancy, Real Party shall install an operational battery storage system, either on the south side of or inside the Project buildings, that provides sufficient battery storage to support at least 4 hours of Project operation or is scaled to the size of the Project's on-site solar photovoltaic array as required by the current California Energy Code, whichever is greater. Also prior to the issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification of compliance with this requirement. Battery storage or an equivalent renewable energy storage system shall be maintained for the life of the Project.

C. The Project's electrical room(s) shall be designed and built large enough to accommodate expansion as electrical demand increases to accommodate employee cars and the clean fleet phase-in set forth in Section 20 below. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

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5. **Roof Material**

A. The portion of any building's rooftop that is not covered with solar panels or other utilities shall have a solar reflective index of not less than 78. This material shall maintain the minimum solar reflective index rating for the life of the building. Real Party shall provide Petitioners with written verification that this requirement has been met within one month of the issuance of issuance of any certificate of occupancy.

6. **LEED Design**

A. The Project shall be built to the most current Leadership in Energy and Environmental Design (LEED) Silver standards. Within one month of issuance of any certificate of occupancy, Real Party shall provide Petitioners with written verification that this requirement has been met. Said verification shall include the US Green Building Council checklist prepared by a certified LEED professional.

7. **Lighting**

A. Real Party shall provide Petitioners with a lighting plan prior to issuance of a building permit. The lighting plan shall include the following:

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1. The mounted height for exterior lights on buildings and poles shall have a height limit of 18 feet as measured from surface grade of the parking and loading areas, except that exterior lights on buildings and poles in the truck yards on the south side of Project buildings shall have a height limit of 30 feet. Lights on the northern, eastern, and western elevations shall be dimmed to 25 percent when no motion is detected for eight minutes, except in case of emergency. In the event the Municipal Code does not allow exterior lights to be dimmed to 25 percent, lights shall be dimmed to limit light intrusion to neighboring properties and to conserve energy to the fullest extent possible. Interior lights shall be dimmed by 25 percent and/or shielded where visible to residential units. Real Party shall provide Petitioners with verification of compliance with this provision via a submission of the Project's photometric plan prior to issuance of any building permit. If the City determines that lights built to the standards required by this paragraph would not meet applicable requirements of state or local codes, lights shall be no taller and no brighter than necessary to meet those code requirements.

2. Light shields shall be installed on all building-mounted lights and perimeter pole lights to eliminate obtrusive glare onto the public right of way or to other properties in the area.

3. Lights of all exterior lighting fixtures shall be compliant with the Mount Palomar Lighting Standards (as indicated in Riverside County Ordinance No. 655) as well as International Dark Sky Standards. Prior to issuance of the first building permit, Real Party shall prepare a photometric or other appropriate technical study to confirm the Project has been designed to these lighting standards and that the light color of all Project exterior lighting will be 3,000 Kelvin or below. Real Party shall provide Petitioners with a copy of said study within one month of its completion.

B. Real Party shall seek the City's approval of the lighting plan and shall provide Petitioners with a copy of the approved plan within one month of the City's approval.

8. **Noise Controls**

A. The City's applicable noise standards shall be met during Project operations. The Project shall not cause noise levels to exceed noise standards for residential zones. In the event of nighttime loading operations occurring after 9:00 p.m., Real Party shall insure through tenant lease(s) or other appropriate means that all trucks and outdoor on-site cargo handling and similar equipment (including, but not limited to, forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks, and tractors) shall be equipped with "self-adjudging" 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. Real Party shall provide Petitioners with written proof of compliance upon request.

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B. The use of an outdoor PA system or any other amplified sound shall be prohibited between the hours of 7 p.m. and 7 a.m., unless necessary for emergency purposes. Public address systems shall be oriented away from residential receptors and shall operate at a volume not readily audible past the property line.

9. **Construction Equipment**

A. All powered construction equipment, including but not limited to hand tools, forklifts, and pressure washers (excluding scissor lifts) shall be electric.

B. Prior to issuance of building or grading permits, Real Party shall document in writing to Petitioners that all construction equipment is electric and that all non-electric construction vehicles meet the most stringent, highest tier California Air Resources Board ("CARB") emissions guidelines in existence at the time of construction. In no case shall construction equipment include equipment lower than Tier IV. During construction, Real Party shall ensure that a list of all operating equipment in use on the construction site is maintained on-site for verification by the City. The construction equipment list shall state the makes, models, Equipment Identification Numbers, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes (total) or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Prior to the issuance of building or grading permits, Real Party shall ensure that all construction (e.g., demolition and grading) plans clearly show the requirement for the highest rated CARB Tier technology for construction equipment. Real Party shall also install signage at the entrance to all construction areas describing the restriction of nonessential idling. Signage shall be in English and Spanish.

C. Real Party shall provide sufficient on-site charging for all electric construction equipment and vehicles.

D. All heavy-duty trucks entering the construction site during the grading and building construction phases shall be model year 2014 or later and shall meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.

10. **Construction Hours**

A. Grading and construction shall be restricted to the hours between 7:30 a.m. and 5:30 p.m., Monday through Friday. Grading and construction shall be prohibited on weekends, except that construction entirely within the building envelope may occur between 7:30 a.m. and 5:30 p.m. on Saturdays.

B. Grading shall be prohibited on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the Project area.

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11. **Construction Recycling**

A. Real Party shall recycle a minimum of 75 percent of the Project's "construction waste materials" as that term is defined by CalGreen. Within one month after completion of construction, Real Party shall provide written confirmation to Petitioners that this requirement has been met.

12. **Truck Idling and Auxiliary Power**

A. Truck idling at the Project site shall be limited to three minutes total per truck. For the purpose of this requirement, "idling" means the operation of a combustion engine while a truck is stationary. It does not include periods when trucks are in motion.

B. Electric plug-in units shall be installed at every dock door to allow auxiliary power units (APUs) to plug in. Truck operators with electric APUs shall be required to utilize electric plug-in units when at loading docks or when parked. Non-electric APUs shall not be operated for more than three minutes (total) while at the Project site. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

C. Real Party shall install permanent signage in English and Spanish in various locations around the facility, including but not limited to the loading docks, parking areas, and entrance and exit driveways detailing idling restrictions, parking restrictions, the availability and mandated use of APU plug-ins, the availability of an air-conditioned rest area, and the truck route available to Project trucks. In particular, permanent signage shall be posted at loading dock doors and on opposite the loading docks in large, reflective lettering that is readable from a truck cab identifying idling and parking restrictions and the availability of plug-ins. Signs opposite loading docks must be centered in front of each dock. Signage shall be in English and Spanish. Real Party shall provide Petitioners with written verification of compliance with this requirement prior to issuance of any certificate of occupancy.

13. **Truck Routes, Circulation, and Parking**

A. Real Party shall provide Petitioners with a Truck Routing Plan prior to execution of this Agreement which demonstrates that Project-related truck traffic shall be restricted as follows:

1. Inbound: All inbound trucks shall approach the site from I-215 to Cactus Avenue, turn left on Frederick St, and turn right on Alessandro Blvd to the Project site. Per day, at least 90% of non-electric trucks shall enter the Project site at the westernmost driveway closest to Frederick St.

2. Outbound: All outbound trucks shall exit the site towards Graham Street, turn right on Graham Street, and turn right on Cactus Avenue to I-215. Per

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day, at least 90% of non-electric trucks shall exit the Project site from the easternmost driveway closest to Graham Street.

3. No Project-affiliated truck may use any other City truck route, including but not limited to Alessandro Boulevard west of Frederick Street, Alessandro Boulevard east of Graham Street, Frederick Street north of Alessandro Boulevard, or Heacock Street.

4. The Truck Routing Plan shall become an enforceable part of this Agreement.

5. On-site truck movements shall be limited to the minimum necessary for facility operations.

B. Real Party shall ensure compliance with the Truck Routing Plan for the life of the project. Any proposed changes to the Truck Routing Plan require Petitioners' approval, which approval shall not be unreasonably withheld so long as the proposed changes do not increase traffic on Alessandro or Heacock.

C. Prior to issuance of any certificate of occupancy, Real Party shall seek City approval to install signage at all intersections along the truck route identified in the Truck Routing Plan indicating the required direction of travel. Signage shall be in English and Spanish. Real Party shall install such signage and provide Petitioners with written proof of installation within six months in the event of City's approval.

D. Real Party shall provide Petitioners with a driveway plan prior to execution of this Agreement. The driveway plan shall become an enforceable part of this Agreement and shall include the following:

1. Real Party shall install signage that can be read from a truck cab at Project driveways to indicate required direction of travel. Signage shall be in English and Spanish.

I. **Employee and Driver Facilities**

A. Real Party shall provide an indoor, air-conditioned employee break area in each building that is accessible to truck drivers and is sized to accommodate all employees and truck drivers at the Project site. The break areas shall include amenities including, but not be limited to, restrooms, drinking fountains with cold water, television, sufficient places for employees and drivers to charge their electrical devices, and several vending machines that are maintained and well stocked. The break areas must contain signs that can be read at a distance of five feet that provide information on bus routes. The break areas must also contain signs readable from 5 feet explaining idling (including APU idling), parking, and truck route restrictions. Signage shall be in English and Spanish and shall be maintained for the life of the Project.

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B. Real Party shall comply with the Cal/OSHA Heat Illness Prevention in Indoor Place of Employment requirements.[1]

C. All buildings will be designed with proper ventilation.

15. **Facility Electrification**

A. Building operations, including but not limited to HVAC, water heating, refrigeration, and automated equipment shall be powered by electricity for the lifetime of the Project. Neither natural gas nor propane shall be used.

B. Diesel-powered backup generators shall be prohibited during construction and for the lifespan of the facility unless required by the Fire Department for an onsite fire pump, in which case a generator shall be the minimum size necessary to support the fire pump and shall be used only for that fire pump in the event of a fire emergency. Any generator shall include signage on the generator indicating that it shall not be used except to operate the fire pump in the event of a fire emergency. Any signage shall be in English and Spanish and shall be capable of being read from at least five (5) feet away.

C. All on-site equipment and vehicles, including but not limited to yard hostlers, yard equipment, forklifts, yard trucks, tractors, and pallet jacks shall be electric from the start of operations.

D. Landscaping and maintenance crews shall be required to use only electric equipment for the life of the facility. Pursuant to Section 23, below, Real Party shall expressly include this requirement in all contracts with landscaping and maintenance crews.

E. Real Party shall provide sufficient charging and other infrastructure to support all electric vehicles and equipment.

Real Party shall provide Petitioners with written verification of facility electrification for each building within one month of the issuance of that building's final certificate of occupancy. Verification shall include documentation showing that building equipment and on-site equipment and vehicles are powered by electricity, that landscape and maintenance contracts include a requirement to use electric equipment, and that sufficient infrastructure is available to meet the anticipated charging needs of that equipment.

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[1] https://www.dir.ca.gov/oshsb/documents/Indoor-Heat-updated-txtbrdconsider.pdf

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16. **Cold Storage**

A. Real Party shall record a covenant on the title of the underlying property ensuring that the property cannot be used to provide chilled, cooled, or freezer warehouse space.

17. **Landscaping**

A. All landscaping shall be documented in the landscape plan and plant palette prepared pursuant to Section 1 of this Agreement.

B. All landscaping shall use only drought-tolerant plants and trees.

C. Trees shall be installed in automobile parking areas to provide at least 50% shade cover of parking areas within 10 years. Trees shall be planted at a density of no less than one (1) tree per eight (8) parking spaces and shall be maintained and replaced for the life of the Project, unless parking spaces are otherwise covered by solar photovoltaic carport structures. Trees planted in the buffer area described in Section 1 above shall not count towards the shade tree requirement. Tree planting areas shall have a minimum inside planting width of six (6) feet to promote sufficient root growth and vehicle protection. Real Party shall provide Petitioners with written proof of compliance upon request.

18. **Parking and EV Charging**

A. Parking areas and concrete flatwork shall use light colored concrete with a solar reflective index of not less than 30.

B. At least 15 percent of all passenger vehicle parking spaces shall be equipped with working Level 2 quick-charge electric vehicle (EV) charging stations that are installed and operational, prior to building occupancy. Level 2 quick-charge units shall generate at least 19kW of charging output power. These stations shall be maintained or replaced with equivalent or better-performing stations for the life of the Project. At minimum, an additional 25 percent of all passenger vehicle parking spaces shall be "EV Ready," as defined by the 2022 Green Building Code, and/or may be equipped with working Level 2 EV quick charge stations. Real Party shall convert EV Ready spaces to working Level 2 EV quick charge stations at a rate of at least two spaces per year. Dedicated EV parking spaces shall be located adjacent to each Project building. Real Party shall install permanent signs at all EV charging stations indicating that vehicles not using the charger are subject to towing at the owner's expense. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of any certificate of occupancy.

C. A minimum of 10 percent of heavy-duty truck loading docks shall be equipped with EV charging infrastructure for future use by electric trucks. Real Party shall design such infrastructure to facilitate future expansion. At least one electric heavy-duty (Class 7 and 8) truck charger shall be installed by or before two years

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from the first final certificate of occupancy issued for a Project building. Real Party shall timely provide proof of installation to Petitioners and shall update Petitioners as future chargers are added. Conduit to support medium-duty vehicle, delivery van, and truck (Class 2 through 6) charging shall be installed during initial Project construction, and at least one charger shall be installed and operational prior to issuance of any final certificate of occupancy. Real Party shall provide written verification of compliance with this requirement to Petitioners within one month of the issuance of the first final certificate of occupancy issued for a Project building and within one month of the installation of any new chargers or charging infrastructure.

D. Vehicle headlights, including truck headlights, shall be turned off within five minutes of parking. Signs that are legible from ten feet, reflective, and clearly visible at night shall be posted in vehicle and truck parking areas and drive aisles stating that headlights shall be turned off after five minutes. Signs shall be permanent for the life of the Project.

E. Real Party shall provide one motorcycle parking stall for every 25 employee parking stalls near employee entrances or in view of the office windows.

9. **Bike Lockers**

A. The Project shall comply with Title 24 of the California Code of Regulations (the California Green Building Code) by providing (1) covered, lockable enclosures with permanently anchored racks for bicycles; (2) lockable bicycle rooms with permanently anchored racks; or (3) lockable, permanently anchored bicycle lockers in the amount required by the Code. In addition to the standard requirements, the Project shall provide at least three (3) electric charging stations for electric bikes and electric scooters (aka "e-bikes" or "e-scooters"). Real Party shall provide Petitioners with written verification of compliance with this section within one month of issuance of any certificate of occupancy.

0. **Air Quality and Clean Fleet Requirements**

A. Real Party shall ensure that all heavy-duty trucks (Class 7 and 8) serving the Project comply with model year 2014 or later emissions standards from start of operations and shall transition to electric vehicles (EVs), with the fleet fully electric within three (3) years of the issuance of the first final certificate of occupancy for the Project, or when widely commercially available for the intended application, whichever date is later. An EV shall ordinarily be considered widely commercially available if the vehicle is capable of serving the intended purpose and is widely available for purchase for less than 150% the cost of a Class 7 or 8 heavy-duty combustion-engine truck meeting the emissions standards in place at the time the comparison is made (model year 2014 or later emissions standards). For the purpose of this cost comparison, "cost" shall mean the total vehicle cost for the first five (5) years of ownership, including any purchase incentives, rebates, and fuel and electricity costs. Any comparison must

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be like-for-like, i.e., must compare an EV with a new production combustion-engine truck of the same class and substantially similar trim level that is widely available for purchase at the time the comparison is made.

B. In order to demonstrate that such vehicles are not widely commercially available, Real Party must submit documentation to Petitioners from a minimum of three (3) EV dealers identified on the https://californiahvip.org website demonstrating the inability to obtain the required EVs or equipment meeting the above standard within 6 months ("Offer of Proof").[2] An Offer of Proof by Real Party creates a rebuttable presumption that EVs are not widely commercially available for the intended application. Petitioners may rebut a presumption that EVs are not widely commercially available by submitting documentation to Real Party from a minimum of three (3) EV dealers identified on the https://californiahvip.org website demonstrating the ability to obtain the required EVs or equipment meeting the above standard within 6 months. If Real Party demonstrates, and Petitioners cannot rebut, that EVs meeting the above standard are not widely commercially available for the intended application, then these clean fleet requirements shall be adjusted as minimally as possible to accommodate the unavailability of such vehicles or trucks until such vehicles or trucks become widely commercially available. Real Party shall re-confirm EV availability and provide Petitioners with a new Offer of Proof every twenty four (24) months until these clean fleet requirements are fully implemented. Petitioners may demonstrate EV availability at any time. Real Party shall comply with Section 20(A) within six (6) months after receiving evidence that EV trucks are widely commercially available.

C. Real Party shall ensure that all vehicles/delivery vans/trucks (Class 2 through 6) serving the Project meet the following requirements: (i) 33% of the fleet will be EVs at start of operations, (ii) 50% of the fleet will be EVs within two years of the first certificate of occupancy for the Project, (iii) 65% of the fleet will be EVs within four years of issuance of the first certificate of occupancy for the Project, (iv) 80% of the fleet will be EVs within five (5) years of issuance of the first certificate of occupancy, and (v) 100% of the fleet will be EVs within seven years of issuance of the first certificate of occupancy.

D. Prior to issuance of any certificate of occupancy for the Project, Real Party shall pay to the Fund Administrator (defined below) $5,000 to fund the installation of one or more air quality monitor stations.

E. Real Party shall provide Petitioners with written verification of compliance within 30 days of any deadline established by this Section 20.

[2] If https://californiahvip.org goes out of publication or ceases to provide the information required to comply with this term 20(B), the Parties shall negotiate in good faith to determine an alternative list of EV dealers.

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F. HVAC Fund

1. If Real Party cannot ensure that all heavy-duty (Class 7 and 8) trucks serving the Project are fully electric within three (3) years of the first final certificate of occupancy because EV trucks are not widely commercially available within the meaning of 20(A) and (B), or if Real Party cannot meet the clean fleet timelines established in 20(A) and (C) above for any other reason, Real Party shall fund an air filtration fund ("HVAC Fund") to be administered by the Fund Administrator (defined below). The HVAC Fund shall be in the amount of $1,200,000 (plus an "Administration Fee" of $120,000 (based on 10 percent of the HVAC Fund), which administration fee shall be paid to the Fund Administrator. The HVAC Fund shall be established and funds described herein provided to the Fund Administrator within three (3) months of Real Party's verification that is has not met or cannot meet the truck EV requirements in Section 20 of this Agreement.

2. The HVAC Fund shall be administered by the Center for Community Action and Environmental Justice ("Fund Administrator") pursuant to this Agreement.

3. Real Party shall have no obligation to monitor the actions of the Fund Administrator or to determine the appropriateness of any application or disbursement of the HVAC Fund.

4. In no event shall payment of the HVAC Fund be construed as liquidated damages for Real Party's failure to comply with the clean fleet requirements in 20(A) – (C). Real Party shall continue to comply with 20(A) – (C) even if Real Party has paid the HVAC Fund.

21. **Trucking Regulation**

A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a monitoring and compliance plan which shall describe how Real Party will monitor and ensure compliance with all current air quality regulations for on-road trucks including, but not limited to, CARB's Heavy-Duty (Tractor-trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. The monitoring and compliance plan shall become an enforceable part of this Agreement.

22. **Site Maintenance**

A. Prior to the first certificate of occupancy, Real Party shall provide Petitioners with a site maintenance plan. The site maintenance plan shall become an enforceable part of this Agreement and shall include the following:

1. Real Party shall perform maintenance at the Project site on a monthly basis, or more frequently as needed. Real Party shall remove all graffiti

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G-13
(CONT.)

The Bay and Day Commerce Center Final EIR needs to compare the proposed plan's pollution levels – including, but not limited to noise, air, GHG, odor, and light -- with one that incorporates all of the above from the Compass Danbe Centerpointe settlement agreement during the first ten years of operation or it will be inadequate. The fact that a nearby warehouse developer signed the settlement agreement proves they are considered feasible.

G-14

Please keep me informed of all meetings and documents related to the Bay and Day Commerce Center warehouse project.

Sincerely,

George Hague

Responses to Comment Letter G: George Hauge

G-1 This comment consists of introductory remarks. No specific comment or request for additional information is made; however, the commenter implies the project description is misleading because of the purported omission of the word "warehouse." The EIR project description clearly identifies the Project as a light industrial building with warehouse space (see DEIR p. 3-3) and indicates that the building is expected to operate as a warehouse (see DEIR p. 3-8). The DEIR adequately discloses the full scope of the Project to the public and provided the public with a reasonable opportunity to comment on the Project's potential impacts. No revisions to the EIR are needed.

G-2 The commenter summarizes information from the City's zoning code. No comments related to the DEIR or the Project's environmental analysis are made and no further response is necessary.

G-3 The commenter asserts that warehouse land uses are not allowed within the Business Park (BP) zoning district. The commenter's assertion is incorrect. The City's zoning code allows wholesale, storage, and warehouse land uses within the BP zoning district, but limits the size of individual buildings to 50,000 s.f. or less. The type of land use proposed by the Project is consistent with the BP zoning district but its physical design is not consistent with the requirements of the BP zoning district, which is why a Change of Zone is proposed. This information was disclosed in the DEIR (see DEIR p. 3-2).

G-4 The commenter asserts that the City should have reissued the Project's Notice of Preparation (NOP) following a 2024 court decision that overturned the City's General Plan and Climate Action Plan (CAP). The commenter does not provide any information to support the claim that the City's reversion from the 2021 General Plan to the 2006 General Plan and/or elimination of the CAP had any substantive effect on the Project's scope or deprived the public with a reasonable opportunity to comment on potential environmental impacts from the Project. Under the City's 2006 General Plan, the Project Site was designated for "Business Park/Light Industrial" land uses and zoned for "Business Park" land uses. Despite the slight difference in terminology the 2006 General Plan allows the land uses on the Project Site that include warehousing land uses, with the applicable zoning limiting the size of industrial buildings to 50,000 s.f. or less. The Change of Zone proposed by the Project, which is needed to allow the construction of a warehouse building with more than 50,000 s.f. of floor area on the Project Site, was proposed when the Project was subject to the City's 2021 General Plan but it is still required under the 2006 General Plan. Further, the NOP indicated that the Project had the potential to result in a significant environmental impact due to GHG emissions and that such potential impacts would be evaluated in detail in the EIR. The NOP did not indicate that the GHG emissions analysis in the EIR would be streamlined (or forgone altogether) due to compliance with the City's CAP, thus the repeal of the City's CAP had no effect on the information disclosed in the NOP or on the environmental analysis provided in the EIR. Based on the information provided above, the City concludes that the Project's NOP complied with CEQA's requirements and the change to the local land use legislative setting following the 2024 court decision did not require recirculation of the NOP.

G-5 The commenter asserts that the Project's air quality, GHG, and health risk assessment technical reports are invalid because the reports were prepared prior to the close of the NOP comment period. The

commenter also asserts that all Project technical reports need to be revised and updated to reflect a court decision that overturned the approval of the City's 2021 General Plan. Pursuant to CEQA Guidelines Section 15082(a)(4), "[t]he lead agency may begin work on the draft EIR immediately without awaiting responses to the notice of preparation. The draft EIR in preparation may need to be revised or expanded to conform to responses to the notice of preparation." Although work began on the Project's EIR, including supporting technical studies, prior to the close of the NOP comment period, all work done was reassessed upon receipt of comments on the NOP to ensure that all applicable comments were addressed by the Project's environmental analysis. The commenter does not provide any evidence that demonstrates the DEIR or any of its supporting technical studies do not adequately address the comments received during the NOP comment period. The commenter also does not provide any evidence their assertion that the Project's technical reports are invalid – or somehow underreport the Project's potential environmental impacts – because they may have been prepared at a time when a different version of the City's general plan was in effect. The DEIR and its supporting technical information comply with the applicable requirements of CEQA and no revisions are required.

G-6 The commenter reiterates their assertion that the Project's technical reports are invalid and disagrees with the conclusion in the DEIR that the Project would not create substantial, objectionable odors. Response G-5 fully addresses the comment regarding the validity of the Project's technical reports. The commenter provides a personal anecdote regarding odors from diesel trucks but does not provide substantial evidence that demonstrates odors generated by the Project would result in substantial adverse effects to sensitive receptors near the Project Site. All heavy trucks that travel to and from the Project Site would be required to comply with California fuel and emissions regulations, which are intended to limit air pollutant and odor emissions that are detrimental to human health and public welfare. Odors from diesel emissions are typically associated with volatile organic compounds (VOC) and particulate matter and, as presented in the DEIR, the Project would result in less than significant regional and localized emissions of VOCs and particulate matter (see DEIR pp. 4.2-30 to 4.2-33). Furthermore, heavy trucks are mobile – not stationary – odor sources. Because mobile sources do not remain stationary at one location for a sustained period of time, odor emissions from mobile sources are fleeting and remain at relatively low concentrations that dissipate quickly. Lastly, as disclosed in the DEIR (see p. 4.2-36), the Project is required by law to prohibit the discharge of odorous emissions that would create a significant, long-term public nuisance. The DEIR includes substantial evidence that demonstrates potential impacts from odors would be less than significant and, in the absence of substantial evidence to disprove the DEIR's conclusion, no further response is necessary.

G-7 The commenter suggests that designating the Project Site for "Business Park/Light Industrial" land uses will be prejudicial to efforts to correct the deficiencies in the 2021 General Plan and CAP that were identified by the court; however, the commenter does not indicate how this may result in a significant environmental impact and does not provide any evidence that suggests the Project would result in a significant environmental impact that was not disclosed in the DEIR. No further response is necessary.

G-8 The commenter summarizes data obtained from CalEnviroScreen 4.0 to illustrate that the Project Site is located in an area that is exposed to substantial air pollution and asserts the DEIR was obligated to

show how the Project would reduce existing local air pollution burdens. The commenter also asserts the DEIR was obligated to demonstrate how the Project would alleviate local socio-economic impacts. The local air quality data summarized by the commenter was disclosed in the DEIR (see DEIR pp. 2-5 & 4.2-16). CEQA requires the disclosure of a development project's impacts on the environment and the provision of mitigation measures to offset the project's significant impact on the environment. CEQA does not require mitigation in instances where no significant would occur, nor does CEQA require mitigation to fix or improve existing environmental impacts that are unrelated to a development project. As disclosed in the DEIR, the Project would not emit substantial air pollution and would not cause or substantially contribute to a significant air quality impact; no air quality mitigation is required for the Project (see DEIR Subsection 4.2, *Air Quality*). The commenter did not provide any evidence to disprove the analysis or conclusions in the DEIR. Further, the relatively poor air quality conditions in the Project area are due to geographic constraints: the proximity of I-215 well as the location of the Project area below the aircraft takeoff flight path of March Air Reserve Base. The commenter does not provide any evidence that it is feasible for the Project Applicant to reduce existing air pollution from the I-215 corridor or from flight operations at March Air Reserve Base or that a reasonable nexus exists to require such mitigation from the Project. Lastly, the commenter does not provide any evidence to support their assertion that socio-economic conditions in the Project area represent an environmental impact or that the Project's socio-economic effect would create a substantial environmental impact that requires mitigation. No revisions to the EIR are warranted.

G-9 The commenter asserts that the Project must include a buffer between the Project Site and adjacent residential zones. The analysis throughout the DEIR demonstrates that after the inclusion of mitigation measures, applicable regulatory requirements (including required consistency with City zoning regulations), and Project design features, the Project would not result in a significant environmental impact on any adjoining property. Accordingly, from the perspective of the Project's potential environmental impacts and compliance with CEQA, changes to the Project design – including the inclusion of a buffer to off-site land uses – is not required.

G-10 The commenter cites information presented in the Project's Air Quality Impact Analysis (*Technical Appendix B* of the DEIR) and expresses their general dissatisfaction with scientific and technical limitations that prevent the preparation of an air quality analysis that examines the specific issue – at the specific level of detail – desired by the commenter. This comment does not raise any comments or questions specific to the Project's environmental analysis and no further response on this issue is required.

The commenter also asserts, without the support of any evidence, that the Project would result in an environmental justice impact. Although environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports), the air quality analysis contained in the DEIR demonstrates the Project would not expose any receptor, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or diesel particulate matter (see DEIR at pp. 4.2-31 through 4.2-35). No further response is necessary.

G-11 The commenter cites and attaches a settlement agreement for another warehouse project in the City of Moreno Valley (which was much larger in square footage than the Project) and asserts that the City should require the measures listed therein as mitigation measures for the Project. The commenter does not provide evidence that the referenced measures are feasible for the Project to implement or that the Project would result in a significant impact that would require mitigation and that was not disclosed in the DEIR. The Project would be required to comply with City-approved design features, regulatory standards (both State and local), conditions of approval, and permit requirements that will serve to reduce operational air pollutant emissions, as noted throughout the DEIR. As disclosed in the DEIR, the Project would result in less-than-significant environmental effects from air pollutant emissions and, therefore, would not require mitigation (see DEIR p. 4.2-37). The commenter did not provide any comments that disprove the DEIR's finding of less than significant air quality impacts. Based on the foregoing response, none of the conditions required by CEQA to impose mitigation on the Project have been met and no revisions to the EIR are warranted.

G-12 The commenter makes general requests of the City's Planning Commissioners and City Council members. This comment does not raise any specific environmental issues or comments/questions related to the Project's DEIR and no further response is required.

G-13 The commenter provides the 13-page settlement agreement for the Moreno Valley Compass Danbe Centerpointe project. The commenter does not raise any comments specific to the Project or its environmental impact analysis and no further response is needed.

G-14 The commenter asserts that the measures listed in Comment G-13 should be included in the Final EIR and claims, without providing evidence that these measures would be feasible for the Project to implement. The commenter also requests that the City provide notification of future meetings and CEQA documents for the Project. Refer to Response G-11, which addresses this comment. The City will include Mr. George Hague on the mailing list for future CEQA notices and documents related to the Project.

Note: One hundred nine (109) pages of reference exhibits and materials that did not include any comments on the Project's environmental analysis or require a written response (i.e., copies of court orders/judgements related to the City's 2021 General Plan and a sample settlement agreement) have been omitted from this FEIR for brevity. The City has received and reviewed these materials, and the full comment letter is included within the administrative record.

Comment Letter H

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
"Bringing People Together to Improve Our Social and Natural Environment"

January 8, 2025

City of Moreno Valley
Attn: Kim Zuppiger, Project Planner
14177 Frederick Street
Moreno Valley, CA 92553
Submitted via email to planningnotices@moval.org.

Re: Bay & Day Commerce Center Draft Environmental Impact Report (SCH #2023090050)

Dear Kim Zuppiger,

This letter is being submitted on behalf of the Center for Community Action and Environmental Justice in response to the Draft Environmental Impact Report (SCH #2023090050) which has been prepared for the proposed Bay & Day Commerce Center (Project) which would be built there in the city. After reviewing the documents provided with the DEIR, we would like to register our opposition to the Project and urge the City to consider other alternatives for the site. It is discouraging to see the proposal to place this Project so close to residential uses, including existing residences on the north side of Bay Street as well as those east of the Project site directly across Day Street. H-1

This proximity places the residents directly in the path of the harm that will be brought on the community due to warehouse operations, including degraded air quality as well as traffic congestion and roadway infrastructure from increased truck traffic. H-2 Additionally, Bay Street is designated as a bicycle boulevard in the City's bicycle master plan, yet that is not reflected in these documents either. H-3 We would like to see the City prioritize development which uplifts the community without also imposing negative externalities such as increased emissions, as we are seeing here. H-4

If there are any questions regarding these concerns, please do not hesitate to reach out and contact us for clarification.

Sincerely,

Marven E. Norman
Policy Coordinator

CCAEJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, CCAEJ's founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow Acid Pits' being declared one of the first Superfund sites in the nation. ***CCAEJ*** prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.

Mailing Address
PO Box 33124
Jurupa Valley, CA 92519
www.ccaej.org

Responses to Comment Letter H: Center for Community Action and Environmental Justice

H-1 The commenter makes introductory remarks and expresses general opposition to the Project. No specific comment or request for additional information is made related to the DEIR or the Project's environmental analysis; therefore, no further response is required.

H-2 The commenter asserts the Project would result in general air quality and transportation impacts that would negatively affect residents near the Project Site. The commenter does not identify the specific impacts that are alleged to occur, nor does the commenter provide evidence to support these claims. The DEIR included a detailed analysis of potential air quality impacts (see DEIR Section 4.2) and transportation impacts (see DEIR Section 4.12) that would result from implementation of the Project and concluded that impacts would be less than significant. Based on the lack of information provided by the commenter to support this comment, no further response is necessary.

H-3 The commenter asserts that the DEIR does not disclose that Bay Avenue is planned by the City as a bicycle boulevard. The commenter's comment is incorrect. The DEIR discloses that the City's bicycle master plan provides for a future bicycle boulevard along Bay Avenue (see DEIR pp. 4.12-2, 4.12-4, and 4.12-9). Additionally, the DEIR includes an evaluation of the City's bicycle master plan and concludes that the Project would not conflict with implementation of the plan (see DEIR p. 4.12-9). Accordingly, the DEIR fully disclosed the City's plans for local bicycle facilities and the Project's potential effect on those facilities. No revisions to the EIR are warranted.

H-4 The commenter restates their general objection to the Project and provides closing remarks. No specific comment or request for additional information is made related to the DEIR or the Project's environmental analysis; therefore, no further response is required.

COMMENT LETTER I

Law Office of Abigail Smith
A Professional Corporation
2305 Historic Decatur Road, Suite 100, San Diego, CA 92106

Abigail A. Smith, Esq.
Email: abby@socalceqa.com
Telephone: (951) 808-8595

VIA E-MAIL ONLY

January 8, 2025

City of Moreno Valley
Attn: Kim Zuppiger
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553
planningnotices@moval.org

Re: Public Comments on Draft EIR for Bay & Day Commerce Center Project (PEN 23-0074, PEN23-0075)

To the City of Moreno Valley:

Please accept these comments on behalf of Sierra Club–San Gorgonio Chapter regarding the Draft Environmental Impact Report ("Draft EIR") for the Bay & Day Commerce Center Project (PEN 23-0074, PEN23-0075) (collectively "the Project").

The Project proposes the construction and operation of a 194,775 square foot industrial warehouse building on 9.95 acres south of Bay Avenue and west of Day Street in the western portion of the City within the Edgemont community. To permit the warehouse use, the Project includes a request for a zone change for the Project site from "Business Park (BP)" to "Light Industrial (LI)".

Existing residences are located to the north across Bay Avenue, to the east across Day Street, and to the south of the Project site. According to the Draft EIR, the closest residence to is located approximately ***20 feet south of the site***. Other single-family residences are located within 100 feet of the site. The site does not have direct access to the freeway; instead, Project vehicles will use local roadways for freeway connections. The Draft EIR states that the census tract containing the Project site is in the 95th percentile for pollution burden which, based on the census tract's demographic characteristics, results in the area being within the 98th percentile of communities that are disproportionately burdened by multiple sources of air pollution. Also, the site is estimated to be within the 70th percentile for cancer risk within the South Coast Air Basin. The Project proposes a warehouse distribution facility in this area.

I-1

The Project will have 30 truck loading docks and includes a total of 94 parking spaces. Access to the site will be provided by two driveways on Day Avenue and one driveway from Bay Avenue. Truck driveways are located on Day Avenue *and* Bay Avenue according to the Project's site plan. It is assumed the Project will be operational 24 per days, seven days per week.

According to the Draft EIR, there are four other industrial warehouse projects under construction or pending approval *within a half mile* of the Project site within the Edgemont community. One such project is a warehouse located approximately 71 feet west of the Project site.

For the reasons identified herein, we submit that revisions to the Draft EIR are required, and further mitigation is required, in accordance with the California Environmental Quality Act.

I-1 (CONT.)

Project Siting and Design Considerations

At the outset, Sierra Club strongly encourages the City to follow the recommendation of the California Air Resources Board ("CARB") that warehouse land uses should not be located within 1,000 feet of residential uses or areas designated for residential development.[1] According to CARB's 2022 Scoping Plan p. 184, "[c]ommunities adjacent to congested roadways, including ports and distribution centers, are exposed to the highest concentration of toxic pollutants from vehicles and equipment consuming fossil fuels, leading to a number of demonstrated health impacts such as respiratory illnesses, higher likelihood of cancer development, and premature death." [2] As discussed above, there are existing residential homes located within 20 feet of the Project site. The siting of warehouses immediately adjacent to existing homes should not be allowed.

I-2

We further urge the City to consider the Project's intense use relative to adjoining sensitive receptors in light of Assembly Bill 98 (full text here[3]). Among other things, this new law requires that loading docks be positioned a certain distance from sensitive receptors (such as homes) as well as the creation of a truck routing plan. All relevant provisions of AB 98 should be considered in the design and implementation of the proposed Project.

I-3

Finally, the Draft EIR states that the Project will construct a 14-foot screenwall around the Project site. The Draft EIR's noise section indicates that a 14-foot wall is "planned" along a *portion* of the Project's northern boundary and a 10-foot screenwall is planned along a *portion*

I-4

[1] www.arb.ca.gov/ch/handbook.pdf
[2] https://www.morenovalleybusiness.com/wp-content/uploads/2021/01/Development-Map-January-2021.pdf
[3] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB98
This hyperlink and all links cited in this letter is fully incorporated herein by reference, and its contents summarized in the body of the letter.

of the southern boundary. At a minimum, the screenwalls should be extended the entire length of the Project's northern and southern boundaries, and the screenwall should be 14-feet in height in its entirety. Truck movements along the southern drive aisle within the Project site will impact the existing residence at 13881 Day Street which is located approximately 20 feet south of the site. In the interests of public policy and best practices, the City should require compatibility measures that minimize impacts or disruption to neighboring sensitive receptors.

I-4 (CONT.)

Project Description

In many respects, the EIR fails to describe and evaluate the proposed cold storage operations that will permitted by the Project's entitlements. The EIR states that up to 25% of the Project building may be used for refrigerated/cold storage uses. This use consumes substantially more energy and generates substantially more noise due to the continuous operation of interior and exterior cooling systems (compressors, coolers, etc.). The EIR acknowledges that cold storage can result in greater air quality impacts at least in terms of trucks equipped with transportation refrigeration units (TRUs) that are used to keep goods refrigerated during transport. The EIR must also disclose and fully evaluate the cold storage uses with respect to the Project's anticipated energy, greenhouse gas emissions, and noise impacts.

I-5

Air Quality

The EIR does not propose any air quality mitigation measures for the Project based on the conclusion that impacts are less than significant on a project-level basis. However, the Project must be conditioned consistent with the assumptions of the Draft EIR's analysis including that the building must be restricted to no more than 25% of cold storage uses, and the use of cargo equipment shall be non-diesel only. Any other "assumptions" about the Project's operations must be carried forward to the EIR's analysis and the Project's mitigation program and/or conditions of approval to ensure that impacts are not understated.

I-6

Cumulative Impacts

CEQA defines a "cumulative impact" as one that *may be individually limited* but cumulatively considerable when considered with past, present, and foreseeable future projects. (State CEQA Guidelines, §§ 15130 (a), 15355 (b).) The City must evaluate the Project's potential for significant cumulative air quality impacts, particularly the EIR must examine the Project's NOx impacts (truck diesel emissions) in combination with other cumulative industrial projects in proximity of the proposed Project.

I-7

A billion square feet of industrial warehousing has been constructed in the Inland Empire in the last ten years or so.[4] Approximately 400 million square feet of industrial development has

I-8

[4] https://timesofsandiego.com/business/2023/01/28/southern-california-warehouse-boom-poses-environmental-costs-for-the-inland-empire/

been approved or is in process of approval in Riverside County. [5] At a local level, the City has approved or is considering the approval of at least the following warehouse projects in the last 10-15 years:

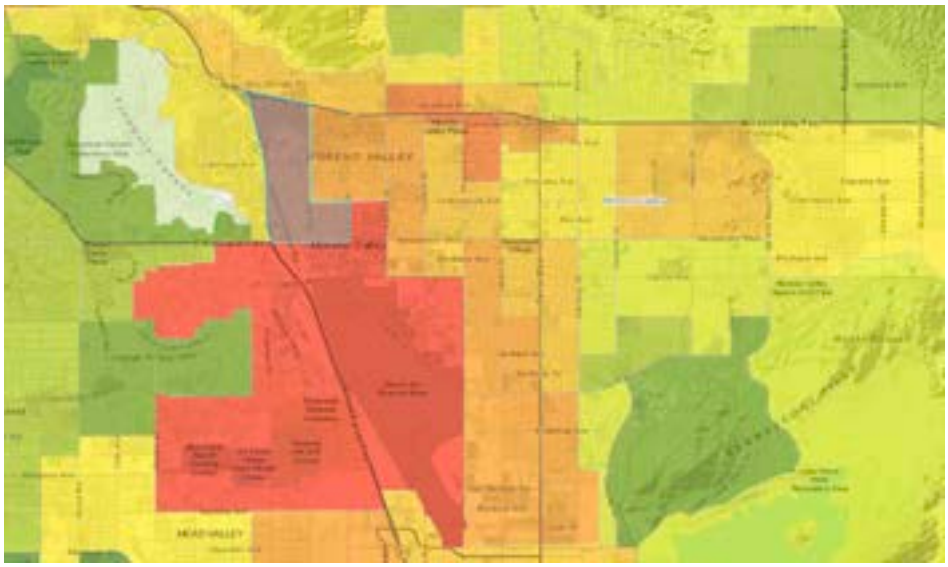
- March Business Center (2009) – General Plan Amendment allowing **1,484,407** square feet of industrial warehouse space on 66.9-acres
- Master Plot Plan PA07-0035 (2010) - **409,598** square foot industrial warehouse building space
- West Ridge Commerce Center (2011) - **937,260** square foot warehouse distribution building
- VIP Moreno Valley Project (2012) - **1,616,133** square foot warehouse space
- First Inland Logistics Center II Project (2013) - **400,130** square feet warehouse space
- First Nandina Logistics Center Project (2014) - **1,450,000** square feet warehouse space
- Prologis Eucalyptus Industrial Park Project (2015) - **2,244,419** square feet of warehouse uses including a General Plan Amendment from residential to Light Industrial
- World Logistics Center (2015) - **40.6 million** square feet of warehouse logistics development on 3,918 acres in eastern Moreno Valley
- Indian Street Commerce Center Project (2016) - **446,350** square feet of warehouse space
- Moreno Valley Logistics Center (2016) - **1,736,180** total square feet of warehouse space[6]
- Brodiaea Commerce Center (2017) - **262,398** square foot warehouse including a rezone from Business Park-Mixed Use to "Light Industrial"
- Moreno Valley Business Park (2021) - **220,390** square feet of warehouse logistics development including a General Plan Amendment to from commercial to light industrial
- Compass Danbe Centerpointe (2021) –approval for a **General Plan Amendment** to allow the development of two light industrial buildings of **389,603** square feet
- Moreno Valley Business Center (2023) – approval for **164,187** square feet of industrial warehouse development
- Heacock Commerce Center – pending application for a **General Plan Amendment** and Change of Zone for two high cube industrial buildings totaling **873,967** square feet
- Edgemont Commerce Center – pending application for the development of a **142,325**- square foot commerce center project with **Change of Zone** to allow a warehouse greater than 50,000 square feet.

I-8 (CONT.)

[5] https://radicalresearch.shinyapps.io/WarehouseCITY/
[6] http://www.moreno-valley.ca.us/cdd/pdfs/projects/mv-logistics/draft-eir.pdf

And, according to the Draft EIR, there are four other industrial warehouse projects under construction or pending approval within *.5 miles* of the Project site within the Edgemont community. One such project is warehouse located approximately 71 feet west of the Project site.

The community of Edgemont is an environmental justice community. The census tract (image below) in which the Project site is located (6065042505) is located within the 99th percentile when compared to other census tracts regarding pollution. The tract is in the 95% for pollution burden.



Despite empirical evidence that the Project will operate in an environmental justice community, and despite the additional number of similar warehouse projects approved within the vicinity of the Project site (see attachments hereto), the Draft EIR asserts that cumulative air quality risk is not an issue of concern for the Project. The EIR must, consistent with CEQA and for public policy reasons, examine the Project's air quality and greenhouse gas emission impact impacts in combination with these other cumulative projects. The failure to examine cumulative air quality impacts is a failure to comply with CEQA's information disclosure provisions.

I-8 (CONT.)

The EIR concludes there is no need for a cumulative air quality impact analysis because it asserts that project-specific air quality impacts are less than significant. As authority, the EIR cites an appendix to a 2003 white paper issued by the South Coast AQMD, which is selectively quoted and misapplied. The generalized discussion concerns South Coast AQMD's approach to

I-9

cumulative impact analysis when it is the Lead Agency for a project, which it is not here.[7] [8] Moreover, this 20-year-old appendix states that AQMD does not "generally" consider projects to have cumulative impacts when those projects do not exceed project-specific thresholds. Here, however, the EIR intentionally ignores the reality of hundreds of thousands of square feet of warehouses being built and approved in Moreno Valley, particularly in the immediate vicinity of the proposed Project. Environmental agencies continue to study, document and recognize the adverse health effects of poor air quality conditions especially with respect to children [9]. In fact, the South Coast AQMD is in the process of updating its "guidance documents" in terms of cumulative impact analysis, while recognizing that cumulative air quality analysis *is* a requirement of CEQA.[10] [11] [12] [13]

I-9 (CONT.)

Energy

The Project will result in the consumption of 236,173 gallons of fuel, 4,055,934 kBTU of natural gas per year and 1,779,984 kW h of electricity per year. The Draft EIR concludes the Project will not result in energy usage impacts and no mitigation is proposed.

State CEQA Guidelines Appendix F provides that "[t]he goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption; (2) *decreasing* reliance on fossil fuels such as coal, natural gas and oil, and (3) *increasing* reliance on renewable energy sources." (emphasis added) Guidelines Appendix F puts "particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." The conclusions of the EIR's energy analysis are unsupported by evidence where the Project does not adopt any measures to reduce fuel consumption or incorporate sustainability building practices beyond those required by the current Building Code (Title 24/Cal Green).

I-10

Fuel consumption can be reduced, for example, by utilizing zero emission delivery vehicles. The City should impose measures on the Project to promote building sustainability and ensure compliance with Guidelines, Appendix F and to advance the policies and goals of Senate Bill 100 which commits to 100% clean energy in California by 2045.[14] Requiring the Project to utilize solar energy is one feasible means to ensure that the State can meet its laudable energy efficiency goals. Requiring "LEED" certification is another means to promote

[7] http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf
[8] http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf
[9] https://oehha.ca.gov/media/downloads/calenviroscreen/report/cireport123110.pdf
[10] http://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new)
[11] http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-1-presentation_02172022_final.pdf?sfvrsn=6
[12] http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-3_20230124.pdf?sfvrsn=6
[13] http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-4_20230602_final.pdf?sfvrsn=10
[14] https://www.energy.ca.gov/sb100

sustainability.[15] Energy efficiency measures are also a feasible means to reduce the Project's significant GHG emissions. Electricity generation accounts for approximately 20% of California's GHG emissions.[16] The Project does not demonstrate consistency with CEQA Guidelines Appendix F, and it does not comply with CEQA in that it does not discuss or incorporate any renewable energy usage. I-10 (CONT.)

Also, the EIR's energy analysis does not appear to include the impacts associated with 50,000 square feet of cold storage space that will be allowed under the Project. I-11

Greenhouse Gas Emissions

The Draft EIR makes no effort to reduce the Project's GHG emissions despite the Project being a new source of GHGs. The Draft EIR does not demonstrate consistency with adopted GHG emission reduction plans. I-12

The State of California has committed to aggressive goals for the reduction of the emissions causing global climate change. Assembly Bill 1279 requires the state to achieve net zero greenhouse gas emissions (GHG) as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. The bill requires California to reduce statewide GHG emissions by 85 percent compared to 1990 levels no later than 2045. Yet the Draft EIR does not discuss specific goals or strategies of the California Air Resources Board ("CARB") 2022 Scoping Plan for Achieving Carbon Neutrality ("2022 Scoping Plan").[17] [18] The 2022 Scoping Plan is designed to achieve the emission reduction requirements of AB 1279. The Draft EIR must be revised with analysis that demonstrates Project consistency with the Scoping Plan strategies.[19] I-13

Also, the Draft EIR does not demonstrate the Project's consistency with the polices of the 2020-2025 RTP/SCS. The Project conflicts with many "SCAG goals" including those aimed at reducing GHGs and improving air quality as well as those aimed at decreasing VMT. [20] [21] I-14

The Draft EIR likewise ignores feasible measures from the California Air Pollution Control Officers Association's Handbook for *Analyzing Greenhouse Gas Emission Reductions, et al.*[22], including, I-15

[15] https://www.usgbc.org/leed
[16] https://ww2.arb.ca.gov/ghg-inventory-data
[17] https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf
[18] https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp-es.pdf
[19] https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf
[20] https://scag.ca.gov/sites/main/files/file-attachments/23-2987-connect-socal-2024-final-ch-03-our-plan-040424.pdf?1712261395
[21] https://www.icpds.com/assets/SCAG_2020-1642792556.pdf
[22] https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf

- T-1 "Increase Residential Density". The EIR could evaluate an alternative that provides Project residential units to provide a balance between employment opportunities and residential uses. This is a "smart growth" concept.[23]
- T-7 "Provide Ridesharing Program" including providing an app or website for coordinating rides among employees.
- T-8 "Implement Subsidized or Discounted Transit Program" where the employer provides subsidies for employees to use public transit.
- T-9 "End-of-Trip Bicycle Facilities" that includes bike parking, showers, and personal lockers.
- T-10 "Provide Employer-Sponsored Vanpool" that provides groups of 5 to 15 employees with a cost-effective and convenient rideshare option for commuting.
- T-13 "Provide Electric Vehicle Charging Infrastructure" that provides EV charging stations *beyond* what is required by CalGreen/Title 24.
- T-17 "Provide Pedestrian Network Improvement" that increases sidewalk coverage.
- T-18-A "Construct or Improve Bike Facility" that constructs or improves a single bicycle facility that connects to a larger bicycle network.
- T-19 "Expand Bikeway Network" that would increase the length of the City's bikeway network.
- T-24 "Expand Transit Network Coverage" to expand the local transit network by adding or modifying existing transit service.

I-15 (CONT.)

Land Use

The Draft EIR ignores relevant policies of the City's 2006 General Plan as well as the 20240 General Plan Update including the Environmental Justice Element;[24] the Noise Element[25]; and Land Use Element[26]. The City has issued a Notice of Preparation for a revised EIR for the General Plan 2040. The City should consider the policies of the pending 2040 General Plan insofar as the pending policies are relevant to the Project. In addition, the EIR must consider measures consistent with the 2040 General Plan's Climate Action Plan which is also pending before the City. [27]

I-16

[23] https://www.epa.gov/smartgrowth/about-smart-growth
[24] https://moval.gov/city_hall/general-plan2040/08-EnvironmentalJustice.pdf
[25] https://moval.gov/city_hall/general-plan2040/07-Noise.pdf
[26] https://moval.gov/city_hall/general-plan2040/02-LandUse.pdf
[27] https://moval.gov/city_hall/general-plan2040/MV-CAP.pdf

Noise

The EIR's noise analysis does not describe or evaluate the roughly 50,000 square feet of cold storage uses that are described as part of the Project. The analysis (Section 7.2.3) describes the operation of "roof top air conditioning units" for a traditional warehouse operation. Cold storage utilizes cooling systems (condensers and compressors) to continuously maintain refrigerated temperatures.[28] The noise analysis must be revised to include all of the equipment that is anticipated during Project operations. I-17

Furthermore, the EIR's noise analysis indicates significant noise impacts contrary to the EIR's conclusions in at least the following respects.

The reference "average" noise level at 50 feet for truck movements is 59.8 dbA. Truck movements produce a "sound power level" (an isolated sound) of 93.2 dBA. Receptor 3 (a single-family home) is located within 20 feet of the Project site to the south. It follows that truck movements will cause noise levels at this receptor (closer than 50 feet) at levels greater than at least the nighttime residential noise standard of 55 dBA. Furthermore, Draft EIR Table 7-3 indicates a significant noise impact where noise levels will exceed nighttime residential noise ordinance standard of 55 dBA. I-18

The EIR's conclusion of less than significant operational noise impacts is apparently based on the construction of a screenwall (section 7.5) that will reduce noise levels by some amount. However, CEQA mandates that the EIR disclose the level of noise impact *prior to* the implementation of mitigation measures. And, if the impact is significant prior to mitigation, the impact must be described as "significant with mitigation." Also, if the screenwall is necessary to reduce project impacts to less than significant levels, the screenwall must be adopted through the CEQA mitigation program. Furthermore, the referenced figure (Exhibit 7-A) indicates that the screenwall will not be constructed the entire length of the Project boundary. Notably the wall is not proposed between the site and the residence to the immediate south within 20 feet of the Project site. Therefore, the effectiveness of this "mitigation measure" is dubious. I-19

The EIR's noise analysis also indicates that the Project results in a significant construction noise impacts where construction noise will exceed allowable noise levels. For instance, construction noise at Receiver Locations R1 and R2 exceed the purportedly applicable noise standard of 65 dBA. The noise analysis states that the applicable noise threshold is "80 dBA", however, the source of this so-called "reasonable" noise threshold is unknown. Construction noise levels will exceed both daytime and nighttime noise standards. The impact must be determined to be significant and mitigation imposed. I-20

[28] https://www.inboundlogistics.com/articles/cold-storage-warehouse/#:~:text=Cold%20storage%20warehouses%20require%20a,spoilage%20and%20substantial%20financial%20losses.

Project Alternatives

The Draft EIR's alternatives analysis evaluates two "no project" alternatives to the proposed project: a no-project alternative that would leave the site in its existing state, and a no-project alternative that assumes development of the site under existing zoning designations. This does not represent a "reasonable range" of project alternatives. The first no-project alternative does not meet any of the "basic" project objectives in that it involves no development whatsoever. The second no-project alternative – four, 50,000 square foot buildings - results in greater environmental impacts according to the EIR. The Draft EIR should evaluate a smaller development proposal that meets basic project objectives and does not increase impacts, such as a single 50,000 square foot building. The Draft EIR must be revised to include analysis of reasonable alternatives to the proposed Project that gives decisionmakers a meaningful choice between the Project and an environmentally superior alternative. I-21

Conclusion

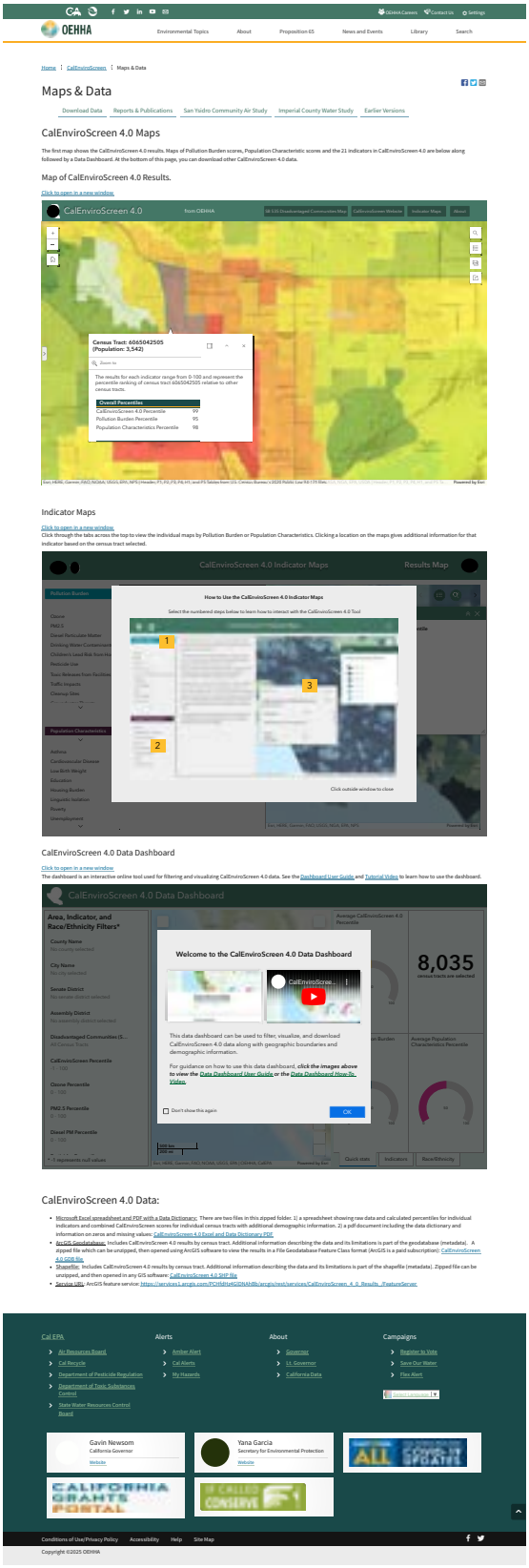
Thank you for your consideration of these comments and for including my office on the noticing list for future CEQA and public hearing notices related to the Project. I-22

Sincerely,

Abigail Smith

Abigail Smith

Enclosures


OEHHA
Maps & Data
CalEnviroScreen 4.0 Maps
Map of CalEnviroScreen 4.0 Results.
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CalEnviroScreen 4.0
Census Tract: 6065042505
(Population: 3,542)
Indicator Maps
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CalEnviroScreen 4.0 Indicator Maps
Results Map
How to Use the CalEnviroScreen 4.0 Indicator Maps
CalEnviroScreen 4.0 Data Dashboard
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Welcome to the CalEnviroScreen 4.0 Data Dashboard
8,035
CalEnviroScreen 4.0 Data:
Cal EPA
Alerts
About
Campaigns
Gavin Newsom
California Governor
Yana Garcia
Secretary for Environmental Protection

Warehouse CITY

Dashboard | Readme

Warehouse Selection Filters

Select by Jurisdiction or Legislative District

Jurisdiction | District

Jurisdictions - Select up to 8

Moreno Valley

Select warehouses built by

2025

Display parcels with unknown year built

Circle (radius in km)

1 3 5 7 9 11 13 15 17 19 20

Reset circle

Advanced User Input Options

Download selected warehouse polygons - geojson

Version and Deployment info

Warehouse CITY v1.21a, last updated October 18, 2024

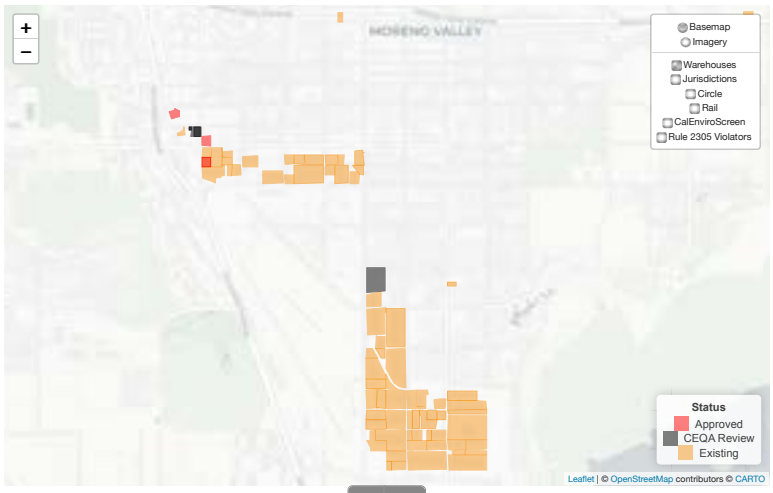
Citation

Journal Article Warehouse CITY - open data product

CSV | Excel

Category	Warehouse count	Acreage	Warehouse Floor space (Sq.Ft.)	Daily Truck trips	Daily Diesel PM (pounds)	Daily NOx (pounds)	Daily CO2 (metric tons)	Jobs
Approved	4	2,673	64,000,000	43,000	59.5	6,699	1808.5	21,384
CEQA Review	6	142	3,400,000	2,000	2.8	312	84.1	1,136
Existing	76	1,524	36,537,500	24,000	33.2	3,739	1009.4	12,192
Vacant	6	124	2,962,500					

This interactive map shows the logistics industry footprint in Los Angeles, Orange, Riverside, and San Bernardino Counties. Zoom in and/or click an area to see specific community impacts. Summary statistics are estimates based on best available information. Please see Readme tab for more information on methods and data sources.



CSV | Excel

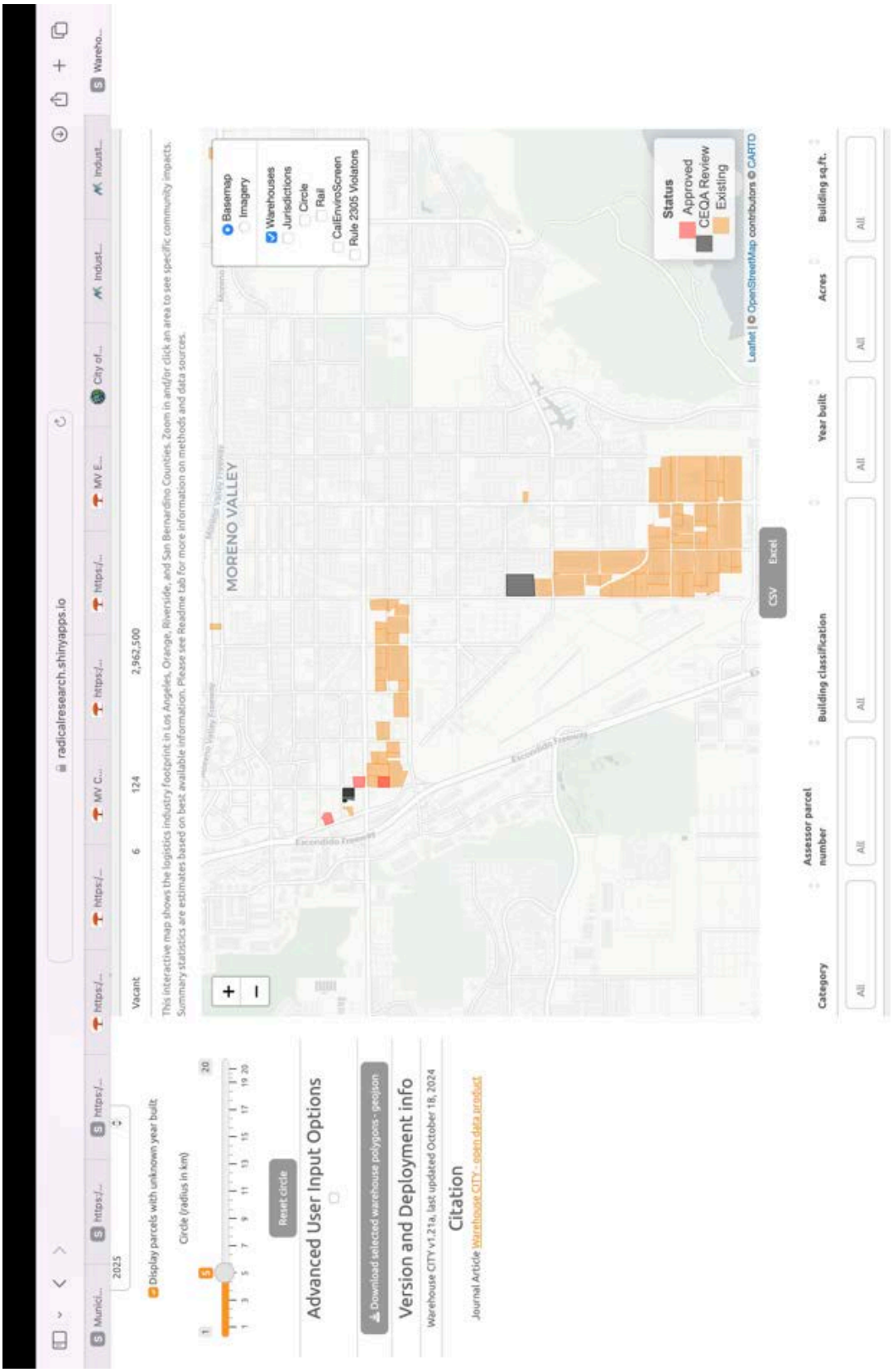
Category	Assessor parcel number	Building classification	Year built	Acres	Building sq.ft.
All	All	All	All	All	All
Approved	World Logistics Center	https://ceqanet.opr.ca.gov/Project/2012021045	2025	2650	63479000
Existing	312250043	warehouse/dry storage	2004	91	2178000
Existing	488350052	warehouse/dry storage	2011	82	1975000
Existing	316020046	light industrial	2014	72	1726000
Existing	316211028	warehouse/dry storage	2018	71	1707000
Existing	316100060	warehouse/mega	2019	63	1504000
Existing	312250046	warehouse/dry storage	2005	57	1375000
CEQA Review	merwin property project	https://ceqanet.opr.ca.gov/2024020198	2025	53	1260000
Existing	297170087	light industrial	2007	51	1233000
Existing	316211002	warehouse/mega	2018	49	1178000

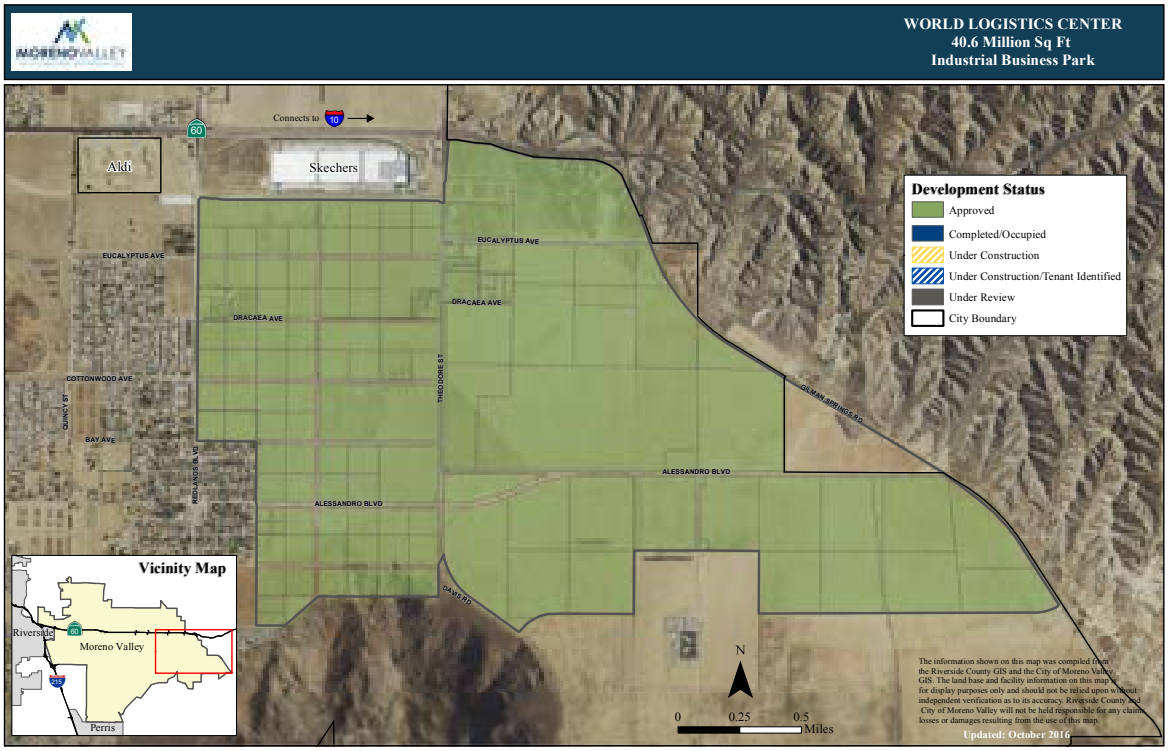
Warehouse list by parcel number, square footage, and year built

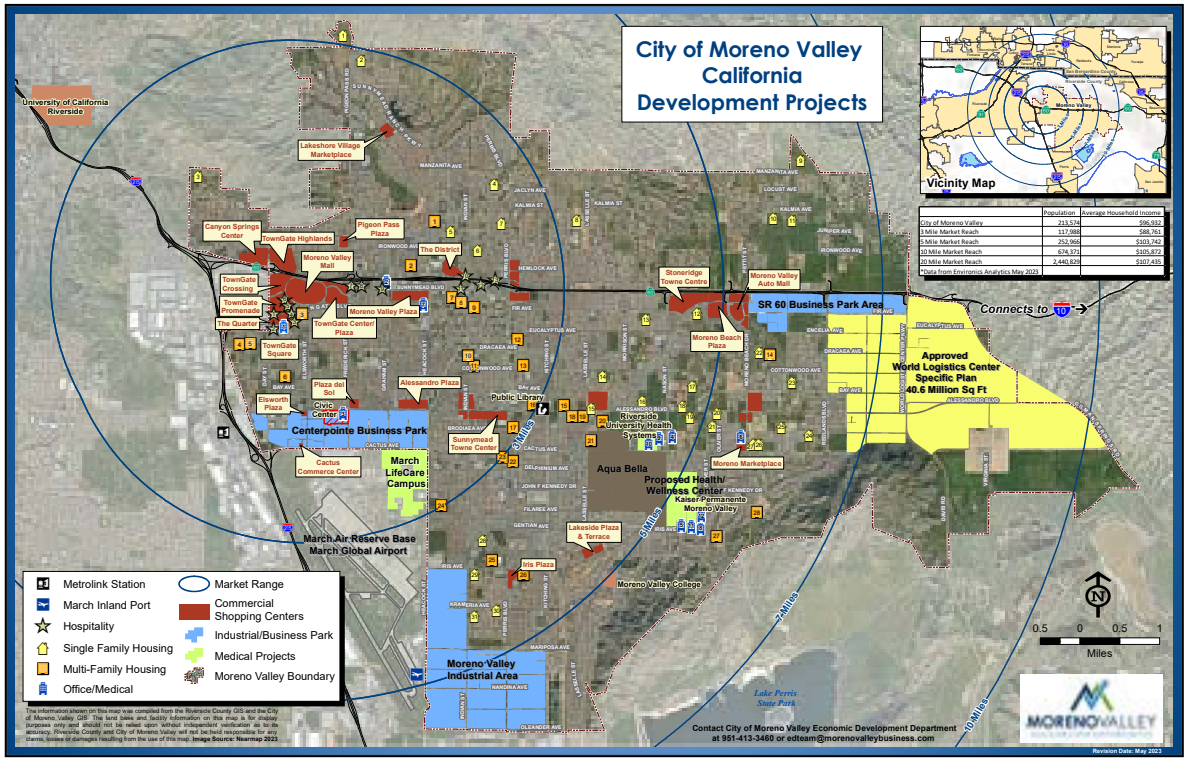
Previous 1 2 3 4 5 ... 10 Next

ID Number	Name	Developer	Size	Status
1	Moreno Valley Industrial Park	Rados	883,250 sq ft in 2 buildings	Under Review
2	Moreno Valley Industrial Park	Rados	207,684 sq ft in 6 buildings	Approved
3	Hoth	Duke Realty	400,935 sq ft	Occupied
4	Floor & Decor	Western Realco	1.1 million sq ft	Occupied
5	Hancock and Kramerin	Parrist Development Partners	91,012 sq ft	Under Review
6	Medline	Western Realco	277,243 sq ft	Occupied
7	Procter & Gamble	Panattoni	1.5 million sq ft	Occupied
8	March Business Center	CRG Companies	164,920 sq ft	Under Construction
9	Wayfair			Occupied
10	Lowe's Home Improvement Distribution Center	Akre Properties	756,340 sq ft	Occupied
11	Cardinal Glass Manufacturing & Distribution	Cardinal Glass	72,884 sq ft - Expanded to 122,439 sq ft	Occupied
12	Cardinal Commercial Trailer			Under Review
13	Keece Home	Prologis	1,331,763 sq ft	Occupied
14	Amazon	Trammell Crow	1,250,000 sq ft	Occupied
15	O'Reilly Automotive Distribution Center	Akre Properties	407,600 sq ft	Occupied
16	Minka Lighting	Akre Properties	354,810 sq ft	Occupied
17	ResMed	Duke Realty	242,804 sq ft	Occupied
18	Karma Automotive	First Industrial	555,670 sq ft	Occupied
19	Moreno Valley Utility Substation	Moreno Valley Utility		Public
20	Ross Dress for Less/DMSI	Akre Properties	1,109,378 sq ft	Occupied
21	Ross Dress for Less/DMSI	IDI	739,903 sq ft	Occupied
22	Amazon	IDI	769,320 sq ft	Occupied
23	Modular Metal Fabricators	Modular Metal Fabricators	295,000 sq ft	Occupied
24	Harbor Freight Tools	First Industrial	691,960 sq ft	Occupied
25	Wheway Transportation	First Industrial	187,000 sq ft	Occupied
26	Walgreens Distribution Center	Carter Burgess	685,451 sq ft	Occupied
27	Lowe's Home Improvement Distribution Center	First Industrial	1,388,230 sq ft	Occupied
28	Phelan Development	Phelan Development	96,770 sq ft	Completed/Space Available
29	United Material Handling	First Industrial	221,859 sq ft	Under Construction
30	Waste Management	Waste Management		Occupied
31	LDC Industrial	LDC Industrial	95,875 sq ft	Under Construction
32	Legrand North America	Duke Realty	340,178 sq ft	Occupied
33	Waste Management	Waste Management		Occupied
34	Harman Kardon / Fisher & Paykel	IDI	426,700 sq ft	Occupied
35	Masonite Door Fabrication	Masonite	226,246 sq ft	Occupied
36	Philips Electronics Distribution Center	IDI	402,450 sq ft	Occupied
37	Tookes	Duke Realty	436,350 sq ft	Occupied
38	Karma Automotive	Vogel Properties/First Industrial	380,648 sq ft	Occupied
39	Deckers Outdoor	Sares-Regis	1,540,000 sq ft	Occupied
40	Ross Dress for Less	IDI	1,600,000 sq ft	Occupied
41	Home Depot (Commercial)	Patton Development		Occupied
42	Iris Plaza (Commercial)	Panorama Development		Completed/Space Available
43	Red Maple Plaza			Completed/Space Available

CENTERPOINTE
INDUSTRIAL AREA
Active Development Projects
MORENOVALLEY
March JPA Project "Meridian"
4,550,000 sq ft
Under Construction
March Air Reserve Base/
March GlobalPort
March Lifecare Medical Office
2,750,000 sq ft
Development Status
Approved
Occupied
Completed/Space Available
Under Construction
Under Review
City Boundary
Vicinity Map
Riverside
Moreno Valley
N


radicalresearch.shinyapps.io
Vacant
6
124
2,962,500
This interactive map shows the logistics industry footprint in Los Angeles, Orange, Riverside, and San Bernardino Counties. Zoom in and/or click an area to see specific community impacts. Summary statistics are estimates based on best available information. Please see Readme tab for more information on methods and data sources.
MORENO VALLEY
Basemap
Imagery
Warehouses
Jurisdictions
Circle
Rail
CalEnviroScreen
Rule 2305 Violators
Status
Approved
CEQA Review
Existing
Leaflet | © OpenStreetMap contributors © CARTO
CSV
Excel
Category
Assessor parcel number
Building classification
Year built
Acres
Building sq.ft.
2025
Display parcels with unknown year built
Circle (radius in km)
Reset circle
Advanced User Input Options
Download selected warehouse polygons - geojson
Version and Deployment info
Warehouse CITY v1.21a, last updated October 18, 2024
Citation
Journal Article Warehouse CITY - open data product


WORLD LOGISTICS CENTER
40.6 Million Sq Ft
Industrial Business Park
Connects to
Aldi
Skechers
EUCALYPTUS AVE
DRACAEA AVE
COTTONWOOD AVE
BAY AVE
QUINCY ST
REDLANDS BLVD
THEODORE ST
ALESSANDRO BLVD
OLIVER P. ROLAND BLVD
DAY ST
Development Status
Approved
Completed/Occupied
Under Construction
Under Construction/Tenant Identified
Under Review
City Boundary
Vicinity Map
Riverside
Moreno Valley
Perris
N
0
0.25
0.5
Miles
The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.
Updated: October 2016


City of Moreno Valley
California
Development Projects
Vicinity Map
Population
Average Household Income
City of Moreno Valley 213,574 $96,932
3 Mile Market Reach 117,988 $88,763
5 Mile Market Reach 252,966 $103,742
10 Mile Market Reach 674,371 $105,877
20 Mile Market Reach 2,440,829 $107,438
*Data From Environics Analytics May 2023
SR 60 Business Park Area
Connects to
Approved
World Logistics Center
Specific Plan
40.6 Million Sq Ft
Centerpointe Business Park
March
LifeCare
Campus
March Air Reserve Base
March Global Airport
Moreno Valley
Industrial Area
Aqua Bella
Proposed Health/
Wellness Center
Kaiser-Permanente
Moreno Valley
Riverside
University Health
Systems
Moreno Valley College
Public Library
Civic
Center
Lake Perris
State Park
Metrolink Station
March Inland Port
Hospitality
Single Family Housing
Multi-Family Housing
Office/Medical
Market Range
Commercial
Shopping Centers
Industrial/Business Park
Medical Projects
Moreno Valley Boundary
Miles
Contact City of Moreno Valley Economic Development Department
at 951-413-3460 or edteam@morenovalleybusiness.com
MORENO VALLEY

Responses to Comment Letter I:
Law Office of Abigail Smith on behalf of Sierra Club-San Gorgonio Chapter

I-1 The commenter identifies that the comments on the DEIR are being provided on behalf of the Sierra Club-San Gorgonio Chapter and summarizes information disclosed in the DEIR, including information related to the project description and local environmental setting. The commenter also makes a general assertion that the analysis within the DEIR requires revision and that additional mitigation measures are needed for the Project. No specific comments related to the DEIR or the Project's environmental analysis are made and no further response is necessary.

I-2 The commenter recommends that the City avoid locating warehouse land uses within 1,000 feet of residential uses to minimize adverse health conditions from air pollution and notes the Project Site is located less than 1,000 feet from existing residential land uses. The DEIR quantified the Project's localized air pollutant emissions and associated health risks and concluded that the Project would not result in substantial health risks to any sensitive receptors, including sensitive receptors within 1,000 feet of the Project Site (see DEIR pp. 4.2-31 to 4.2-35). The DEIR's findings were reaffirmed by updated health risk calculations prepared as part of this FEIR (see Technical Appendix Q).

I-3 The commenter requests that the City consider the relevant provisions of Assembly Bill 98 (2024) during the design and implementation of the proposed Project to minimize adverse impacts to nearby sensitive receptors. The Project commenced the local entitlement process prior to September 30, 2024, and is not subject to Assembly Bill 98. Notwithstanding, the DEIR evaluated the Project's potential effects on sensitive receptors adjacent to the Project Site and concluded that no significant impacts would occur with the application of recommended mitigation measures, mandatory compliance with regulatory requirements and local development (zoning) standards, and Project design features. The DEIR's findings were reaffirmed by the updated health risk calculations and noise analysis prepared as part of this FEIR (see Technical Appendices Q and R, respectively).

I-4 The commenter requests that 14-foot-tall screen walls be provided along the entirety of the Project Site's western and southern boundaries to minimize impacts to residential land uses adjacent to the Project Site. The commenter does not provide evidence to support their assertion that 14-foot-tall screen walls are needed along the entire length of the Project Site's western and southern boundaries to avoid or mitigate a significant impact that was not disclosed in the DEIR. As disclosed in the DEIR, the Project's proposed wall plan would be sufficient to avoid noise impacts to sensitive receptors that abut the Project Site (see DEIR pp. 4.11-17 and 4.11-18). The Project's wall plan has been modified since public review of the DEIR to reflect the changes to the Project's design, see Figure F-7. The walls and fences proposed by the Project adequately screen abutting residential land uses from truck movements on the Project Site and sufficiently protect adjacent residential land uses from excessive noise levels, as supported by the revised noise analysis that was prepared as part of this FEIR (see Technical Appendix R).

I-5 The commenter claims the DEIR fails to disclose energy, GHG emissions, and noise impacts related to the potential use of the Project for cold storage. The assertion by the commenter is incorrect, the

environmental analysis included in the DEIR fully accounts for potential environmental effects from cold storage. The DEIR Project Description discloses the potential for up to 25-percent of the proposed building to contain cold storage warehouse space (see DEIR p. 3-8). The air quality, energy, and GHG emissions analyses describe the methodology, model inputs, etc. for the cold storage analysis and the noise modeling relies on reference noise levels collected from facilities that include cold storage (see DEIR Technical Appendices B, F, I, and M). The commenter does not provide any evidence that disproves or invalidates the analysis provided in the DEIR, nor does the commenter provide any evidence the Project would result in a significant environmental impact from cold storage use that was not disclosed in the DEIR. No further response is necessary.

I-6 The commenter asserts that the City must require all assumptions that were used in the Project's air quality analysis to be assigned as conditions of approval and/or mitigations measures. The commenter does not provide any evidence that demonstrates the Project would result in a significant air quality effect without the inclusion of mitigation measures or additional conditions of approval. The DEIR determined the Project would result in less than significant impacts to air quality (see DEIR, p. 4.2-37). EIRs are not required to discuss mitigation measures for less than significant environmental impacts; a discussion of mitigation measures is required for significant environmental effects only (see CEQA Guidelines Section 15126.4(a)(3). Further, CEQA acknowledges that forecasts (assumptions) are a necessary aspect of environmental analysis and allows the use of forecasts in the preparation of an EIR (see CEQA Guidelines Section 15144). Further, the principle that EIRS can and should make reasonable forecasts is well established in CEQA case law (see *San Francisco Ecology Ctr. v City & County of San Francisco* (1975) 48 CA3d 584, 595). There is no provision in CEQA that requires lead agencies to ensure every aspect of a development project's construction and operation match the forecasts that were used in the project's CEQA analysis. Because the commenter does not provide any evidence to support their assertion regarding the Project's purported need for mitigation and because CEQA does not require forecasts used in the environmental analysis to be regulated as mitigation measures or conditions of approval, no action is required of the City. Notwithstanding the foregoing, the Project Applicant has requested that the following conditions of approval be added to address local air quality concerns, albeit the following conditions of approval are not considered to be required mitigation measures under the CEQA analysis of the Project: 1) the Project shall not include more than the 48,690 s.f. of cold storage warehouse space evaluated in the DEIR; and 2) No diesel-powered terminal tractors (also known as yard tractors or yard goats) shall be used during the Project's operation.

I-7 The commenter asserts that the DEIR must evaluate the Project's cumulative impacts related to air quality in combination with other industrial projects in proximity to the Project Site. The Project's direct and cumulative air quality impacts were evaluated against significance thresholds adopted by the SCAQMD (see DEIR at pp. 4.2-21 to 4.2-23). As the agency charged with air pollution control for the South Coast Air Basin, the SCAQMD is an expert of local air quality and has adopted CEQA significance thresholds that are health protective and intended to improve local air quality. Based on their understanding of local air quality and the levels at which air pollution can have a substantive effect on air quality conditions in the SCAB, the SCAQMD has determined that specific quantitative thresholds established for each air pollutant are sufficient to determine whether a development project

would have a significant adverse effect on a direct or cumulative level. Phrased a different way, if the quantitative thresholds are not exceeded, then the SCAQMD considers the air pollution levels to be low enough that a development project would not influence air quality in the SCAB on either a direct or cumulative level (see DEIR p. 4.2-21). As noted in the Project's air quality impact analysis, "[t]he single threshold of significance used to assess project direct and cumulative impacts has in fact 'worked' as evidenced by the track record of the air quality in the SCAB dramatically improving over the course of the past decades. As stated by the SCAQMD, the District's thresholds of significance are based on factual and scientific data and are therefore appropriate thresholds of significance to use for this Project" (see DEIR Appendix B at p. 31). The DEIR and the Project's air quality analysis and mobile source health risk analysis reports clearly demonstrate that the Project would not result in air pollutant emissions that exceed the quantitative thresholds established by the SCAQMD for carcinogenic and non-carcinogenic and, therefore, potential direct and cumulative impacts would be less than significant (see DEIR at pp. 4.2-30 to 4.2-37 and DEIR Technical Appendices B and C). The conclusion in the DEIR is supported by substantial evidence and no further response, or revisions to the EIR, are necessary.

I-8 The commenter provides a list of warehouse projects that have been approved or are in the process of approval by the City of Moreno Valley and asserts the projects should be considered in the Project's cumulative impact analysis. The list of cumulative projects cited by the commenter include projects located up to eight (8) miles away from the Project Site and approved up to 16 years ago. When considering cumulative projects for analysis in the EIR, the City selected projects that had similar environmental setting, had the potential to contribute traffic to the same roadway facilities, had the potential to affect the same sensitive receptors located near the Project Site, were known at the time the NOP for the Project's DEIR was advertised (which established the Project's environmental baseline pursuant to CEQA Guidelines Section 15125(a), and were not already operational or accounted for in local and regional impact models (to avoid double-counting potential cumulative effects). The commenter does not provide any evidence that any of the identified projects have the potential to combine with the Project to result in substantial, adverse effects on the environment due to their physical location, physical effects, construction characteristics, or operational characteristics. (*South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 336 [bare assertions, unsupported by supporting evidence, that relevant projects were improperly excluded are insufficient to establish that the project list adopted by lead agency is defective or misleading].) Due to the lack of evidence provided by the commenter, no further response is necessary.

I-9 The commenter disagrees with the significance threshold that was used to evaluate cumulative air quality impacts in the DEIR. The commenter neither offers an alternative significance threshold for the cumulative air quality analysis that is supported by substantial evidence, nor does the commenter provide evidence that the Project would result in cumulatively considerable air quality impacts that were not disclosed in the DEIR. Refer to Response I-7, which summarizes the substantial evidence that supports the analysis methodologies and significance thresholds used in the DEIR's evaluation of cumulative air quality impacts.

I-10 The commenter asserts that the DEIR's analysis of potential energy impacts is inadequate and that the Project should be required to implement mitigation to reduce its energy demand. The commenter cites CEQA Guidelines Appendix F in support of their assertion. CEQA Guidelines Appendix F does not establish a firm set of rules for the evaluation of potential energy impacts, rather Appendix F provides a general analysis framework, with multiple options, for conducting an energy impact analysis. Furthermore, the commenter's assertion that energy reduction measures must be incorporated into the Project to be consistent with Appendix F is not supported by the language of Appendix F. The commenter does not provide any evidence that demonstrates the Project would result in a wasteful, inefficient, or unnecessary consumption of energy. Additionally, the commenter discounts – or completely fails to account for – State and local regulatory requirements that would serve to reduce the Project's energy demand, including but not limited to compliance with the State's CalGreen and Energy codes and a local requirement for the Project to be designed and constructed to the equivalent of the LEED Silver standard (see Moreno Valley Municipal Code Section 9.05.040(B)(11)). The analysis of energy impacts included in the DEIR was technically correct and complied with CEQA's requirements. No revisions to the DEIR are necessary.

I-11 The commenter asserts the Project's energy analysis does not account for potential cold storage uses. The commenter is incorrect, the Project's energy analysis fully accounts for the energy demand from potential cold storage use. Refer to Sections 4.3 and 4.4 of the Project's Energy Analysis (DEIR Technical Appendix F), which quantify the specific energy demand associated with constructing and operating the cold storage component of the Project separately from the standard (non-cold storage) warehousing component of the Project. Further, the model inputs and outputs for the cold storage energy analysis are included as Appendices 4.3 and 4.5 of Technical Appendix F.

I-12 The commenter makes a general assertion that the DEIR does not demonstrate consistency with adopted GHG emissions reduction plans. Refer to Responses I-13 through I-15, which fully address this comment.

I-13 The commenter asserts that the DEIR does not analyze the Project's consistency with CARB's 2022 Scoping Plan which provides a pathway for the State to achieve net zero GHG emissions by 2045. The Project's GHG emissions analysis report provided an analysis of the Project's consistency with the 2022 CARB Scoping Plan and concluded the Project would not prevent the State from achieving its GHG emissions reductions goals (see DEIR Technical Appendix I p. 63). This information was inadvertently omitted from the DEIR. As part of preparation of the FEIR, Section 4.7, *Greenhouse Gas Emissions*, has been updated to address the 2022 Scoping Plan (see pp. 4.7-11 and 4.7-20). The information added to the EIR supplements the analysis provided in the DEIR and does not change any of the conclusions from the DEIR. No recirculation of the EIR is required.

I-14 The commenter claims that the Project does not demonstrate consistency with 2020 Connect SoCal plan (Southern California Association of Government's 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy). The commenter further claims that the Project conflicts with "many" of Connect SoCal's goals but does not specify what goals the Project is purported to conflict with or provide evidence to support the assertion. The Project's relationship to the 2020 Connect SoCal

plan was evaluated in the DEIR, which concluded the Project would not result in a significant environmental impact due to a conflict with the Connect SoCal (see DEIR pp. 4.10-8 and 4.12-5 to 4.12-6). Because the commenter neither provides evidence that disproves or invalidates the analysis provided in the DEIR, nor provide any evidence the Project would result in a significant environmental impact due to a conflict with Connect SoCal, no further response – or revision to the EIR – is necessary.

I-15 The commenter suggests that the City consider and apply 10 mitigation measures to reduce Project-related GHG emissions. The Project would be required to comply with City-approved design features, regulatory standards (both State and local), conditions of approval, and permit requirements that will serve to reduce GHG emissions, as noted throughout the DEIR. As disclosed in the DEIR, the Project would result in less-than-significant environmental effects from GHG emissions and, therefore, would not require mitigation (see DEIR p. 4.7-22). The commenter did not provide any comments that disprove the DEIR's finding of less than significant GHG impacts or demonstrate that GHG mitigation is required to satisfy CEQA requirements. Based on the foregoing response, none of the conditions required by CEQA to impose mitigation on the Project have been met and no revisions to the EIR are warranted.

I-16 The commenter asserts the DEIR ignores relevant policies of the City's 2006 General Plan. The commenter also asserts that the DEIR was deficient because it does not evaluate the Project's consistency with the City's 2040 General Plan and related Climate Action Plan (CAP). The commenter does not identify the policies that are purportedly missing from the DEIR analyses of potential conflicts with the 2006 General Plan. The commenter also fails to acknowledge that the City's 2006 General Plan was in effect at the time the DEIR was released for public review and remained in effect at the time this FEIR was prepared, and no information related to the 2040 General Plan or the CAP was publicly available at the time the DEIR was released for public review as the City's approvals of the documents had been invalidated by court order. The analysis provided in the DEIR complied with CEQA's requirements for information disclosure and was thorough and technically adequate; no revisions to the EIR are required.

I-17 The commenter claims that the DEIR does not evaluate the noise-related impacts of the proposed cold storage space. Response I-5 explains how the Project's noise analysis accounted for noise from cold storage sources and fully responds to this comment. No further response is necessary.

I-18 The commenter provides a qualitative analysis to support an assertion that Project-related truck traffic would expose Receiver Location R3 to significant noise impacts. The commenter also asserts the Project would produce noise that exceeds the City's nighttime noise standard, citing data that purportedly comes from the DEIR. Based on the results of the Project's quantitative noise modeling, which utilizes computer noise prediction software that accounts for representative sample noise levels, the Project's design, and the Project's environmental setting (e.g., topography, existing barriers), the Project would not expose Receiver Location R3 to significant noise levels (see DEIR, p. 4.11-17). The quantitative noise model used in the Project's analysis provides more detail and greater precision for predicting future noise levels than the commenter's qualitative analysis. Also, the table cited by the commenter (Table 7-3) to assert that the Project would expose receivers to noise levels that exceed 55

dBA during nighttime hours does not exist in the DEIR. The Project's Noise Analysis (DEIR Technical Appendix M) does include a Table 7-3, but this table does not show any receiver location exposed to nighttime noise levels in excess of 7-3. The noise analysis presented in the DEIR was technically accurate and the DEIR's conclusions were based on substantial evidence. No revisions to the DEIR are warranted.

I-19 The commenter asserts the solid screen wall proposed by the Project within its truck court should be classified as a mitigation measure and the DEIR should disclose noise levels without the wall. The wall referenced by the commenter is an element of the Project's design and is shown on the Project's design plans. As a standard condition of approval, the City would require the Project to be constructed in conformance with its approved entitlement plans, which would include construction of the wall. Because the wall is an element of the Project's design and there is no condition where the Project would be constructed without the wall, there is no need for the EIR to model noise levels under the hypothetical condition where no wall is present.

I-20 The commenter asserts that the DEIR should utilize a significance threshold of 65 dBA for construction noise impacts to sensitive receptors adjacent to the Project Site and that the DEIR's use of an 80 dBA construction noise threshold is unsupported. The commenter does not provide any evidence, technical or otherwise, to support the recommendation for a 65 dBA construction noise significance threshold at sensitive receptors locations adjacent to the Project Site. The 80 dBA construction noise threshold used in the DEIR is documented in the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* (see DEIR, pp. 4.11-16 and 4.11-17, DEIR Technical Appendix M, p. 17). The use of the 80 dBA construction noise threshold is more health protective for sensitive receptors adjacent to the Project Site than sole reliance on the City's noise ordinance because the City's noise ordinance only establishes a standard for noise levels at a distance of 200 feet from a subject property. The 80 dBA construction noise threshold used in the DEIR is based on substantial scientific evidence and its use in the Project's environmental impact analysis is reasonable.

I-21 The commenter asserts that the DEIR does not evaluate a reasonable range of alternatives. As discussed in DEIR Section 6.0, *Alternatives*, an appropriate range of alternatives to the Project was, in fact, considered. The City considered four potential alternatives to the Project, including possible alternatives that were initially considered and, for a variety of reasons, rejected. In determining an appropriate range of alternatives to be evaluated in this EIR, the City utilized criteria established by CEQA Guidelines Section 15126.6: 1) whether the alternative could accomplish the basic objectives of the Project, 2) whether the alternative would have resulted in a reduction of significant adverse environmental impacts, or 3) whether the alternative was considered infeasible to construct or operate. Because the DEIR already considered four potential alternatives to the Project and because the Project would not result in any significant and unavoidable environmental impacts – and, thus, making it impossible for any alternative to satisfy Criteria 2, above – the City was justified in not requiring additional alternatives to be evaluated. Therefore, contrary to the commenter's assertion, the DEIR adequately considered a range of alternatives and no revisions to the DEIR is required.

I-22 The commenter provides closing remarks. No specific comment or request for additional information is made; therefore, no further response is required.

COMMENT LETTER J

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December 23, 2024

Kim Zuppiger, Project Planner
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Re: Comment on Draft Environmental Impact Report, Bay & Day Commerce Center (PEN 23-0074, PEN 23-0075, PEN 23-0076, SCH No. 2023090050)

Dear Ms. Zuppiger:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Bay & Day Commerce Center (PEN 23-0074, PEN 23-0075, PEN 23-0076, SCH No. 2023090050), which proposes the construction of a 194,775 square foot industrial building located south of Bay Avenue, west of Day Street, and approximately 650 feet north of Alessandro Boulevard in the City of Moreno Valley, Riverside County, California ("Project").

SAFER is concerned that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Community Development Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project.

J-1

SAFER reserves the right to supplement these comments during the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist*., 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury
Lozeau Drury LLP

Responses to Comment Letter J: Lozeau Drury LLP

J-1 The commenter provides introductory remarks, summarizes the DEIR project description, and makes general statements asserting that the DEIR is inadequate and must be recirculated. No specific requests for additional information and no specific comments regarding the shortcomings of the DEIR are made; therefore, no further response is required.

F.4 ADDITIONS, CORRECTIONS, AND REVISIONS TO THE DEIR

Changes made to the text, tables, and/or exhibits of the DEIR in response to public comments are listed in Table F-2, *Errata Table of Additions, Corrections, and/or Revisions to the DEIR*. No corrections or additions made to the DEIR meet the definition of substantial new information requiring recirculation or additional environmental review as established under CEQA Guidelines Section 15088.5.

Table F-2 Errata Table of Additions, Corrections, and/or Revisions to the DEIR

Page(s)	Section(s)	Additions, Corrections, and/or Revisions to the DEIR
3-7	3.0, *Project Description*	The description of the Project's construction plan was supplemented to include information about the Project's off-road construction fleet that was already disclosed elsewhere in the DEIR.
4.7-11, 4.7-20	4.7, *Greenhouse Gas Emissions*	The analysis under the topic of "Greenhouse Gas Emissions" was supplemented to include information related to the California Air Resources Board (CARB) 2022 Scoping Plan that was already disclosed elsewhere in the DEIR.
4.8-13	4.8, *Hazards and Hazardous Materials*	The analysis under the topic of "Hazards and Hazardous Materials" was supplemented to provide additional evidence to support the DEIR's conclusion that the Project is consistent with the March Air Reserve Base/Inland Port Airport (MARB/IPA) Airport Land Use Compatibility Plan and that implementation of the Project would not result in an airport-related safety or noise hazard.
--	EIR Technical Appendix	A supplemental health risk assessment (Technical Appendix Q) and supplemental noise analysis (Technical Appendix R) were prepared to evaluate the potential for the changes to the Project design to expose sensitive receptors adjacent to the Project Site to substantial pollutant concentrations or excessive noise levels. The updated analyses specifically address potential impacts to existing sensitive receptors on APN 263-230-003, which was part of the Project at the time the DEIR was released for public review but has since been removed from the Project's proposal. The results of the supplemental analyses are summarized below. The supplemental health risk assessment determined that the revised Project would not expose any sensitive receptors to substantial pollutant concentrations, including receptors located on APN 263-230-003. The supplemental noise analysis determined that the revised Project would not expose any sensitive receptors to excessive noise levels, including receptors located on APN 263-230-003. The supplemental analysis determined that the revised Project had the potential to expose the existing structures on APN 263-230-003 to substantial

Table F-2 Errata Table of Additions, Corrections, and/or Revisions to the DEIR

Page(s)	Section(s)	Additions, Corrections, and/or Revisions to the DEIR
		effects from construction-related groundborne vibration but that feasible mitigation was available to reduce the effect to a less than significant level. The mitigation measure recommended by the supplemental noise analysis is provided below and will be incorporated into the Mitigation, Monitoring and Reporting Plan (MMRP) that is considered for approval by the Moreno Valley City Council. *Mitigation Measure N-1: Prior to the issuance of grading and building permits, the Project Applicant or its successor in interest shall ensure a note is provided on grading and building plans specifying that the use of large, loaded trucks, heavy mobile equipment greater than 80,000 pounds, jack hammers and vibratory rollers is prohibited within 20 feet of the Project Site boundary with APN 263-230-003. Project contractors shall be required to comply with the note for the duration of Project construction activities and maintain written records of such compliance that can be inspected by San Bernardino County upon request. This mitigation measure shall only be required if structures are present on APN 263-230-003 at the time Project construction commences.*

F.5 NO RECIRCULATION OF DEIR REQUIRED

CEQA Guidelines Section 15088.5 describes the conditions under which a DEIR that was circulated for public review is required to be re-circulated for additional public review and comment. CEQA Guidelines Section 15088.5 states that new information added to a DEIR is not significant unless the DEIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; and/or
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The changes made to the Project's description do not represent significant new information because the changes to the Project generally: 1) reduce the footprint of proposed development below the extent disclosed in the DEIR, thereby reducing the Project's area of physical impact to the environment; 2) reduce the scale of proposed construction activities, thereby reducing the duration of temporary, construction-related effects; and 3) reduce the intensity of proposed development, thereby reducing permanent, ongoing effects from the Project's operation (e.g., daily traffic volumes, emissions of criteria air pollutants, emissions of greenhouse gases). Furthermore, the supplemental technical analyses provided for the revised Project demonstrate that the Project would not result in a new significant and unmitigable impact; all Project impacts could be reduced to less than significant with the implementation of the mitigation measures outlined in this FEIR.

Based on the information presented in this FEIR, the City of Moreno Valley finds there were no public comments or changes to the DEIR that resulted in the identification of any new significant environmental effect or a substantial increase in the severity of an environmental effects that were disclosed in the DEIR. The minor revisions that have been made to the DEIR merely clarify, amplify, and/or supplement information that was already disclosed in the DEIR. Additionally, the DEIR was fundamentally and basically adequate, and all conclusions within the DEIR were supported by evidence provided within the DEIR or the administrative record for the proposed Project. Furthermore, public comment letters on the DEIR did not identify any alternatives to the proposed Project considerably different from those analyzed in the DEIR that would substantially lessen the significant environmental impacts of the proposed Project while still attaining the Project's basic objectives. Based on the foregoing, City of Moreno Valley determines that recirculation of the DEIR is not warranted according to the guidance set forth in Section 15088.5 of the CEQA Guidelines.

S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

The California Environmental Quality Act (CEQA) as codified in Public Resources Code Section 21000, *et seq.* requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

This Environmental Impact Report (EIR) (California State Clearinghouse (SCH) No. 2023090050), was prepared in accordance with CEQA Guidelines Article 9, Sections 15120-15132 to evaluate the potential environmental impacts associated with planning, constructing, and operating the proposed Bay & Day Commerce Center Project (hereinafter, the "Project" or "proposed Project"). This EIR does not recommend approval or denial of the proposed Project; rather, this EIR is a source of factual information regarding potential impacts to the physical environment that may result from the Project's implementation. The Draft EIR will be available for public review for a minimum period of 45 days. After consideration of public comment, the City of Moreno Valley (hereinafter "City") will consider certifying the Final EIR and adopting required findings.

The City of Moreno Valley, in its capacity as Lead Agency for the Project, determined that the Project has the *potential* to result in significant environmental effects and that an EIR shall be prepared. The following topics are evaluated in this EIR in detail:

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Energy
6. Geology & Soils
7. Greenhouse Gas Emissions
8. Hazards & Hazardous Materials
9. Hydrology & Water Quality
10. Land Use & Planning
11. Noise
12. Transportation
13. Tribal Cultural Resources

This EIR's scope was determined through the independent judgment of the City of Moreno Valley pursuant to CEQA Guidelines Section 15063, and in consideration of public comment received by the County in response to this EIR's Notice of Preparation (NOP). The NOP and written comments received by the City in response to the NOP, are attached to this EIR as *Technical Appendix A*. As determined by the City and in consideration of public comment on the NOP, the 13 environmental subject areas listed above have reasonable potential to be significantly affected by planning, constructing, and/or operating the proposed Project and the potential effects resulting from the Project are analyzed herein.

Refer to EIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. Subject areas for which the City concluded that impacts would be clearly less than significant and that do not warrant detailed analysis in this EIR are addressed in EIR Section 5.0, *Other CEQA Considerations*. For each of the aforementioned subject areas, this EIR describes: 1) the physical conditions that existed at the

approximate time this EIR's NOP was published (September 5, 2023); 2) discloses the type and magnitude of potential environmental impacts resulting from Project planning, construction, and operation; and 3) if warranted, recommends feasible mitigation measures that would reduce or avoid significant adverse environmental impacts that may result from the Project.

A summary of the Project's significant environmental impacts and the mitigation measures imposed by the City to lessen or avoid these impacts is included in this Executive Summary as Table S-1, *Mitigation Monitoring and Reporting Program*. The City applies mitigation measures that it determines 1) are feasible and practical for project applicants to implement, 2) are feasible and practical for the City to monitor and enforce, 3) are legal for the City to impose, 4) have an essential nexus to the Project's impacts, and 4) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to impose mitigation measures that are duplicative of mandatory regulatory requirements.

S.2 PROJECT OVERVIEW

S.2.1 LOCATION AND SETTING

The Project Site is in the City of Moreno Valley, which is located in western Riverside County, California. Moreno Valley is situated north of the City of Perris, northwest of the City of Hemet, west of the City of Beaumont, east of the City of Riverside, and east of the unincorporated communities of Mead Valley and Woodcrest. The Project Site is located immediately south of Bay Avenue, immediately west of Day Street, approximately 0.1-mile north of Alessandro Boulevard, and approximately 0.2-mile east of Old 215 Frontage Road. The Project Site is located approximately 1.5 miles south of State Route 60 (SR-60) and approximately 0.4-mile east of Interstate 215 (I-215).

S.2.2 PROJECT SUMMARY

For purposes of this EIR, the term "Project" refers to the discretionary actions required to implement the proposed Bay & Day Commerce Center Project, including planning, construction, and ongoing operation. The Project includes the construction and operation of a 194,775 square foot (s.f.) light industrial warehouse building and associated facilities including but not limited to a loading/unloading area with loading dock doors and trailer parking spaces, passenger vehicle parking, landscaping, and connections to existing utility infrastructure. The Project requires the City's approval of a Change of Zone, Tentative Parcel Map, and Plot Plan. Refer to EIR Section 3.0, *Project Description*, for a detailed description of the Project.

S.2.3 PROJECT OBJECTIVES

The Project seeks to develop the subject property in conformance with the land use designation applied by the City of Moreno Valley General Plan to increase employment opportunities within the area. The Project would achieve this goal through the following objectives.

A. To expand economic development in Moreno Valley by developing an underutilized property with an in-demand industrial use within an area that is planned for long-term industrial development.

B. Transition an underutilized site near the I-215 corridor into a professional, well-maintained, and attractive development containing a light industrial warehouse building with supporting office space and landscaping.

C. Provide a development that will enhance the City's economic well-being and employment opportunities for community residents and reduce the need for members of the local workforce to commute outside the area for employment, thereby improving the jobs-housing balance in the City and surrounding area.

D. To develop a project that has architectural and landscape design and operational characteristics that complement other existing and planned buildings in the City, meets contemporary industry standards, and can be economically competitive with similarly-sized warehouse buildings in the local area and region.

E. To develop a light industrial warehouse building in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways

F. To develop a property that has access to available infrastructure, including roads and utilities.

S.3 EIR PROCESS

Following preliminary review of the Project's application materials, the City of Moreno Valley concluded that the Project and its associated implementing actions have the *potential* to result in significant environmental effects; as such, the City proceeded with preparation of this EIR pursuant to CEQA Guidelines Section 15060(d). The City filed a NOP with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared. The NOP was distributed for a 30-day public review period, which began on September 5, 2023. The County received written comments on the scope of the EIR during those 30 days, which were considered by the County during the preparation of this EIR.

This EIR will be circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day review period. During the 45-day public review period, public notices announcing availability of the Draft EIR will be mailed to interested parties, and copies of the Draft EIR and its Technical Appendices will be available for review at the locations indicated in the public notices.

After the close of the 45-day Draft EIR public comment period, the City will prepare and publish responses to written comments it received on the environmental effects of the Project. The Final EIR will be considered for certification by the Moreno Valley City Council. Certification of the Final EIR would be accompanied by the adoption of written findings and a "Statement of Overriding Considerations" for any significant unavoidable environmental impacts identified in the Final EIR. In addition, pursuant to Public Resources Code Section 21081.6, because the Project will include mitigation measures, the City, must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure implementation of the mitigation measures identified in the Final EIR.

S.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123(b)(2) requires the Lead Agency (City of Moreno Valley) to identify any known issues of controversy in the Executive Summary. After consideration of all comments received in response to the NOP, the City has not identified any environmental issues of controversy associated with the Project. Notwithstanding, the Lead Agency has identified several issues of local concern including, but not limited to, potential impacts to air quality, biological resources, greenhouse gas emissions, noise, and transportation – and these issues are all addressed in this EIR. Considering the foregoing, this EIR addresses all environmental issues that are known by the County and that were identified in the comment letters that the County received in response to the NOP. Written comments received by the County in response to the NOP are summarized in Section 1.0 of this EIR (refer to Table 1-1, *Summary of NOP Comments*).

S.5 ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the Project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. As demonstrated in Section 4.0 of this EIR, implementation of the Project would not result in significant adverse environmental effects that cannot be mitigated to below a level of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures; thus, there is no need for the City to consider adoption of alternative development scenarios to the Project. Notwithstanding, the EIR does address the following alternatives:

S.5.1 NO DEVELOPMENT ALTERNATIVE

The No Development Alternative considers leaving the Project Site in its existing condition for the foreseeable future. no development on the Project Site beyond what occurs on the Site under existing conditions. Under existing conditions, the Project Site is entirely disturbed land that is vacant and undeveloped, except for approximately 2.3 acres in the north-central portion of the Site that contains seven detached single-family dwelling units and multiple outbuildings.

Implementation of the No Development Alternative would result in no physical environmental impacts to the Project Site beyond those that have historically occurred on the Project Site. All potentially significant effects of the Project would be avoided by the selection of this Alternative. Because the No Development Alternative would not re-develop the Project Site and would not promote local economic development, including through the creation of new jobs and the expansion of the local tax base, the No Development Alternative would fail to meet all the Project's objectives.

S.5.2 NO PROJECT ALTERNATIVE

The No Project Alternative considers development of the Project Site with uses that are in conformance with the Project Site's existing City of Moreno Valley General Plan and Zoning Map. The Project Site is currently zoned "Business Park (BP)" which provides for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. The Business Park zoning standards limit building sizes to 50,000 s.f. For the purposes of this

analysis, to be consistent with existing zoning, this alternative assumes development of the Project Site with four, 50,000 square-foot warehouse buildings, one building each located on the northwestern, northeastern, southwestern, and southeastern portions of the Project Site.

The No Project Alternative would incrementally increase the Project's less than significant impacts to air quality, greenhouse gas emission, and noise. The No Project Alternative would result in less than significant impacts, like the Project, under the topics of aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, and tribal cultural resources. The No Project Alternative would meet all the Project's objectives but would be less effective than the Project at achieving Objective A, as the City already contains numerous buildings of the size provided by this alternative (i.e., 50,000 square feet) that are fully developed and operational, under construction, or approved and, thus, are less in demand than the building size provided by the Project.

S.6 Summary of Impacts, Mitigation Measures, and Conclusions

Table S-1 provides a summary of the Project's environmental impacts, as required by CEQA Guidelines Section 15123(a). Also presented are the mitigation measures recommended by the Lead Agency to further avoid adverse environmental impacts or to reduce their level of significance. After the application of all feasible mitigation measures, the Project would not result in any significant and unavoidable environmental effects.

Table S-1 Mitigation Monitoring and Reporting Program

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
4.1 Aesthetics					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. Implementation of the Project would have minimal effect on the distant views of the Badlands, Mount Russell, and its foothills. Compliance with the Municipal Code would ensure the building would be compatible with surrounding land uses, and ensure that views are not blocked and scenic vistas are maintained. Impacts would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: No Impact. The Project Site is not located within the viewshed of a scenic highway and, therefore, the Project Site does not contain any scenic resources visible from a scenic highway.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold c: Less-than-Significant Impact. The Project Site is in an urbanized area and would not conflict with applicable regulations governing scenic quality. A less-than-significant impact would occur from implementation of the Project.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: Less-than-Significant Impact. Project-related development would not create substantial light or glare. Compliance with the City Municipal Code requirements for lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

Table S-1 Mitigation Monitoring and Reporting Program

Threshold	Mitigation Measures (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance After Mitigation
4.2 Air Quality					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. The Project would neither contribute to a delay in the attainment of federal and State air quality standards in the SCAB nor exceed local growth projections. Accordingly, the Project would not conflict with or obstruct implementation of the *2022 AQMP*.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold c: Implementation of the Project would not: 1) exceed applicable SCAQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not expose sensitive receptors to toxic air contaminants (i.e., DPM) that exceed the applicable SCAQMD carcinogenic and non-carcinogenic risk thresholds; and 3) would not cause or contribute to the formation of a CO "hot spot."	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: The Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.3 Biological Resources					
Summary of Impacts					
Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project Site contains suitable foraging and nesting habitat for the burrowing owl. In the event the burrowing owl is present on the Project Site at the time construction commences, implementation of the Project has the potential to take burrowing owl individuals.	**MM 4.3-1** Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Moreno Valley prior to the issuance of a grading permit and subject to the following provisions: a) In the event that the pre-construction survey identifies no burrowing owls on the property a grading permit may be issued without restriction. b) In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species	Project Biologist	City of Moreno Valley Planning Division and Land Development Division	Within 30 days prior to grading	Less-than-Significant Impact after Mitigation

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	has fledged the site or been relocated prior to the issuance of a grading permit. c) In the event that the pre-construction survey identifies the presence of three (3) or more mating pairs of burrowing owl, the requirements of MSCHP Species-Specific Conservation Objectives 5 for the burrowing owl shall be followed. Objective 5 states that if the site (including adjacent areas) supports three (3) or more pairs of burrowing owls and supports greater than 35 acres of suitable habitat, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite until it is demonstrated that Objectives 1-4 have been met. A grading permit shall be issued, either: i. Upon approval and implementation of a property-specific Determination of Biologically Superior Preservation (DBESP) report for the burrowing owl by the CDFW; or ii. A determination by the biologist that the site is part of an area supporting less than 35 acres of suitable Habitat, and upon passive or active relocation of the species following accepted CDFW protocols. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW				

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.				
Threshold b: No Impact. The Project Site have no wetland/riparian communities or potential jurisdictional areas located on the site.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold c: No Impact. The Project Site does not have wetland/riparian resources on or adjacent to the Project Site, the Project would not result in any adverse effect on state or federally protected wetlands.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold d: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and CFGC, should habitat removal occur during the nesting season and should nesting birds be present.	**MM 4.3-2** Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (February 1 through September 15), unless a migratory bird nesting survey is completed in accordance with the following requirements: a) A nesting bird survey shall be conducted on the Project Site and within suitable habitat located within a 250-foot radius of the Project Site by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance. b) A copy of the migratory nesting bird survey results report shall be provided to the City of Moreno Valley Planning Division. If the survey identifies the presence of active nests, then the qualified biologist shall provide the City of	Project Biologist	City of Moreno Valley Planning Division and Land Development Division	Within three (3) days prior to initiating vegetation clearing or ground disturbance	Less-than-Significant Impact after Mitigation

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	Moreno Valley Planning Division with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City of Moreno Valley Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City Planning Division verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.				
Threshold e: Less-than-Significant-Impact. The Project would not conflict with any local policies or ordinances protecting biological resources.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold f: Significant Direct and Cumulatively-Considerable Impact. The Project Site is subject to the Western Riverside County MSHCP and its survey requirements for the western burrowing owl. Although the Project is compliant with all MSHCP provisions and although burrowing owl is absent from the Project Site under existing conditions, the Project Site contains habitat suitable for the species. If the species migrates onto the Project Site and is present on the property at the time a grading permit is issued, impacts would be significant.	Refer to MM 4.3-1, above.				Less-than-Significant Impact after Mitigation

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.4 Cultural Resources					
Summary of Impacts					
Threshold a: No Impact. No historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project Site; therefore, no historic resources could be altered or destroyed by construction or operation of the Project.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold b: Significant Direct and Cumulatively-Considerable Impact. No known archaeological resources are present on the Project Site and the likelihood of uncovering buried prehistoric cultural resources on the Project Site is low due to the magnitude of historic ground disturbance on the Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Project-related construction activities.	**MM 4.4-1** Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Pechanga Band of Indians and Morongo Band of Mission Indians, the contractor, and the City, shall develop a CRMP as defined in MM 4.4-1. The Project archaeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division and Land Development Division	Prior to issuance of a grading permit	Less-than-Significant Impact after Mitigation
	MM 4.4-2 Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Indians and Morongo Band of Mission Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall	Project Developer; Project Construction Contractor, Project Archaeologist	City of Moreno Valley Planning Division and Land Development Division	Prior to issuance of a grading permit	

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance. **MM 4.4-3** The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include: a) Project description and location; b) Project grading and development scheduling; c) Roles and responsibilities of individuals on the Project; d) The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e) The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division and Land Development Division	Prior the issuance of a grading permit	

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	f) The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and g) Contact information of relevant individuals for the Project. **MM 4.4-4** In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries: a) One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to MM 4.4-3. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in Mitigation Measure MM 4.4-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division and Land Development y Division	In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries)	

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	Governments prior to certification of the environmental document.				
	MM 4.4-5 The City shall verify that the following note is included on the Grading Plan: "If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division and Land Development Division	Prior to the issuance of a grading permit	
	MM 4.4-6 If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division	In the event that cultural resources are discovered during the course of grading (inadvertent discoveries)	

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM 4.4-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.				
	MM 4.4-7 If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98).	Project Construction Contractor, County Coroner	City of Moreno Valley Planning Division and Land Development Division	If human remains are discovered	
	MM 4.4-8 It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific	Project Developer, County Coroner	City of Moreno Valley Planning Division and Land Development Division	If human remains are discovered	

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	exemption set forth in California Government Code 6254(r). **MM 4.4-9** Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division and Land Development Division	Prior to final inspection	
Threshold c: Less-Than-Significant Impact. In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.5 Energy					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Less-than-Significant Impact. The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.6 Geology and Soils					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project Site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Threshold b: Less-than-Significant Impact. Implementation of the Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities and adhere to a Storm Water Pollution Prevention Plan (SWPPP), and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Project's owner or operator would be required by law to implement a Water Quality Management Plan (WQMP) during operation, which would preclude substantial erosion impacts in the long-term.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold c: Less-than-Significant Impact. There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the site-specific geotechnical report during Project construction.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: Less-than-Significant Impact. Implementation of the Project would not create substantial risks to life or property. The site's surficial soils primarily consist of silty sand with a low expansion potential.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold e: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.	No mitigation is required.	N/A	N/A	N/A	No Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Threshold f: Significant Direct and Cumulatively-Considerable Impact. The Project would not impact any known paleontological resource or unique geological feature. However, the Project Site contains Pleistocene older alluvium soils with a high sensitivity for paleontological resources. Accordingly, construction activities on the Project Site have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.	**MM 4.6-1** Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a qualified paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.	Project Applicant; Project Paleontologist	City of Moreno Valley Planning Division and Land Development Division	Prior to the issuance of a grading permit	Less-than-Significant Impact after Mitigation
	MM 4.6-2 The paleontological monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, Pleistocene older alluvium soils at depths 10 or more feet below the existing ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontological monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by paleontological personnel to have a low potential to contain or yield fossil resources.	Project Applicant; Project Paleontologist	City of Moreno Valley Planning Division	During monitoring activities	
	MM 4.6-3 Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the Western Science Museum in Hemet, California, shall be	Project Applicant; Project Paleontologist	City of Moreno Valley Planning Division	If a significant paleontological resource is discovered on the Project Site	

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	required for discoveries of significance as determined by the paleontological monitor. **MM 4.6-4** A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Moreno Valley prior to final building inspection.	Project Applicant; Project Paleontologist	City of Moreno Valley Planning Division and Land Development Division	Prior to final building inspection	
4.7 Greenhouse Gas Emissions					
Summary of Impacts					
Threshold a: The Project would not exceed the significance threshold of 3,000 $MTCO_2e$ per year. As such, the Project would generate a less-than-significant volume of GHG emissions and would not have a significant impact on the environment.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: The Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.8 Hazards and Hazardous Materials					
Summary of Impacts					
Threshold a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Threshold c: Less-than-Significant Impact. The Project Site is not located within one-quarter mile of any existing or proposed school. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts to schools located more than one-quarter mile of the Project Site would be less-than-significant.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: No Impact. The Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold e: Less-than-Significant Impact. The Project is consistent with the restrictions and requirements of the MARB/IP ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold f: Less-than-Significant Impact. The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Threshold g: No Impact. The Project Site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.	No mitigation is required.	N/A	N/A	N/A	No Impact
4.9 Hydrology and Water Quality					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and WQMP is required as part of the Project's implementation to address construction- and operational-related water quality.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Less-than-Significant Impact. The Project would not physically impact any of the major groundwater recharge facilities. The Project would decrease groundwater supplies by introducing impervious surfaces. However, the reduction of groundwater recharge is not anticipated to have a significant effect to domestic water supplies. Further, water captured in the proposed Project's infiltration chambers and landscaped areas would have the opportunity to percolate to the ground.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold c: Less-than-Significant Impact. The Project Applicant would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute to	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
increased flooding risks due to insufficient capacity of existing or planned stormwater drainage systems or and would not provide substantial additional sources of polluted runoff.					
Threshold d: No Impact. The Project site would not be subject to inundation from tsunamis, seiches, or other hazards.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold e: Less-than-Significant Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.10 Land Use Planning					
Summary of Impacts					
Threshold a: No Impact. The Project would not physically divide an established community.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold b: Less-than-Significant-Impact. The Project is consistent with the existing General Plan land use designation. The Project would not result in significant land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.11 Noise					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. The Project would generate short-term construction and long-term operational noise but would not generate noise levels during construction and/or operation that exceed the standards established by the City of Moreno Valley General Plan or Municipal Code.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Threshold b: Less-than-Significant Impact. The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold c: Less-than-Significant Impact. The Project Site is located within an area exposed to moderate to low level of noise from the MARB/IP Airport. The industrial warehouse/logistics facilities land uses proposed by the Project are not sensitive to moderate airport noise. The Project would not expose people to excessive noise levels associated with a public airport or public use airport.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.12 Transportation					
Summary of Impacts					
Threshold a: Less-than-Significant Impact. The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system such that the Project would result in a significant impact on the environment.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold b: Less-than-Significant Impact. The Project would not result in a significant VMT impact.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold c: Less-than-Significant Impact. No significant transportation safety hazards would be introduced as a result of the proposed Project.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
Threshold d: Less-than-Significant Impact. Adequate emergency access would be provided to the Project site during construction and long-term operation. The Project would not result in inadequate emergency access to the site or surrounding properties.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

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THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.13 Tribal Cultural Resources					
Summary of Impacts					
Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project Site does not contain any recorded, significant tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried or masked at the Project Site.	MM 4.4-1 through 4.4-6 shall apply.	Refer to MM 4.4-1 through 4.4-9	Refer to MM 4.4-1 through 4.4-9	Refer to MM 4.4-1 through 4.4-9	Less-than-Significant Impact

1.0 INTRODUCTION

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Moreno Valley (hereinafter, "City"), acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and evaluates the physical environmental effects that could result from constructing and operating the proposed Bay & Day Commerce Center project (hereinafter, the "Project"). To implement the Project, the Project Applicant has requested that the City approve a Change of Zone (PEN23-0076), Tentative Parcel Map (PEN23-0075), and Plot Plan (PEN23-0074). This EIR also describes other related discretionary and administrative actions that are required to construct and operate the Project.

When the term "Project" is used in this EIR, it shall mean all aspects of the planning, construction, and operation of Bay & Day Commerce Center, including all discretionary and administrative approvals and permits required for the Project. When the terms "Project Applicant" or "Applicant" are used, the terms shall mean Bay & Day, LLC, which is the entity that submitted applications for the proposed Project evaluated in this EIR, or its successor in interest.

1.1 PURPOSES OF CEQA AND THIS EIR

As stated by CEQA Guidelines Section 15002(a), the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed development activities involving discretionary government approvals (including the approval of private development projects);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why the governmental agency approved the project in the manner the agency chose (if the project involves significant environmental effects).

Following a preliminary review of the Project's application materials, the City concluded that the Project and its associated implementing actions clearly have the *potential* to result in significant environmental effects; as such, the City proceeded with preparation of this EIR pursuant to CEQA Guidelines Section 15060(d). The City determined that a Project EIR, as described in CEQA Guidelines Section 15161, would be required. Pursuant to CEQA Guidelines Section 15161, this Project EIR shall "…focus primarily on the changes in the environment that would result from the development project," and "…examine all phases of the project including planning, construction, and operation." Also, pursuant to CEQA Guidelines Section 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the

significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

1.2 List of Project Approvals

The Project Applicant has filed applications for the following discretionary actions, which are under consideration by the City:

- **Change of Zone (PEN23-0076)** proposes to amend the City of Moreno Valley Zoning Map to change the zoning designation for the Project Site from "Business Park District (BP)" to "Light Industrial District (LI)." The Project Site already is designated for "Business Park/Light Industrial" land uses by the City of Moreno Valley General Plan Land Use Map; thus, a General Plan Amendment is not needed to accommodate the proposed Change of Zone.
- **Tentative Parcel Map (PEN23-0075)** proposes to consolidate the four parcels comprising the Project Site (Assessor Parcel Numbers 263-230-001, -003, -004, and -025) into a single parcel. PEN23-0075 also includes the dedication of public right of way (ROW) to the City of Moreno Valley for the widening of Day Street and Bay Avenue along the Project Site frontage.
- **Plot Plan (PEN23-0074)** provides a development plan for a 194,775 square foot (s.f.) industrial building on the subject property. The Plot Plan includes a site plan, floor plan, architectural design and building elevations, cross-sections, wall elevations, conceptual grading plan, conceptual utilities plan, and a conceptual landscape plan, all of which provide the specific details related to development of the Project.

The Project components listed above are more fully described in EIR Section 3.0, *Project Description*.

1.3 Prior CEQA Review

The Project Site is located within the City of Moreno Valley and is covered by the City's General Plan, which provides the fundamental basis for the City's land use and development policies. The General Plan was the subject of review under CEQA (State Clearinghouse [SCH] Number 2000091075). The City approved the General Plan and certified its Final Program EIR on July 11, 2006. The Program EIR contains information relevant to the Project Site. Thus, the Program EIR for the General Plan is herein incorporated by reference pursuant to CEQA Guidelines Section 15150 and is available for public review at the City's website (https://moval.gov/city_hall/general-plan.html) and the City of Moreno Valley Community Development Department, 14177 Frederick Street, Moreno Valley, CA 92552.

1.4 LEGAL AUTHORITY

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 *et seq.*).

Pursuant to Public Resources Code Section 21067 and CEQA Guidelines Article 4 and Section 15367, the City of Moreno Valley is the Lead Agency under whose authority this EIR has been prepared. "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City has the obligation to: (1) ensure that this EIR has been completed in accordance with CEQA and the CEQA Guidelines; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City's independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are not feasible and citing the specific benefits of the Project that outweigh its unavoidable adverse effects (CEQA Guidelines Section 15090 through 15093).

Pursuant to CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City will have the legal authority under CEQA – and in conjunction with discretionary powers granted to the City by other laws –to do any of the following:

- Approve the Project;
- Require feasible changes in any or all activities involved in the Project to substantially lessen or avoid significant effects on the environment;
- Deny the Project to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed; or
- Approve the Project even though the Project could cause a significant effect on the environment if the County makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

This EIR fulfills the CEQA environmental review requirements for the proposed Change of Zone (PEN23-0076), Tentative Parcel Map (PEN23-0075), Plot Plan (PEN23-0074), and all other governmental discretionary and administrative actions related to the Project.

1.5 RESPONSIBLE AND TRUSTEE AGENCIES

Public Resources Code Section 21104 requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Sections 15082 and 15086(a)). As defined by CEQA Guidelines

Section 15381, "the term 'Responsible Agency' includes all public agencies other than the Lead Agency that have discretionary approval power over the project." A "Trustee Agency" is defined in CEQA Guidelines Section 15386 as "a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California."

- Santa Ana Regional Water Quality Control Board (RWQCB) is identified as a Trustee Agency for the Project because it is responsible for the protection of California's water resources and water quality. The Santa Ana RWQCB is responsible for issuance of a National Pollutant Discharge Elimination System (NPDES) Permit to ensure that during and after Project construction, on-site water flows do not result in siltation, other erosional actions, or degradation of surface or subsurface water quality. The Santa Ana RWQCB would also be responsible for issuing a permit allowing the disturbance of on-site non-wetland waters (roadside drainage ditches) to implement the Project.
- California Department of Fish and Wildlife (CDFW) is a Trustee Agency for the Project because it is responsible for the protection of the State's fish, wildlife, and plant resources, and the habitats upon which they depend.
- Riverside County Airport Land Use Commission (ALUC) is a Responsible Agency for the Project because it is responsible for implementing the Airport Land Use Compatibility Plan for the March Air Reserve Base that address land use compatibility issues for development surrounding the Base, including safety, noise, overflight and airspace protection

There are no other known Trustee Agencies or Responsible Agencies identified for the Project. Regardless, this EIR can be used by any Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the Project.

1.6 EIR Scope, Format, and Content

1.6.1 EIR Scope

The City filed a Notice of Preparation (NOP) with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to potential Responsible Agencies, Trustee Agencies, and other interested parties on September 5, 2023, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the City identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

In addition, a publicly-noticed EIR Scoping Meeting was held on September 20, 2023. The EIR Scoping Meeting provided public agencies, interested parties, and members of the public an additional opportunity to learn about the Project, the CEQA review process, and how to submit comments on the scope and range of environmental concerns to be addressed in this EIR.

The NOP, public review distribution list, and written comments received by the City of Moreno Valley during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP are summarized below in Table 1-1, *Summary of NOP Comments*. The purpose of Table 1-1 is to present a summary of the environmental topics that were identified by public agencies, interested parties, and members of the public to be of primary interest. Table 1-1 does not list every comment received by the City during the NOP review period. Regardless of whether an environmental or CEQA-related comment is listed in Table 1-1, all relevant comments received in response to the NOP are addressed in this EIR.

Table 1-1 Summary of NOP Comments

Environmental Topic	Comment	Location in EIR Where Comment is Addressed
Air Pollution	- Request that air pollution from all aspects of the Project, including construction and operation, be quantified and disclosed in the EIR. - Request that the health risk impacts related to the Project's construction and operation be quantified and disclosed in the EIR. - Request that the air quality analysis include an assessment of potential impacts in comparison to the South Coast Air Quality Management District's regional and localized thresholds. - Request that greenhouse gas emissions be quantified and disclosed in the EIR. - Request that feasible mitigation measures be incorporated into the EIR should the analysis find that any significant impacts related to air pollution would occur.	- Subsection 4.2, *Air Quality* - Subsection 4.7, *Greenhouse Gas Emissions*
Noise	- Request that expected noise levels at sensitive receptor locations from construction and operational activities be quantified and disclosed in the EIR, and that mitigation measures be identified if significant impacts would occur.	- Subsection 4.11, *Noise*
Transportation	- Request that the EIR provide a Vehicle Miles Traveled (VMT) analysis for the Project.	- Subsection 4.12, *Transportation*

Based on the environmental characteristics of the Project Site, its surroundings and the region, the type and scale of the proposed Project and its potential effects to the physical environment, and comments received by the City in response to the NOP, this EIR provides a detailed analysis of the Project's potential to cause adverse effects under the following 13 topic areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources

- Energy
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Noise
- Transportation
- Tribal Cultural Resources

The analysis related to the above topics is provided in EIR Section 4.0, *Environmental Analysis*. The City concluded that because the Project would clearly result in no impacts or less-than-significant impacts to the topics of agriculture and forestry resources, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire, a brief discussion of the potential effects to these topic areas are summarized in EIR Section 5.0, *Other CEQA Considerations.*

1.6.2 EIR Format and Content

This EIR contains all the information required to be included in an EIR as specified by CEQA (California Public Resources Code, Section 21000 *et. seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 5). In summary, the content and format of this EIR are as follows:

- **Section S.0, Executive Summary** provides an overview of the EIR and CEQA process and provides a brief Project Description, which includes references to its objectives, the location and regional setting of the Project Site and potential alternatives to the Project as required by CEQA. The Executive Summary also provides a summary of the Project's impacts, mitigation measures, and conclusions, in a table that forms the basis of the Project's Mitigation, Monitoring, and Reporting Program (MMRP).

- **Section 1.0, Introduction** provides introductory information about the CEQA process and the responsibilities of the City in its role as Lead Agency, a brief Project Description, the purpose of the EIR, and an overview of the EIR's format.

- **Section 2.0, Environmental Setting** describes the environmental setting, including descriptions of the Project Site's physical conditions and surrounding context used as the baseline for analysis in the EIR.

- **Section 3.0, Project Description**, pursuant to CEQA Guidelines Section 15124, includes a detailed Project Description that identifies the precise location and boundaries of the Project, a map showing the Project's location in a regional perspective, a statement of the Project's objectives, a general description of the Project's technical, economic, and environmental characteristics, and a statement describing the intended uses of the EIR, including a list of agencies expected to use the EIR, and a list of approvals for which the EIR will be used. The

purpose of the detailed Project Description is to identify the Project's main features and other information needed for an assessment of the Project's environmental impacts.

- **Section 4.0, Environmental Analysis** provides an analysis of potential direct, indirect, and cumulatively considerable impacts that may occur with implementation of the Project. A determination concerning the significance of each impact is addressed and mitigation measures are presented when warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as "effects" or "impacts" interchangeably. CEQA Guidelines Section 15358 describe the terms "effects" and "impacts" as being synonymous.

  In each subsection of Section 4.0, the existing conditions pertaining to the subject area being analyzed are discussed accompanied by a specific analysis of physical impacts that may be caused by implementing the Project. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct impacts are those that would occur directly because of the Project. Indirect impacts represent secondary effects that would result from Project implementation. Cumulative effects are defined in CEQA Guidelines Section 15355 as "…two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."

  The analyses in Section 4.0 are based in part upon technical reports that are included in this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the Project and are cited in Section 7.0, *References*.

  Where the analysis identifies a significant environmental effect, feasible mitigation measures are recommended. Pursuant to CEQA and the CEQA Guidelines, an EIR must propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. The requirement that EIRs identify mitigation measures implements CEQA's policy that Lead Agencies adopt feasible measures when approving a project to reduce or avoid its significant environmental effects. Per Public Resources Code Section 21081.6 and CEQA Guidelines Section 15126.4, mitigation measures must be enforceable through conditions of approval, contracts or other means that are legally binding. Pursuant to Public Resources Code Section 21081.6, incorporating mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable. This requirement is designed to ensure that mitigation measures will be implemented, not merely adopted, and then ignored. Considering the foregoing, the identified mitigation measures are analyzed to determine whether they would effectively reduce or avoid any significant environmental effects. In most cases, implementation of the mitigation measures would reduce an identified significant environmental effect to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations would need to be adopted by the Lead Agency pursuant to CEQA Guidelines Section 15093.

- **Section 5.0, Other CEQA Considerations** includes specific topics that are required by CEQA. These include a summary of the Project's significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, as well as potential growth-inducing impacts of the Project. Section 5.0 also includes a discussion of the potential environmental effects that were found not to be significant during preparation of this EIR.
- **Section 6.0, Project Alternatives** describes and evaluates alternatives to the Project that could reduce or avoid the Project's adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives, including a "No Project" alternative, that will foster informed decision making and public participation.
- **Section 7.0, References** cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics*, provides a quick reference guide for locating the CEQA-required sections within this document.

Table 1-2 Location of CEQA Required Topics

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Table of Contents	Section 15122	Table of Contents
Summary	Section 15123	Section S.0
Project Description	Section 15124	Section 3.0
Environmental Setting	Section 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	Section 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented	Section 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Caused by the Project Should it be Implemented	Section 15126.2(d)	Subsection 5.2
Growth-Inducing Impact of the Project	Section 15126.2(e)	Subsection 5.3
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	Section 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Project	Section 15126.6	Section 6.0
Effects Not Found to be Significant	Section 15128	Subsection 5.4

Table 1-2 Location of CEQA Required Topics

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Organizations and Persons Consulted	Section 15129	Section 7.0 & Technical Appendices
Discussion of Cumulative Impacts	Section 15130	Section 4.0
Energy Conservation	Section 15126.2(b) & Appendix F	Subsection 4.5

1.7 Incorporation by Reference

CEQA Guidelines Section 15147 states that the "information contained in an EIR shall include summarized…information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public," and that the "[p]lacement of highly technical and specialized analysis and data in the body of an EIR shall be avoided through the inclusion of supporting information and analyses as appendices to the main body of the EIR." CEQA Guidelines Section 15150 allows for the incorporation "by reference all or portions of another document… [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand." The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of an EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR. Refer to EIR Section 7.0, *References*, for a list of documents incorporated into this EIR by reference.

This EIR also relies on several Project-specific technical appendices that are bound separately as Technical Appendices. The Technical Appendices are available for review at the City of Moreno Valley Community Development Department Planning Division, 14177 Frederick Street, Moreno Valley, California, 92552, during the City's regular business hours or can be accessed on the City's website at http://www.moval.org/cdd/documents/about-projects.html. The individual technical studies, reports, and supporting documentation that comprise the Technical Appendices are as follows:

A: Notice of Preparation, and Written Comments on the NOP
B: Air Quality Impact Analysis
C: Health Risk Assessment
D: Biological Technical Report
E: Cultural Resources Report
F: Energy Analysis
G: Geotechnical Report
H: Paleontological Resource Assessment
I: Greenhouse Gas Emissions Analysis
J: Phase I Environmental Site Assessment
K: Hydrology Report

L: Preliminary Water Quality Management Plan
M: Noise Impact Analysis
N: ~~Supplemental Noise Impact Analysis~~Cumulative Noise Assessment
O: Trip Generation Assessment
P: Vehicle Miles Traveled Screening Evaluation
Q: Supplemental Health Risk Assessment
R: Supplemental Noise Analysis

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in the EIR's Technical Appendices are cited by a link to the online location where the document/website can be viewed. References relied upon by this EIR will be available for public review in electronic format at the City of Moreno Valley Community Development Department Planning Division, 14177 Frederick Street, Moreno Valley, California, 92552.

2.0 Environmental Setting

2.1 Regional Setting and Location

The Project Site is located in the City of Moreno Valley, which is located in western Riverside County, California. The City of Moreno Valley is situated north of the City of Perris, northwest of the City of Hemet, west of the City of Beaumont, east of the City of Riverside, and northeast of the unincorporated Riverside County communities of Mead Valley and Woodcrest. The Project Site is located approximately 0.5-mile northeast of the Alessandro Boulevard on/off-ramp to Interstate 215 (I-215), 0.7-mile northwest of the March Air Reserve Base, and 1.6 miles south of State Route 60 (SR-60).

The Project Site is in a Census Bureau-defined urbanized area of Riverside County (Riverside-San Bernardino Urbanized Area). According to U.S. Census data, Moreno Valley was the third largest City in the region in 2020 (behind the City of Riverside and City of San Bernardino) with a population of 208,634 residents (USCB, 2020). The Southern California Association of Governments (SCAG) forecast models predict that the population of Riverside County as a whole will grow to approximately 3.25 million persons by the year 2045 (SCAG, 2020a), from the reported US Census 2020 population reported at 2.41 million persons (USCB, 2020).

2.2 Local Setting and Location

The Project Site abuts the west side of Day Street and the south side of Bay Avenue, and is located approximately 650 feet north of Alessandro Boulevard. The Project Site comprises Assessor Parcel Numbers (APNs) 263-230-001, -003, -004, and -025 and encompasses approximately 9.95 gross acres.

The area immediately surrounding the Project Site contains a variety of uses, including industrial land uses (including established uses and new uses under construction, primarily to the south and west of the Project Site), residential land uses (primarily to the north and east of the Project Site), and vacant parcels. Existing land uses in the immediate vicinity of the Project Site are illustrated on Figure 2-1, *Surrounding Land Uses*, and are described below.

- North: Bay Avenue abuts the Project Site on the north. North of Bay Avenue are non-conforming residential uses and vacant, undeveloped land. The area north of the Project Site is designated by the City's General Plan for "Business Park/Light Industrial" land uses with a few scattered properties north of Cottonwood Avenue designated as "Residential/Office" and "Commercial."

- South: South of the Project Site and north of Alessandro Boulevard are vacant lots, non-conforming residential structures, and commercial businesses. This area is designated by the City's General Plan for "Commercial" land uses. Established industrial and commercial land uses are located on the south side of Alessandro Boulevard; this area is designated for "Business Park/Light Industrial" and "Commercial" land uses by the City's General Plan.

- West: West of the Project Site is property under construction as a business center for light industrial and warehouse land uses (Old 215 Industrial Park). The Old 215 Industrial Park development is approved for the construction of six (6) buildings with a combined, total building floor area of approximately 197,000 s.f. The land use transitions to the west to commercial uses along Old 215 Frontage Road, including but not limited to a motel, automotive supply stores, and American Legions Post 574. The area west of the Project Site is designated by the City's General Plan for "Business Park/Light Industrial" land uses. Further west is the I-215 Freeway, beyond which are industrial, commercial, and business uses in the City of Riverside.

- East: Day Street abuts the Project Site on the east. East of Day Street are residential land uses and vacant, undeveloped lots. The area east of the Project Site is designated by the General Plan for "Residential/Office." Southeast of the Project Site (south of Sherman Avenue), is vacant property that is approved for development with a light industrial/warehouse building with approximately 165,000 s.f. of building floor area (Moreno Valley Business Center).

2.3 PLANNING CONTEXT

2.3.1 CITY OF MORENO VALLEY GENERAL PLAN

The City of Moreno Valley's prevailing planning document is its General Plan, dated July 11, 2006. As depicted on Figure 2-2, *City of Moreno Valley General Plan* Land Use Map, the City's General Plan designates the Project Site for "Business Park/Light Industrial" land uses. The "Business Park/Light Industrial" land use designation is intended to provide for manufacturing, research and development, warehousing and distribution, as well as office and commercial activities(Moreno Valley, 2006a, p. 9-7). Development intensity should not exceed a floor area ratio (FAR) of 1.00 and the average floor area ratio should be significantly less.

2.3.2 ZONING

As shown on Figure 2-3, *Existing Zoning Map*, the City of Moreno Valley Zoning Map applies the "Business Park" zoning classification to the entire Project Site. According to the Moreno Valley Municipal Code, the primary purpose of the "BP" zoning district is to provide for light industrial and warehousing, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and higher intensity industrial uses (Moreno Valley, 2023, § 9.05.020.A).

2.3.3 SCAG REGIONAL TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California State law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning

Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region. The Project site is within SCAG's regional authority.

In April 2024, SCAG's Regional Council adopted the *2024-2050 Regional Transportation Plan/Sustainable Communities Strategy* ("Connect SoCal"). Connect SoCal is the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the Project. Connect SoCal embodies a collective vision for the region's future, prepared with input by local governments, county transportation commissions (CTCs), tribal governments, non-profit organizations, businesses, and stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. Connect SoCal plans for a large number of transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs, and replacement bridges. These future investments were included in county plans developed by the six CTCs and seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices. The goals of Connect SoCal are to: 1) build and maintain an integrated multimodal transportation network; 2) develop, connect and sustain communities that are livable and thriving; 3) create a healthy region for the people of today and tomorrow; and 4) support a sustainable, efficient and productive regional economic environment that provides opportunities for all residents. (SCAG, 2024)

2.4 Existing Physical Site Conditions

CEQA Guidelines Section 15125(a)(1), recommends that the physical environmental condition that existed at the time an EIR's NOP is released for public review normally be used as the comparative baseline for the EIR analysis (Westlaw, n.d.). The NOP for this EIR was released for public review on September 5, 2023 (see *Technical Appendix A*), and the following pages include a description of the Project Site's physical environmental condition ("existing conditions") as of that approximate date. More information regarding the Project Site's environmental setting is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*.

2.4.1 Land Use

Three of the four parcels comprising the Project Site are vacant, undeveloped, and fenced. There are no existing structures on the vacant, undeveloped parcels and these parcels are regularly disced for weed abatement and contain a mixture of disturbed land and non-native grassland, with a few scattered non-native trees. The one developed parcel within the Project Site, which comprises approximately 2.3 acres in the north-central portion of the Site, contains seven detached single-family dwelling units and multiple outbuildings.

Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans

(Westlaw, n.d.). The Project Applicant's proposal to develop the Project Site with a light industrial/warehouse building is consistent with the Project Site's General Plan designation of "Business Park/Light Industrial," which allows certain industrial land uses, including warehousing. However, the Project is not consistent with the City's zoning designation for the subject property – "Business Park (BP)" – because the City's zoning code caps light industrial/warehouse development within the BP zoning district to a maximum floor area of 50,000 s.f. As such, the Project Applicant is proposing a Change of Zone for the Project Site to change the property's zoning designation to "Light Industrial (LI)," which allows for light industrial/warehouse buildings that exceed 50,000 s.f. in floor area. The Change of Zone is a discretionary action of the City of Moreno Valley and is further described in EIR Section 3.0, *Project Description.* The potential environmental effects associated with the Project's consistency with existing land use designations and zoning are evaluated in Section 4.0, *Environmental Analysis*, of this EIR.

2.4.2 Aesthetics and Topographic Features

The Project Site is relatively flat and slopes gently from east to west; the Site's high point is approximately 1,555 feet above mean sea level (amsl) in the eastern portion of the Site and the low point approximately 1,538 feet amsl in the western portion of the Site. Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0, *Project Description*, depicts the Project Site's existing topographic conditions. The Project Site contains disturbed land and ruderal/weedy vegetation and a small number of trees. There are no rock outcroppings or other unique topographic or aesthetic features present on the property.

2.4.3 Air Quality and Climate

The Project Site is located in the 6,745-square-mile South Coast Air Basin (SCAB), which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, the San Jacinto Mountains to the north and east, and San Diego County to the south. The SCAB is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD), the agency charged with bringing air quality in the SCAB into conformity with federal and State air quality standards. Although the climate of the SCAB is characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. More than 90% of the SCAB's rainfall occurs from November through April. Temperatures during the year range from an average minimum of 36°F in January to over 100°F maximum in the summer. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed "Santa Ana(s)" each year.

At the regional level, air quality in the SCAB has improved over the past several decades; however, the SCAB is currently not in attainment of State and/or federal standards established for Ozone (O_3; one-hour and eight- hour), particulate matter (PM_{10} [State standard only] and $PM_{2.5}$), and Lead (only in the Los Angeles County portion of the SCAB). No areas of the SCAB exceeded federal or State

standards for nitrogen dioxide (NO_2), sulfur dioxide (SO_2), or carbon monoxide (CO). (Urban Crossroads, 2023a, p. 21)

The census tract containing the Project Site is in the 99th percentile of communities in the State of California that are disproportionately burdened by multiple sources of pollution (OEHHA, 2022).

Refer to EIR Subsections 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.

2.4.4 Geology

Regionally, the Project Site is located in the Peninsular Ranges geomorphic province, a prominent natural geomorphic province that extends from the Santa Monica Mountains approximately 900 miles south to the tip of Baja California, Mexico, and is bounded to the east by the Colorado Desert. The Peninsular Ranges province is composed of plutonic and metamorphic rock, lesser amounts of Tertiary Volcanic and sedimentary rock, and Quaternary drainage in-fills and sedimentary veneers.

The geologic structure of the entire southern California area is dominated mainly by northwest-trending faults associated with the San Andreas system. Similar to other properties throughout southern California, the Project Site is located within a seismically active region and is subject to ground shaking during seismic events; however, no known active or potentially active faults exist on or near the Project Site nor is the site situated within an "Alquist-Priolo" Earthquake Fault Zone (NorCal Engineering, 2022, pp. 2-3).

According to the Moreno Valley General Plan EIR, the Project Site is in an area that is characterized as having a low potential for containing important paleontological resources (fossils) (Moreno Valley, 2006b, Figure 5.10-3). However, technical investigations found that the Project Site is underlain by lower Pleistocene, very old, sandy alluvial fan deposits, which often yield important Ice Age terrestrial vertebrate fossils (BFSA, 2023b, pp. 4, 6-7).

Refer to EIR Subsection 4.6, *Geology and Soils*, for a more detailed discussion of the Project Site's existing geologic and soil setting.

2.4.5 Hydrology

The Project Site is located in the Santa Ana River watershed, which drains an approximately 2,650-square-mile area. The Santa Ana River starts in Santa Ana Canyon east of the Project Site in the San Bernardino Mountains and runs southwesterly through San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach.

Under existing conditions, the Project Site receives run-on water from the north and east. On-site flows drain southwesterly towards Linda Court and continue southerly eventually draining to Alessandro Boulevard (Thienes, 2023a).

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06065C0745G, dated August 28, 2008, the Project Site is located within FEMA Flood Zone X (Unshaded) (FEMA, 2008). Flood Zone X (Unshaded) is correlated with areas determined to be outside the 0.2% annual chance floodplain (ibid.).

Refer to EIR Subsection 4.9, *Hydrology & Water Quality*, for a more detailed discussion of the Project's site existing hydrology and water quality setting.

2.4.6 Noise

Primary sources of noise in the Project Site's vicinity include traffic noise from vehicles traveling along roadways that abut the site (i.e., Day Street and Bay Avenue, as well as Alessandro Boulevard further to the south. Also, noise from vehicles traveling on I-215 contribute to the ambient noise level, and aircraft noise from March Air Reserve Base/Inland Port is audible. Urban Crossroads, Inc. collected 24-hour noise measurements at several locations on and near the Project Site to determine the baseline for the existing noise environment. Measured daytime noise levels in the area ranged from 50.9 equivalent level decibels (dBA L_{eq}) to 61.4 dBA L_{eq} and nighttime noise levels ranged from 49.8 dBA L_{eq} to 59.4 dBA L_{eq} (*Technical Appendix M*, Table 5-1).

Refer to EIR Subsection 4.11, *Noise*, for a more detailed discussion of the Project's site existing noise setting.

2.4.7 Transportation

The Project Site is located immediately south of Bay Avenue and immediately west of Day Street. Alessandro Boulevard, a major City thoroughfare and City-designated truck route, intersects with Day Street approximately 0.25-mile south of the Project Site.

The primary regional vehicular travel route serving the Project area is I-215, which is located approximately 0.6-mile southwest of the Project Site. The Project Site is located approximately 0.8 roadway mile southwest of the Alessandro Boulevard on/off-ramp to I-215 (Google Earth, 2023).

The City of Moreno Valley receives public transit services from the Riverside Transit Agency (RTA). Near the Project Site, the RTA operates Route 20 along Alessandro Boulevard with the closest stops to the Project Site located at the intersection of Alessandro Boulevard and Day Street. The City of Moreno Valley also is served by the Moreno Valley/March Field Metrolink Station, at 14160 Meridian Parkway approximately 0.8 mile southwest of the Project Site.

The pedestrian and bicycle systems are incomplete near the Project Site. There are no existing bike lanes on Day Street boarding the Project Site to the east or on Bay Avenue boarding the Project Site to the north. There is a paved sidewalk along the Project Site's frontage with Day Street and an unpaved dirt pathway along Bay Avenue.

Refer to EIR Subsection 4.12, *Transportation*, for a more detailed discussion of the Project Site's existing transportation setting.

2.4.8 Land Cover and Habitat

The Project Site is characterized primarily by disturbed habitat and developed land; approximately 0.8-acre of non-native grassland occurs at the southwest corner of the Project Site (Alden, 2023, p. 4). There are no natural drainage features on the Project Site (Alden, 2023, pp. 5-6). The Project Site is located within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) area, within the boundaries of the Reche Canyon/Badlands Area Plan, but is not within or adjacent to any critical cell area or area planned for open space or habitat conservation. The site is currently fenced, which limits any wildlife movement through the site.

2.4.9 Rare and Unique Resources

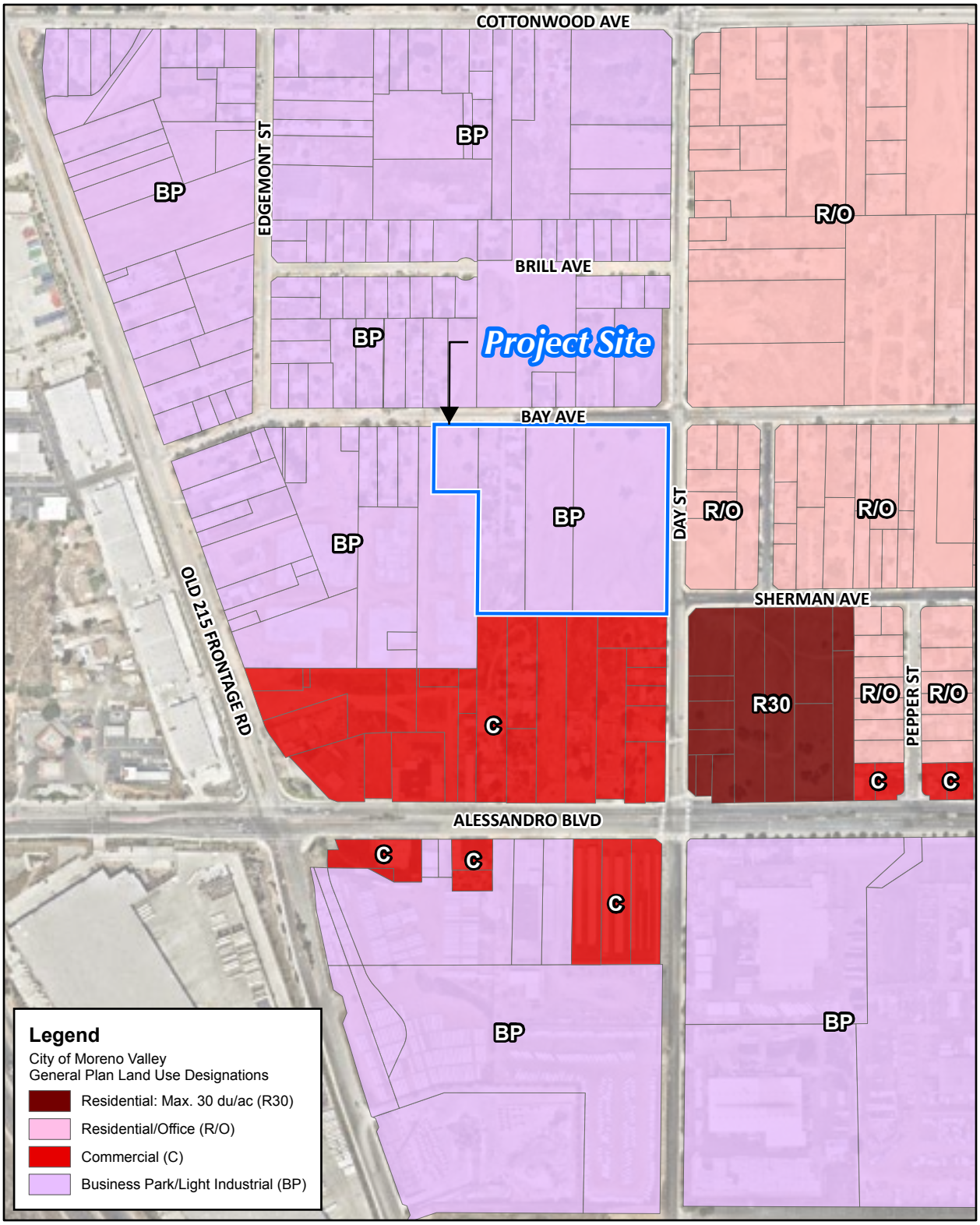
As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the project. Based on the existing conditions of the Project Site and surrounding area described above and discussed in more detail in Section 4.0, *Environmental Analysis*, the Project Site does not contain any resources that are rare or unique to the region.

Source(s): ESRI, NearMap Imagery (September 2023)

0 150 300 600 Feet

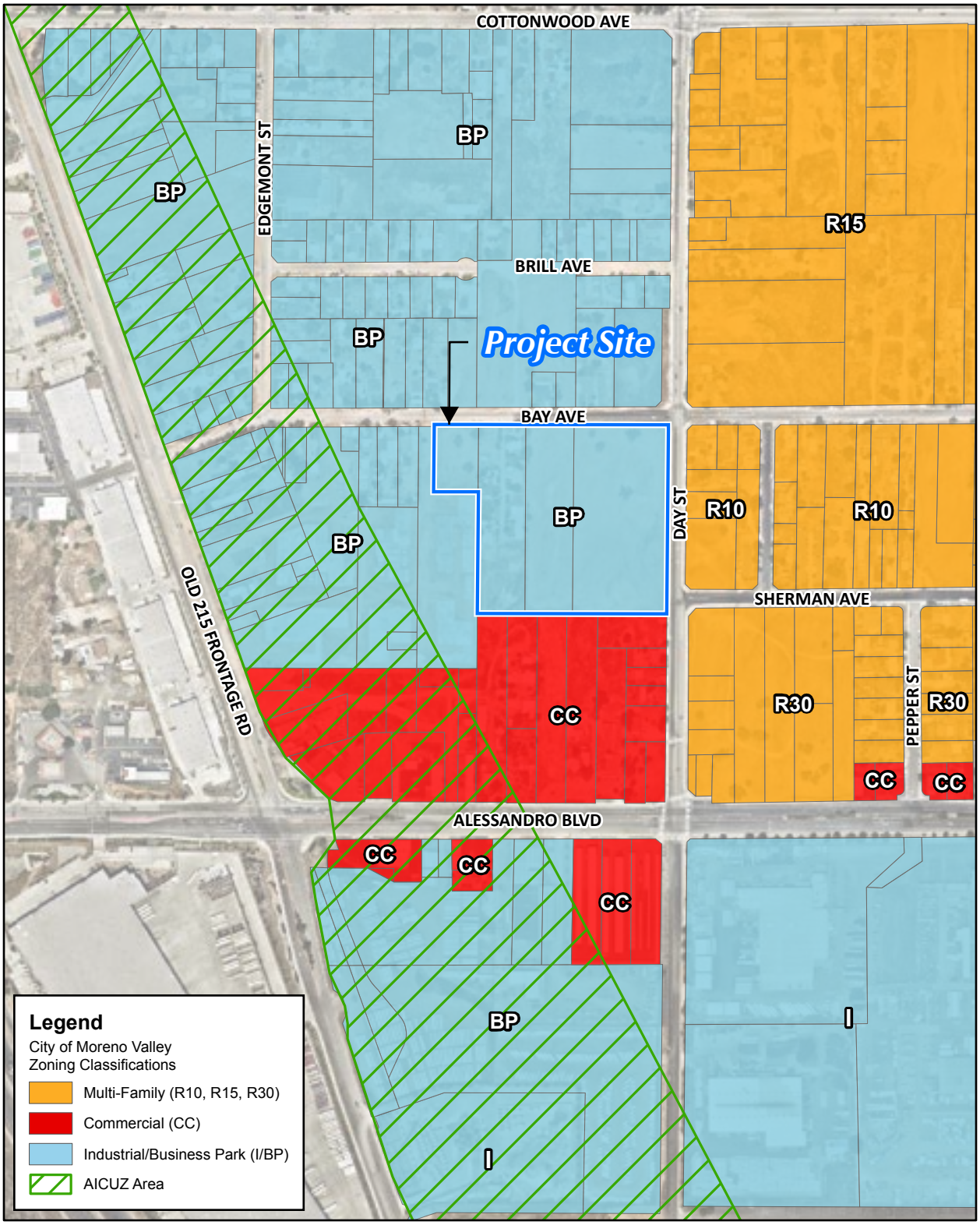
Figure 2-1

Surrounding Land Uses



Source(s): ESRI, NearMap Imagery (September 2023), City of Moreno Valley (2020)

Figure 2-2
City of Moreno Valley General Plan Land Use Map



Source(s): ESRI, NearMap Imagery (September 2023), City of Moreno Valley (2020)

Figure 2-3

City of Moreno Valley Zoning Map

3.0 PROJECT DESCRIPTION

This section provides all of the information required of an EIR Project Description pursuant to CEQA Guidelines Section 15124, including a description of the Project's precise location and boundaries; a statement of the Project's objectives; a description of the Project's technical, economic, and environmental characteristics; and a description of the intended uses of this EIR (including a list of the government agencies that are expected to use this EIR in their decision-making processes); a list of the permits and approvals that are required to implement the Project; and a list of related environmental review and consultation requirements.

3.1 PROJECT LOCATION

As shown on Figure 3-1, *Regional Map*, the Project Site is in the western portion of the City of Moreno Valley, Riverside County, California. The City of Moreno Valley is located north of the City of Perris, northwest of the City of Hemet, west of the City of Beaumont, east of the City of Riverside, and northeast of the unincorporated Riverside County communities of Mead Valley and Woodcrest located west of Interstate 215 (I-215).

At the local scale, the Project Site is immediately south of Bay Avenue, immediately west of Day Street, and approximately 650 feet north of Alessandro Boulevard (see Figure 3-2, *Vicinity Map* and Figure 3-3, *USGS Topographical Map*). The Project Site includes Assessor Parcel Numbers (APNs): 263-230-001, -003, -004, and -025.

3.2 STATEMENT OF OBJECTIVES

The Project seeks to develop the subject property in conformance with the land use designation applied by the City of Moreno Valley General Plan to increase employment opportunities within the area. The Project would achieve this goal through the following objectives.

A. To expand economic development in Moreno Valley by developing an underutilized property with an in-demand industrial use within an area that is planned for long-term industrial development.

B. Transition an underutilized site near the I-215 corridor into a professional, well-maintained, and attractive development containing a light industrial warehouse building with supporting office space and landscaping.

C. Provide a development that will enhance the City's economic well-being and employment opportunities for community residents and reduce the need for members of the local workforce to commute outside the area for employment, thereby improving the jobs-housing balance in the City and surrounding area.

D. To develop a project that has architectural and landscape design and operational characteristics that complement other existing and planned buildings in the City, meets contemporary industry standards, and can be economically competitive with similarly-sized warehouse buildings in the local area and region.

E. To develop a light industrial warehouse building in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways

F. To develop a property that has access to available infrastructure, including roads and utilities.

3.3 PROJECT COMPONENTS

The Project evaluated in this EIR includes both legislative and site development actions. The legislative action is a proposed Change of Zone (PEN23-0076). The site development actions entail a proposed Tentative Parcel Map (PEN23-0075) and Plot Plan (PEN23-0074) to permit the development of a light industrial building. The individual components of the Project are discussed below.

3.3.1 CHANGE OF ZONE (PEN23-0076)

The proposed Change of Zone would amend the City of Moreno Valley zoning map to change the zoning designation for the entire 9.95 gross-acre Project Site from "Business Park District" to "Light Industrial District." Refer to Figure 3-4, *Change of Zone (PEN23-0076)*.

Pursuant to the City's Zoning Ordinance, the Light Industrial District provides for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis (Moreno Valley, 2023). The Change of Zone is requested because although the existing Business Park District designation applied to the subject property generally allows similar industrial land uses as the Light Industrial District, the Business Park District limits building sizes to a maximum of 50,000 square feet (s.f.) of floor area whereas the proposed Project entails a proposed building with up to 194,775 s.f. of floor area.

3.3.2 TENTATIVE PARCEL MAP (PEN23-0075)

Tentative Parcel Map No. 38179 (PEN23-0075) proposes to consolidate existing Assessor Parcel Numbers (APNs) 263-230-001, -003, -004, -025 into a single legal parcel with an approximate area of 9.57 net acres. PEN23-0075 also includes the dedication of public right-of-way (ROW) to the City of Moreno Valley for the widening of Day Street and Bay Avenue along the Project Site's frontage. Refer to Figure 3-5, *Tentative Parcel Map No. 38179 (PEN23-0075).*

3.3.3 PLOT PLAN (PEN23-0074)

The proposed Plot Plan provides a development plan for the Project Site that provides for the construction and operation of a light industrial building. The Plot Plan application depicts a layout of the building and associated physical design features, architectural design, and a landscaping plan, as described below, as well as the design of a non-contiguous parking lot.

A. Conceptual Site Plan

The site plan for the Project is illustrated on Figure 3-6*, Conceptual Site Plan.* The building provides 194,775 s.f. of total floor area, including 188,905 s.f. of warehouse space and 5,870 s.f. of supporting office space (3,000 s.f. on the ground floor and 2,870 s.f. on the mezzanine level). The office spaces may be located at the northeast and/or southeast corners of the building; these locations also would serve as the primary entrances to the building. Thirty (30) loading dock positions, including 28 dock-high doors and two grade-level doors, are provided on the west side of the building and 48 truck trailer parking spaces are provided within a gated truck court/loading area also located on the west side of the building. The truck court/loading area would be secured by an 8-foot-tall sliding gate, a 14-foot-tall screening wall along the north and south boundaries of the truck court (which also will screen the truck court from public viewing areas), and an 8-foot-tall metal fence along the west boundary of the truck court. A total of 94 parking spaces are provided on the Project Site, 88 on the east side and six (6) at the southwest corner of the proposed building.

Vehicular access to the Project is provided by three driveways: two driveways from Day Avenue and one driveway from Bay Avenue. Both driveways on Day Avenue are accessible to passenger vehicles; however, the north driveway is restricted to right-in/right-out turning movements while the south driveway has no restrictions on inbound or outbound turning movements for passenger vehicles. The south driveway on Day Avenue also serves as the primary truck entrance for the Project; from this driveway trucks are restricted to a left-turn into the Project Site or a right-turn exiting the Project Site. The lone Project driveway on Bay Avenue serves as secondary truck access for the Project; no passenger vehicle access is available at this intersection. The Bay Avenue driveway is restricted to right turns into the Project Site for incoming trucks and left turns out of the Site for outgoing trucks.

B. Architecture Plan

The proposed architecture plan provides a building with a varied roofline reaching a maximum height of 44 feet above the finished floor elevation. The proposed building would be constructed of concrete tilt-up panels and tempered, low-reflective gray glass. The proposed building's exterior color palette would be comprised of various shades of white, gray, and taupe/tan with blue accents. Decorative building elements include fiber cement siding, panel reveals, parapets, mullions, and canopies are proposed at office entries. Architectural elevations for the proposed building are illustrated on Figure 3-7, *Conceptual Architectural Elevations*.

C. Landscaping Plan

All existing trees and other vegetation on the Project Site are proposed to be removed and replaced with the plant material specified on the proposed landscape plan for the Project, which is illustrated on Figure 3-8, *Conceptual Landscape Plan*. Proposed landscaping primarily would be ornamental in nature and would feature trees and shrubs in addition to a variety of groundcovers. As shown on Figure 3-8, trees, shrubs, and groundcover are proposed along the Project Site's frontages with Day Street and Bay Avenue and along the southern boundary of the lot. Landscaping also would occur at building entries and in and around the passenger vehicle parking area. Prior to the issuance of a building permit to construct the proposed building shell, the Project Applicant would be required to submit final planting and irrigation plans to the City for review and approval. The plans are required to comply with Chapter 9.17 (Landscape and Water Efficiency Requirements) of the Moreno Valley Municipal Code, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency (Moreno Valley, 2023, Chapter 9.17).

3.4 Infrastructure Improvements

3.4.1 Public Road Improvements

The Project Site abuts two public streets: Bay Avenue to the north and Day Street to the east. As part of the Project's implementation, the Project Applicant would construct improvements to each of these streets as described below, inclusive of the construction of sidewalks, curbs, and gutters, along the Project's frontages with these streets.

A. Bay Avenue

Bay Avenue would be widened along the Project Site frontage to: 1) provide a paved travel way that varies between 43.5 and 48 feet in width (this includes grind and overlay of existing pavement on the north side of the road); 2) curb and gutter on the south side of the street; 3) a 6.5-foot-wide sidewalk on the south side of the street; and 4) a 4.5-foot-wide landscape parkway on the south side of the street.

B. Day Street

Day Street would be widened along the Project Site frontage to: 1) provide a 52-foot-wide paved travel way (this includes grind and overlay of existing pavement on the east side of the road); 2) curb and gutter on the west side of the street; 3) a 6.5-foot-wide sidewalk on the west side of the street; and 4) a 5.5-foot-wide landscape parkway on the west side of the street.

3.4.2 Utility Improvements

A. Water Service

The Project Site is in the service area of the Box Springs Mutual Water Company (BSMWC). An existing 12-inch-diameter water main is located beneath Bay Avenue and Day Street. The Project would connect to this water line near the northeast corner of the Project Site as shown on Figure 3-9, *Proposed Utility Plan*.

The Project Site is located within a portion of the BSMWC service area that has substandard water pressure. To ensure that adequate water pressure can be provided to the Project Site so that the proposed building's indoor fire suppression system can meet minimum operational and safety requirements, the Project will rely on an upgraded water pump that will be installed at a BSMWC facility located north of Dracaea Avenue and east of Edgemont Avenue as part of the approved Moreno Valley Business Center project (PEN20-0162). The planned water system improvements were disclosed and the environmental effects related to the construction of these improvements were fully evaluated in the Mitigated Negative Declaration (MND) for the Moreno Valley Business Center project (SCH No. 2022060326), which is hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.

B. Sewer Service

The Project will connect to an existing 8-inch-diameter sewer main that traverses the southern portion of the Project Site, which is owned by Edgemont Community Services District (ECSD) (see Figure 3-9).

C. Stormwater Drainage Infrastructure Improvements

The Project provides a storm drain system, consisting of a network of catch basins, underground storm drain pipes, and subsurface infiltration chambers that would collect, treat, and discharge peak flows from the property. All surface runoff captured on the Project Site would be directed through catch basins fitted with filters to remove large debris and trash from runoff. First flush" stormwater runoff flows (i.e., typically the first ¾-inch of initial surface runoff after a rainstorm, which contains the highest proportion of waterborne pollution) would be passed through a biofiltration system and conveyed to underground detention chambers located beneath the truck court on the west side of the proposed building. Once the detention chambers reach capacity, flows will bypass the chambers and flow to the discharge point at the southeast corner of the Project Site. An illustration of the Project's proposed on-site stormwater drainage plan is provided on Figure 3-9.

The Project also provides stormwater drainage improvements to capture stormwater flows that originate east of Day Street and run-on to the Project Site. These flows would be captured by new catch basins within Day Street that would connect to the public storm drain system within Day Street and conveyed downstream.

Lastly, the Project provides for the construction of a new public storm drain segment within Day Street. The new storm drain line begins approximately 275 feet north of Sherman Avenue and terminates at the intersection of Day Street and Sherman Avenue. The storm drain line provided by the Project will connect to a new storm drain line that will be constructed within Day Street by the approved Moreno Valley Business Center project (PEN20-0162). The storm drain line that will be constructed by the Moreno Valley Business Center will extend south along Day Street, west along Alessandro Boulevard, and north along Old 215 Frontage Road, where it connects to existing public storm drain facilities. The planned storm drain system improvements were disclosed and the environmental effects related to the construction of these improvements were fully evaluated in the Mitigated Negative Declaration (MND)

for the Moreno Valley Business Center project (SCH No. 2022060326), which is hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.

D. Dry Utilities

The Project would entail the removal and relocation of power poles currently present along the Project Site frontages with Day Street and Bay Avenue. The existing above-ground electric transmission lines suspended on the poles would be undergrounded as part of the Project's construction. The removal of the power poles and the undergrounding of the transmission lines would be performed in coordination with the Moreno Valley Utility. Street lights would be installed along Bay Avenue and Day Street adjacent to the Project Site's frontage.

3.5 PROJECT CONSTRUCTION CHARACTERISTICS

3.5.1 PROPOSED PHYSICAL DISTURBANCE

Implementation of the Project would result in disturbance to the entire 9.95-acre Project Site. Except for the proposed water, sewer, and storm drain connections and roadway improvements within Bay Avenue and Day Street, the Project would not result in or require any physical impacts beyond the Project Site boundary. The proposed water, sewer, and storm drain utility connections and roadway improvements would occur entirely within the disturbed and developed rights-of-way for Bay Avenue and Day Street.

Figure 3-9, *Proposed Grading Plan*, depicts the conceptual grading plan for the Site. Grading of the property would entail a total of 14,770 cubic yards (c.y.) of cut and 50,296 c.y. of fill; approximately 35,526 c.y. of imported soil would be required. Manufactured slopes would be created along the northeastern corner of the Project Site. Retaining walls with heights varying between approximately two (2) feet to eight and a half (8.5) feet would be installed along portions of the western and southern Project Site boundary. Upon completion of grading, the Project Site will visually be perceived as flat with a slight slope from the north and east to the southwest. The high point of the Project Site would be in the southeast corner at approximately 1,560 feet above mean sea level (amsl); the low point would occur along the western portion of the Project Site at 1,542 feet amsl.

3.5.2 CONSTRUCTION SCHEDULE

The Project Applicant anticipates that the Project's construction process will span a length of approximately 10 months. Demolition of on-site structures would occur first, followed by site preparation, then mass-grading and installation of underground infrastructure and retaining walls. Next, fine grading would occur, surface materials would be poured, and the proposed building would be erected, connected to the underground utility system, and painted. Lastly, landscaping, fencing, screen walls, lighting, signage, and other site improvements would be installed. The estimated Project construction schedule, organized by construction stage, is summarized in Table 3-1, *Estimated Construction Schedule*.

Table 3-1 Estimated Construction Schedule

Construction Activity	Estimated Start Date	Estimated End Date	Days
Demolition	6/3/2024	6/28/2024	20
Site Preparation	7/1/2024	7/13/2024	10
Grading	7/15/2024	8/9/2024	20
Building Construction	8/12/2024	4/25/2025	185
Paving	3/31/2025	4/25/2025	20
Architectural Coating	3/31/2025	4/25/2025	20

Source: (Urban Crossroads, 2023a, Table 3-3)

3.5.3 Construction Equipment

The construction equipment fleet that is estimated to be used for Project construction is summarized in Table 3-2, *Estimated Construction Equipment Fleet*. Construction equipment used at the Project Site would meet California Air Resources Board (CARB) Tier 4 Interim standards, at a minimum.

Table 3-2 Estimated Construction Equipment Fleet

Construction Activity	Equipment	Amount	Hours Per Day
Demolition	Concrete/Industrial Saws	1	8
	Excavators	3	8
	Rubber Tired Dozers	2	8
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	3	8
	Excavators	1	8
	Graders	1	8
	Rubber Tired Dozers	1	8
Building Construction	Cranes	2	8
	Crawler Tractors	5	8
	Forklifts	5	8
	Generator Sets	2	8
	Welders	2	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

Source: (Urban Crossroads, 2023a, Table 3-4)

Construction workers would travel to the Project Site by passenger vehicle and materials deliveries would occur by medium- and heavy-duty trucks. Construction equipment is expected to operate on the Project Site up to eight hours per day, six days per week. Even though construction activities are permitted to occur between 7:00 a.m. to 7:00 p.m. on Mondays through Fridays, and 8:00 a.m. to 4:00 p.m. on Saturdays pursuant to the Moreno Valley Municipal Code (Section 8.14.040(e)), construction equipment is not in continuous use during a construction work day and some pieces of equipment are used only periodically throughout the day. Thus, eight hours of daily use per piece of equipment is a conservative and reasonable assumption. The City of Moreno Valley allows nighttime construction activities only upon special authorization from City staff, as specified in Moreno Valley Municipal Code Sections 8.14.040(e) and 11.80.030(D)(7) (Moreno Valley, 2023). Because Project construction would include activities that have the potential to occur at night (i.e., concrete pouring, which benefits from air temperatures that are lower than those that occur during the day), the analysis in this EIR conservatively assumes nighttime concrete pouring would occur during Project construction.

3.6 PROJECT OPERATIONAL CHARACTERISTICS

The proposed building would operate as a light industrial warehouse with indoor storage; no outdoor materials storage is proposed. Although a single building occupant is anticipated, the building's interior floor space could be subdivided with partitions/walls to allow the building to be occupied by more than one user. The Project is proposed as a speculative development and the user(s) of the building are not known at this time. Because the building user(s) are speculative, this EIR analytically assumes that up to 25% of the building floor space could be used as cold storage, in the event that cold storage is implemented as part of tenant improvement plans. Hazardous materials storage is not expected to occur within the building or on the Project Site; however, small quantities of hazardous chemicals and/or materials – including but not limited to aerosols, cleaners, fertilizers, lubricants, paints or stains, fuels, ammonia, propane, oils, and solvents – could be utilized during routine Project operations and maintenance.

The building is designed such that business operations would be conducted within the enclosed building, except for traffic movement, parking, and the loading and unloading of tractor trailers at designated loading bays. The outdoor cargo handling equipment used during loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats) is expected to be non-diesel powered. As a practical matter, dock doors on warehouse buildings are not occupied by a truck at all times of the day. There are typically many more dock door positions on warehouse buildings than are needed for receiving and shipping volumes. The dock doors that are in use at any given time are usually selected based on interior building operation efficiencies. In other words, trucks ideally dock in the position closest to where the goods carried by the truck are stored inside the warehouse. As a result, many dock door positions are frequently inactive throughout the day. For purposes of evaluation in this EIR, it is assumed that the Project would be operational 24 hours per day, seven days per week, with exterior loading and parking areas illuminated at night. Lighting would be subject to compliance with Moreno Valley Municipal Code Section 9.08.100 (Lighting), which states that all outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses to

reduce glare and light trespass, and shall not exceed one-quarter-foot-candle minimum maintained lighting measured from within five feet of any property line (Moreno Valley, 2023).

Pursuant to State law, on-road diesel-fueled trucks that serve the Project Site are required to comply with various air quality and greenhouse gas emission standards, including but not limited to the type of fuel used, engine model year stipulations, aerodynamic features, and idling time restrictions. Compliance with State law is mandatory and inspections of on-road diesel trucks subject to applicable State laws are conducted by the California Air Resources Board (CARB). Further, operation of the Project will be subject to the South Coast Air Quality Management District's (SCAQMD's) Indirect Source Rule, the goal of which is to reduce diesel emissions by regulating warehouses over 100,000 s.f. and encouraging the servicing of these buildings by zero- and near-zero emissions (ZE and NZE) trucks as technological advancements in the trucking industry occur over time. Furthermore, the Project and its operational systems will be designed to achieve the equivalent of the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Silver Rating (Core and Shell).

For purposes of analysis in this EIR, employment estimates were calculated using the employment density factors identified in the Southern California Association of Governments (SCAG) *Employment Density Study* (October 2001), which identifies a rate of one (1) employee per 1,195 s.f. of building area for industrial warehouse uses. As such, the Project is estimated to create jobs for approximately 163 employees (194,775 s.f. ÷ 1,195 s.f./employee = 162.9 employees).

3.7 CITY REVIEW PROCESS

The City of Moreno Valley has primary approval responsibility for the proposed Project. As such, the City serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Section 15050. The City's Planning Commission will evaluate this EIR and the Project Applicant's requested discretionary applications (Change of Zone, Tentative Parcel Map, and Plot Plan). The Planning Commission will make a recommendation to the City Council whether the Project should be approved and this EIR should be certified. The City Council is the decision-making authority for the Project and will consider the Project along with the Planning Commission's recommendations and will make a final decision to approve, approve with changes, or not approve the Project. The City Council will consider the information contained in this EIR and the Project's Administrative Record in its decision-making processes.

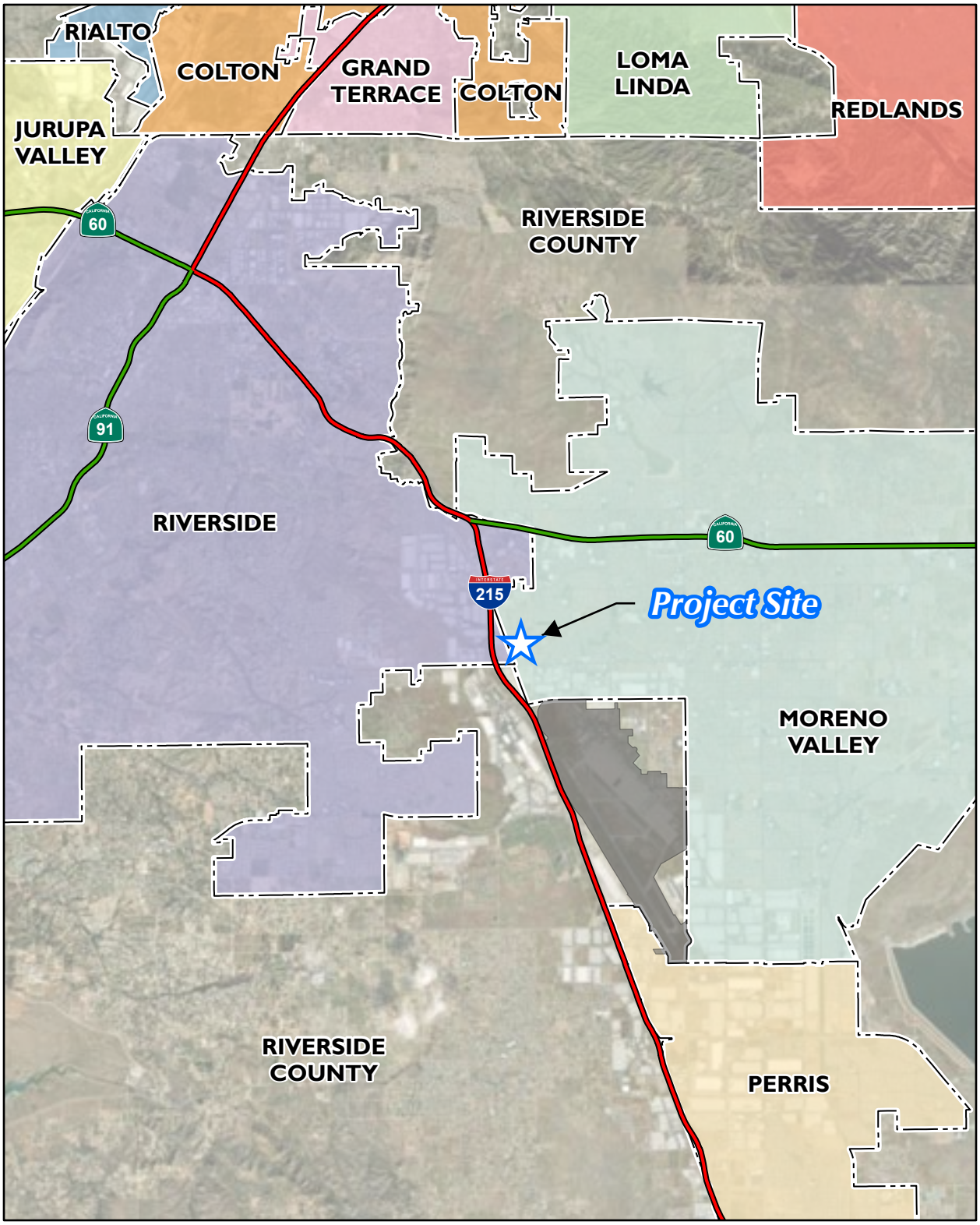
In the event of City Council approval of the Project and certification of this EIR, City staff would conduct administrative reviews and grant ministerial permits for implementing development plans that do not substantially deviate from the plans approved by the City Council. If the Project Applicant proposes to modify any aspect of the plans approved by the City Council, City staff will review the modified plans and determine whether the changes warrant City review under the "Major" or "Minor" review processes outlined in Municipal Code Section 9.02.030 (Development Review Process). Plan modifications that substantially conform to the approved plans and meet the conditions outlined in Municipal Code Section 9.02.070 (Plot Plan) and/or 9.02.280 (Substantial Conformance) can be

approved administratively by the Community Development Director. In the event of substantial modifications to the plans approved by the City Council, the modified plans will be reviewed by City staff and considered before the Planning Commission subject to the applicable provisions outlined in the Section 9.02.070 (Plot Plan) of the Moreno Valley Municipal Code (Moreno Valley, 2023).

A list of the actions under City of Moreno Valley jurisdiction is provided in Table 3-3, *Project Related Approvals/Permits*. In addition, additional discretionary and/or administrative actions will be necessary from other government agencies to fully implement the Project. Table 3-3 lists the government agencies that are expected to use the Project's EIR during their consultation and review of the Project and its implementing actions and provides a summary of the subsequent actions associated with the Project.

Table 3-3 Project Related Approvals/Permits

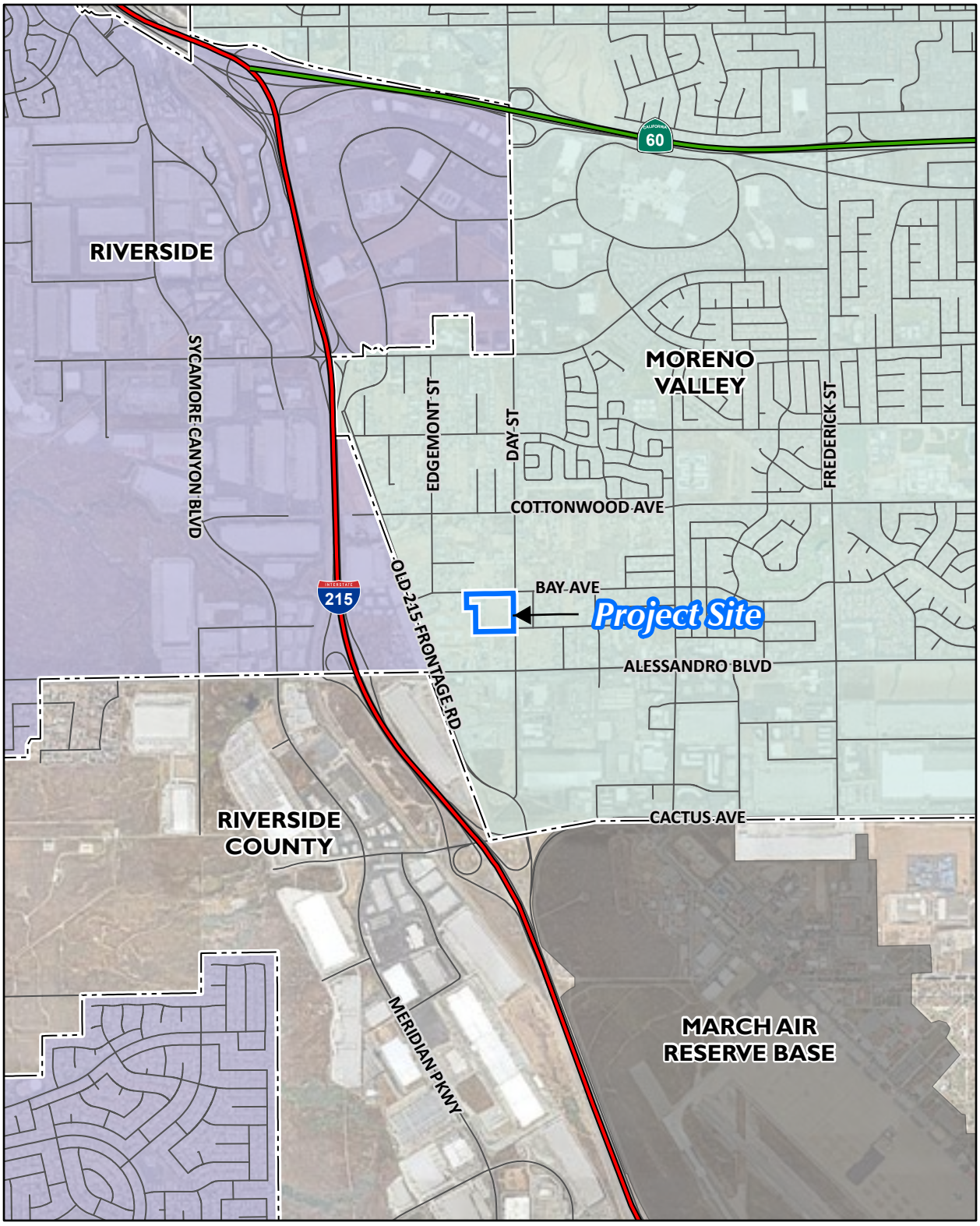
Public Agency	Approvals and Decisions
Proposed Project – City of Moreno Valley Discretionary Approvals	
City of Moreno Valley Planning Commission	• Recommend approval, conditional approval, or denial of Change of Zone (PEN23-0076), Plot Plan (PEN23-0074), and Tentative Parcel Map (PEN23-0075). • Recommend that the City Council certify or not certify this EIR along with appropriate CEQA Findings.
City of Moreno Valley City Council	• Approve, conditionally approve, or deny Change of Zone (PEN23-0076), Plot Plan (PEN23-0074), and Tentative Parcel Map (PEN23-0075). • Certify or not certify this EIR along with appropriate CEQA Findings.
Subsequent City of Moreno Valley Ministerial Approvals	
City of Moreno Valley Staff	• Approve precise site plan(s) and landscaping/irrigation plan (s), as may be appropriate. • Issue Grading Permits. • Issue Building Permits. • Approve Road Improvement Plans. • Issue Encroachment Permits. • Accept public right-of-way dedications. • Approve Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP).
Other Agencies – Subsequent Approvals and Permits	
Riverside County Flood Control and Water Conservation District	• Administrative approvals related to the design and construction of stormwater drainage infrastructure.
Santa Ana Regional Water Quality Control Board	• Issuance of a Construction Activity General Construction Permit. • Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit. • Approval of WQMP
Box Springs Mutual Water Company	• Administrative approvals for construction of water infrastructure and connection to the water distribution and conveyance systems.
Edgemont Community Services District	• Administrative approvals for construction of sewer infrastructure and connection to the wastewater distribution and conveyance systems.
Moreno Valley Electric Utility	• Approvals for undergrounding electric utility lines.



Source(s): ESRI, RCIT (2023), SB County (2023)

Figure 3-1

Regional Map

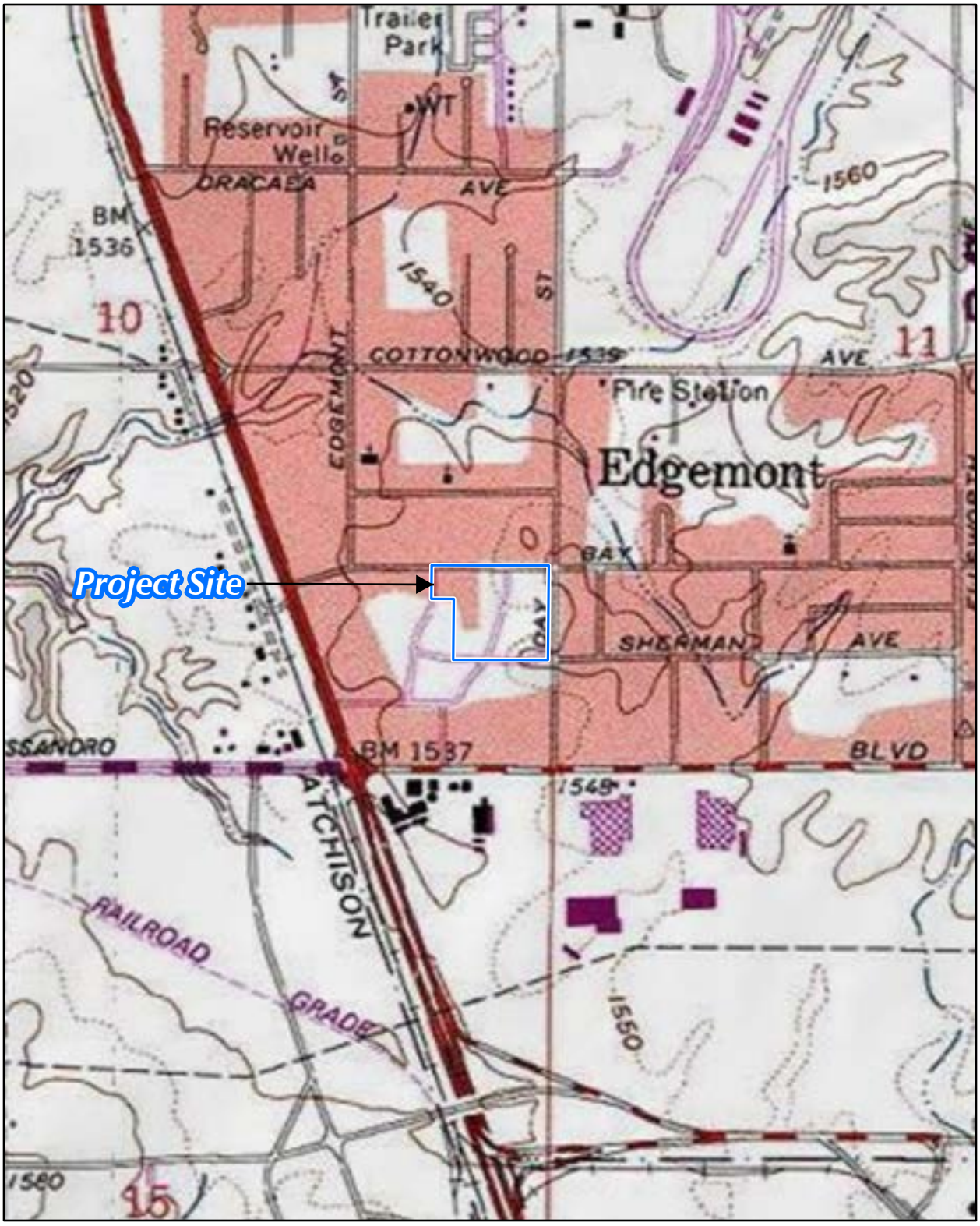


Source(s): ESRI, NearMap Imagery (September 2023), RCIT (2023)

0 625 1,250 2,500 Feet

Figure 3-2

Vicinity Map

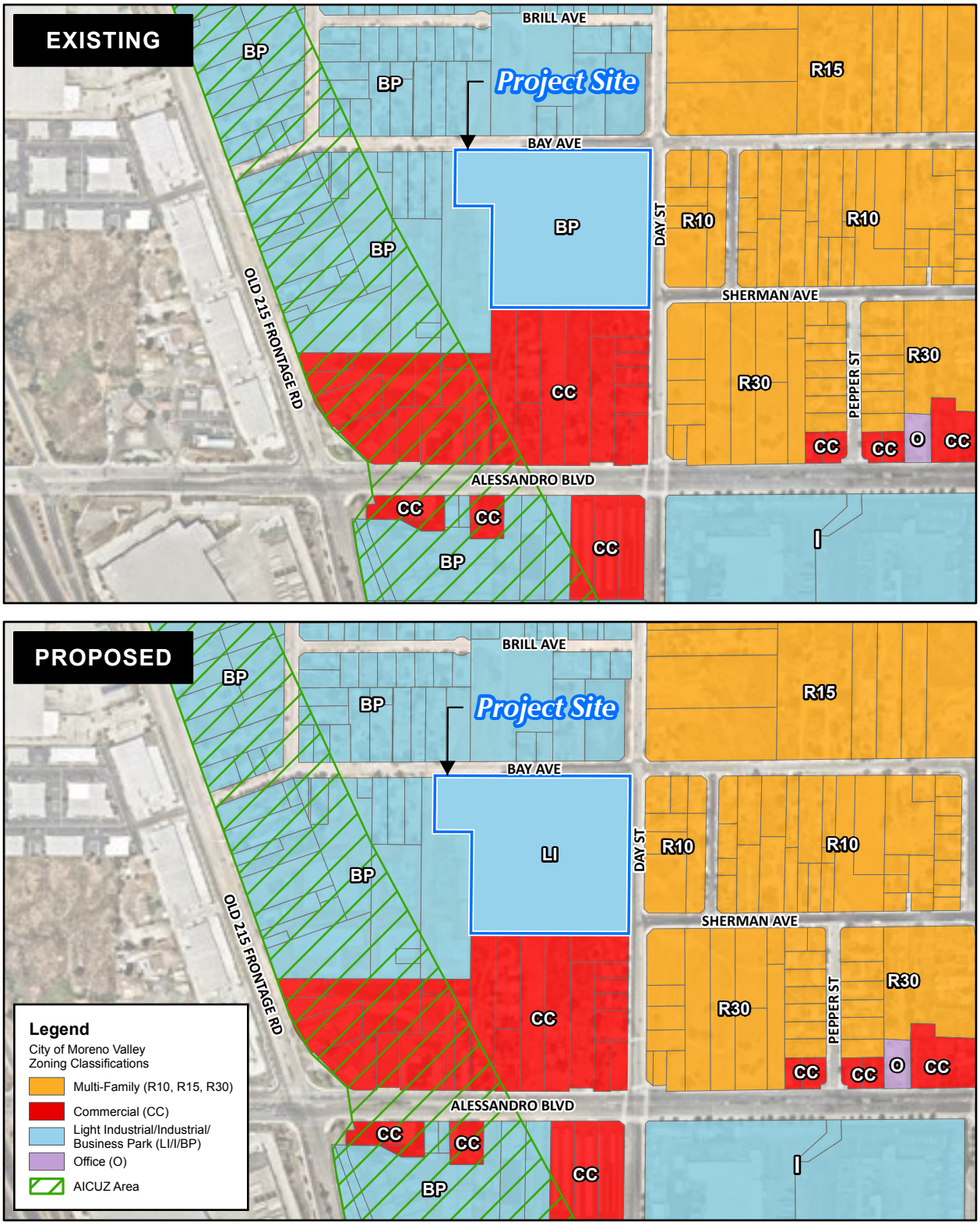


Source(s): ESRI, USGS (2013)

Figure 3-3

0 250 500 1,000 Feet

USGS Topographical Map



Source(s): ESRI, NearMap Imagery (September 2023), City of Moreno Valley (2020)

Figure 3-4

0 150 300 600 Feet

Change of Zone (PEN23-0076)

TENTATIVE PARCEL MAP NO. 38179

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF LOT 34 AND ALL OF LOT 35, BOTH LOTS OF EDGEMONT NUMBER 2, AS PER MAP RECORDED IN BOOK 12, PAGE 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:
LOT 35 OF EDGEMONT 2 AS SHOWN BY MAP ON FILE IN BOOK 12, PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL TWO:
THE NORTH 330 FEET OF THE EASTERLY 330 FEET OF LOT 25 OF EDGEMONT #2, AS PER MAP RECORDED IN BOOK 12, PAGE 19, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

PARCEL THREE:
THE EAST ONE-HALF (1/2) OF LOT 34 OF EDGEMONT #2, AS PER MAP RECORDED IN BOOK 12, PAGE 19, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

PARCEL FOUR:
THE WEST ONE-HALF OF LOT 34 OF EDGEMONT NO. 2, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THE SOUTHERLY 30 FEET THEREOF CONVEYED AND DEDICATED TO THE PUBLIC FOR ROAD PURPOSES IN DEED RECORDED JANUARY 24, 1964 IN BOOK 7092 PAGE 374 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY CALIFORNIA.

EXISTING EASEMENTS:

1. A RIGHT OF WAY GRANTED TO THE SOUTHERN DERRICK POWER COMPANY TO ERECT AND MAINTAIN ITS POLES OR OTHER SUPPORTS, WIRES AND FIXTURES THEREON, ALONG, OVER, ACROSS AND UPON SAID PROPERTY, AS SET OUT IN AN AGREEMENT RECORDED DECEMBER 20, 1926 IN BOOK 696, PAGE 298 OF DEEDS. A LEASE RECORDED DECEMBER 20, 1926 IN BOOK 696, PAGE 313, PAGE 400 OF LEASES. A DEED RECORDED DECEMBER 27, 1926 IN BOOK 696, PAGE 313 OF DEEDS OF RIVERSIDE COUNTY, CALIFORNIA, AND A DEED RECORDED SEPTEMBER 4, 1929 IN BOOK 69, PAGE 63 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. TOGETHER WITH ANY OTHER RIGHTS OF WAY AND EASEMENTS RECORDED TO BE SAID INSTRUMENTS AND AS SHOWN ON PLATS OF MAPS ATTACHED TO AND MADE A PART OF SAID AGREEMENT AND SAID DEEDS.
(SAID EASEMENTS IN STREETS; DAY AVENUE AND DAY CREST, PLOTTED HEREON AS "DE.")
(SAID EASEMENTS ALONG LOT LINES OF EDGEMONT TRACT, MEETS NOT SPECIFIED, PLOTTED HEREON AS "DE", 160 MINUTE DESCRIBED IN SAID LOCATIONS)
(SAID ONSITE TERMS TO BE QUITCLAIMED OR RESERVED VIA SEPARATE INSTRUMENT)

2. RIGHTS OF WAY, CONDITIONS, AND RESTRICTIONS, WITH REVERSION OF TITLE UPON VIOLATION THEREOF, AS SET OUT IN A DEED FROM EDGEMONT RANCH COMPANY, A CORPORATION, RECORDED MAY 27, 1927 IN BOOK 705, PAGE 140 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
(SAID BUILDING RESTRICTION SUPERSEDED BY CURRENT ZONING CODES, NOTHING PLOTTED)
(SPECIFIC LOCATION OF EASEMENTS FOR PIPES, CONDUITS, POLES AND WIRES NOT DESCRIBED IN DOCUMENT, NOTHING PLOTTED HEREON)

3. AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES, IN FAVOR OF EDGEMONT RANCH COMPANY, A CORPORATION, RECORDED FEBRUARY 25, 1927 AS BOOK 703, PAGE 376 OF DEEDS.
(SAID BUILDING RESTRICTION SUPERSEDED BY CURRENT ZONING CODES, NOTHING PLOTTED)
(SPECIFIC LOCATION OF EASEMENTS FOR PIPES, CONDUITS, POLES AND WIRES NOT DESCRIBED IN DOCUMENT, NOTHING PLOTTED HEREON)

4. AN EASEMENT FOR SEWER PIPELINE AND INCIDENTAL PURPOSES, IN FAVOR OF EDGEMONT COMMUNITY SERVICES DISTRICT, RECORDED MAY 30, 1984 AS INSTRUMENT NO. 99196 OF OFFICIAL RECORDS.

5. AN EASEMENT FOR SEWER PIPELINE AND INCIDENTAL PURPOSES, IN FAVOR OF EDGEMONT COMMUNITY SERVICES DISTRICT, RECORDED MAY 08, 1984 AS INSTRUMENT NO. 99197 OF OFFICIAL RECORDS.

6. AN EASEMENT FOR PERPETUAL AND PUBLIC HIGHWAY AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION, RECORDED NOVEMBER 03, 2008 AS INSTRUMENT NO. 2008-0568757 OF OFFICIAL RECORDS.

7. AN EASEMENT FOR DRAINAGE AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF MORENO VALLEY, RECORDED NOVEMBER 03, 2008 AS INSTRUMENT NO. 2008-0568758 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE ABANDONED ON THE MAP)

8. AN EASEMENT FOR PONDING AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF MORENO VALLEY, RECORDED NOVEMBER 03, 2008 AS INSTRUMENT NO. 2008-0568759 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE ABANDONED ON THE MAP)

COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED MARCH 04, 1935 AS BOOK 317, PAGE 344 OF OFFICIAL RECORDS.
(NOT PLOTTABLE)

AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY, RECORDED AUGUST 22, 1963 AS INSTRUMENT NO. 96574 OF OFFICIAL RECORDS.
(SAID EASEMENT TO BE QUITCLAIMED VIA SEPARATE INSTRUMENT)

PROPOSED EASEMENTS:

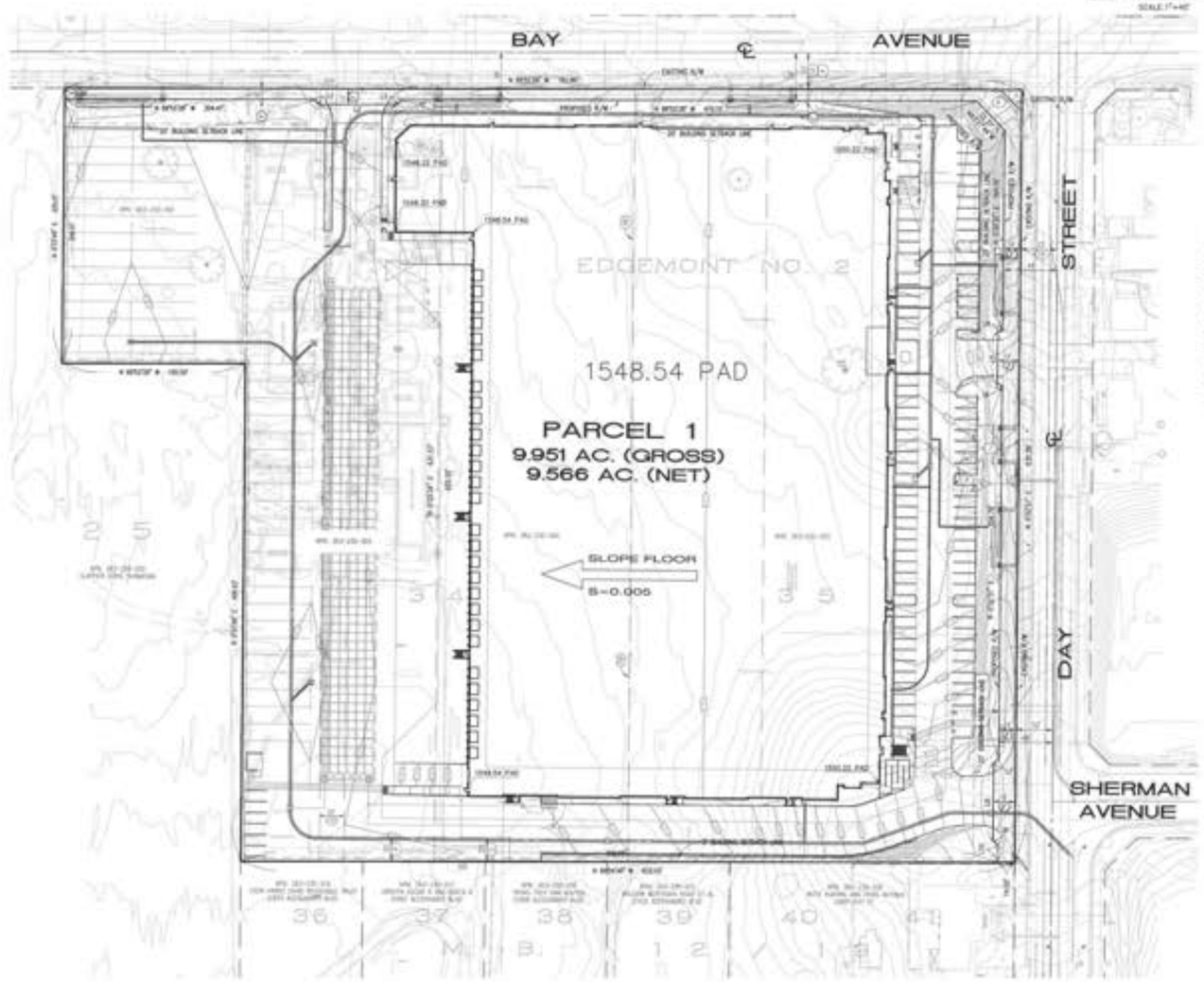
1. AN EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES TO THE THE CITY OF MORENO VALLEY, TO BE DESIGNATED ON THE FINAL MAP (DAY AVENUE)

2. AN EASEMENT FOR STREET AND PUBLIC UTILITY PURPOSES TO THE THE CITY OF MORENO VALLEY, TO BE DESIGNATED ON THE FINAL MAP (DAY STREET)

ZONING:

ZONING INFORMATION:
(THE FOLLOWING ZONE DESIGNATIONS ARE PER CITY OF MORENO VALLEY DEPARTMENT OF CHEMISTRY / MAPPING)

- ZONING FOR ENTIRE SITE
GENERAL PLAN DESIGNATION: BP – BUSINESS PARK/LIGHT INDUSTRIAL
ZONE DESIGNATION: I / – INDUSTRIAL/ BUSINESS PARK



APNs:
263-130-001
263-130-003
263-130-004
263-130-005

NOTES:
DATE OF PREPARATION: 5-17-2022
GROSS ACREAGE: 9.951
NET ACREAGE: 9.566

SCALE 1"=40'

VICINITY MAP

LEGEND:

CL	CENTERLINE		CONCRETE
CONC	CONCRETE		
DRN	DRAIN		TREE
DRWY	DRIVEWAY		
ELEC MTRS	ELECTRIC METERS		
GA	GUY ANCHOR		
GM	GAS METER		
PA	PLANTER AREA		PALM TREE
PL	PROPERTY LINE		
PP	POWER POLE		
SDMH	STORM DRAIN MANHOLE		IRON FENCE
SMH	SEWER MANHOLE		BLOCK WALL
STLT	STREET LIGHT		
WDF	WOOD FENCE		
WM	WATER METER		
WV	WATER VALVE		

- 1500 — INDICATES PROPOSED CONTOUR
- 1500 — INDICATES EXISTING CONTOUR
- 1506.21 EC — INDICATES PROPOSED ELEVATION/DESCRIPTION
- INC (1506.21) — INDICATES EXISTING DESCRIPTION/ELEVATION

UTILITY PROVIDERS:

POTABLE WATER
BOX SPRINGS MUTUAL WATER COMPANY
[STREET ADDRESS]
MORENO VALLEY, CA 92553
PHONE: (951) 653-4445
CONTACT: MELISSA MARTINEZ

CABLE:
CHARTER
[STREET ADDRESS]
CORONA, CA 92883
PHONE: (562) 867-0336
CONTACT: JEFF BOWERS

ELECTRIC:
CITY OF MORENO VALLEY
14331 FREDERICK STREET, SUITE 2
MORENO VALLEY, CA 92552
PHONE: (951) 413-3500
FAX: (951) 413-3600
CONTACT: CLEMENT JIMENEZ

TELEPHONE:
AT&T
1265 VAN BUREN STREET, STE 180
RIVERSIDE, CA 92507
PHONE: (714) 668-5502
CONTACT: CHRIS SCOTTOW

GAS:
SO. CALIF. GAS COMPANY
1981 W. LUGONIA AVENUE, P.O. BOX 3003
REDLANDS, CA 92374-4150
PHONE: (909) 335-7767
FAX: (909) 335-7521
CONTACT: STEVEN VARGAS

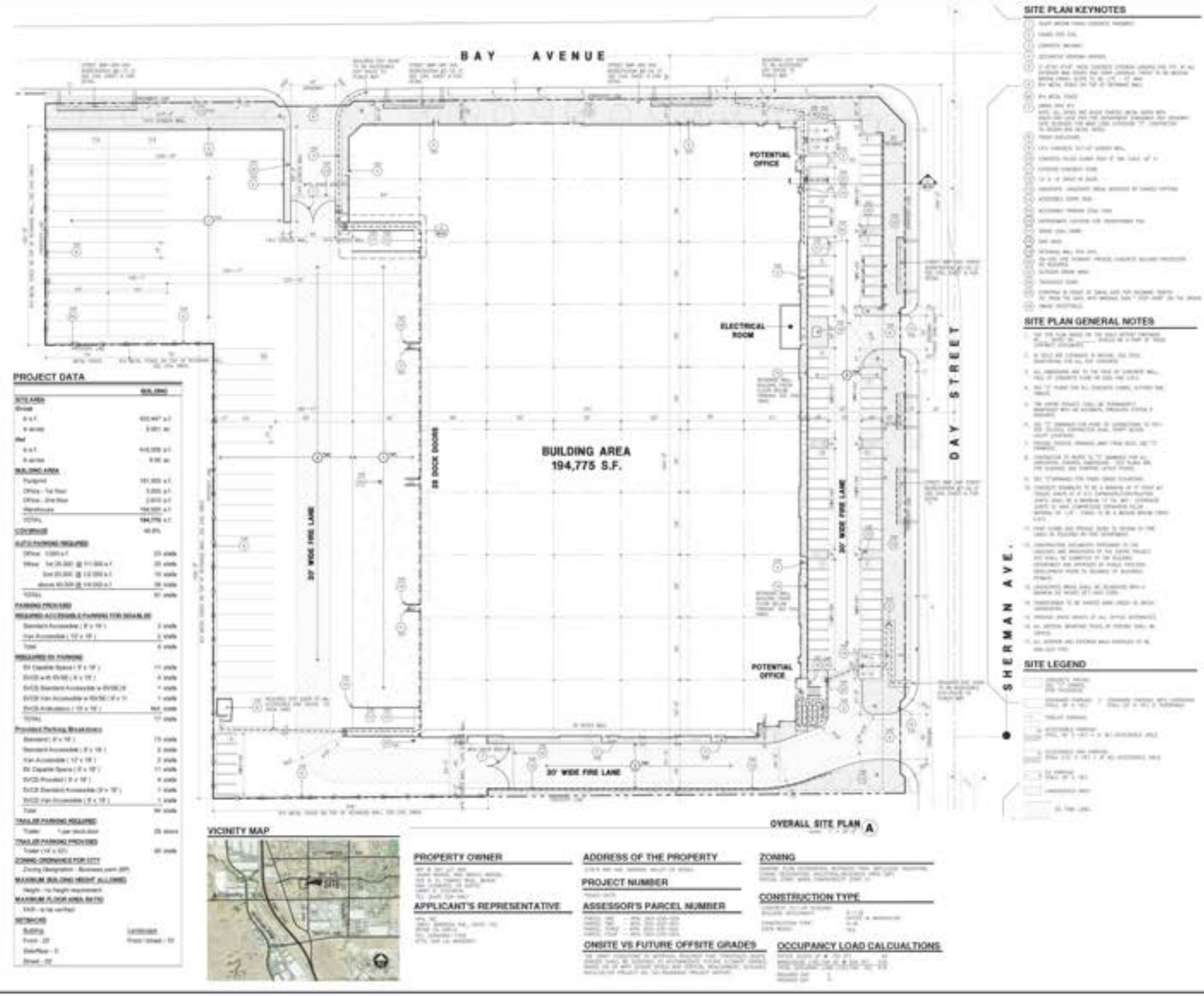
SEWER
EDGEMONT COMMUNITY SERVICES DISTRICT
P.O.BOX 7438
RIVERSIDE, CA 92517
PHONE: (951) 784-2531
CONTACT: JESSICA PFLUEGER

Source(s): Thienes Engineering, Inc. (04-25-2024)

Figure 3-5

Not to Scale

Tentative Parcel Map (PEN23-0075)

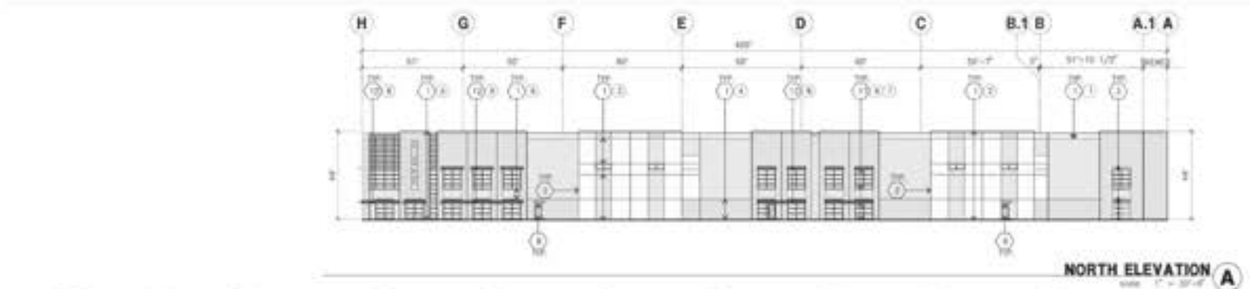


Source(s): HPA (04-29-2024)

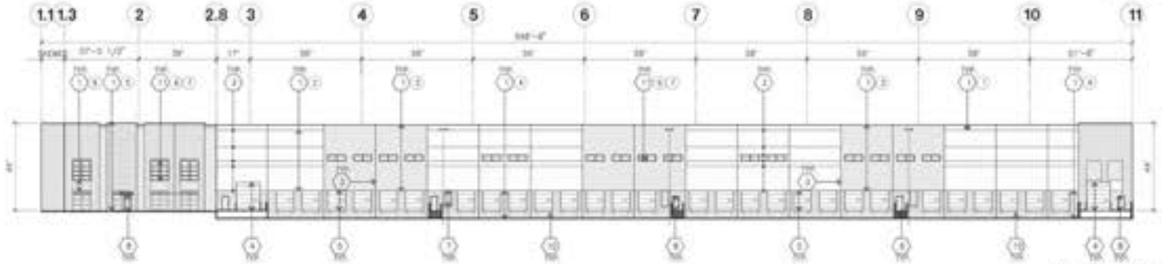
Figure 3-6

Not to Scale

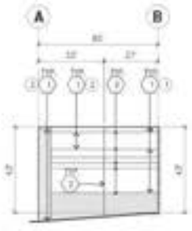
Conceptual Site Plan

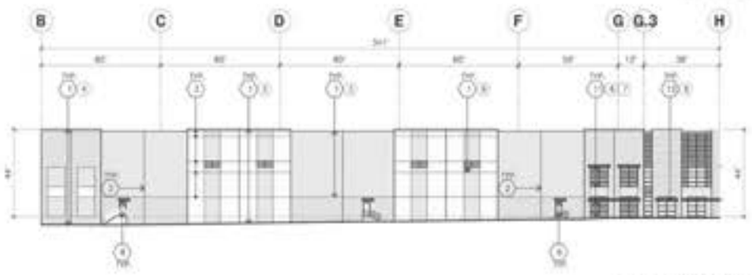


NORTH ELEVATION (A)



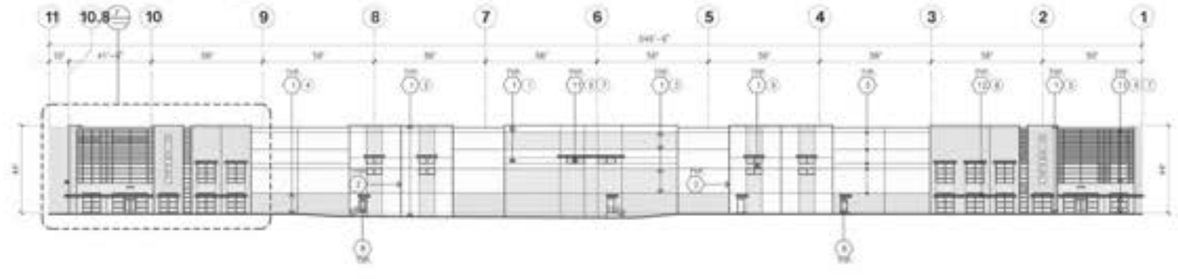
WEST ELEVATION (B)

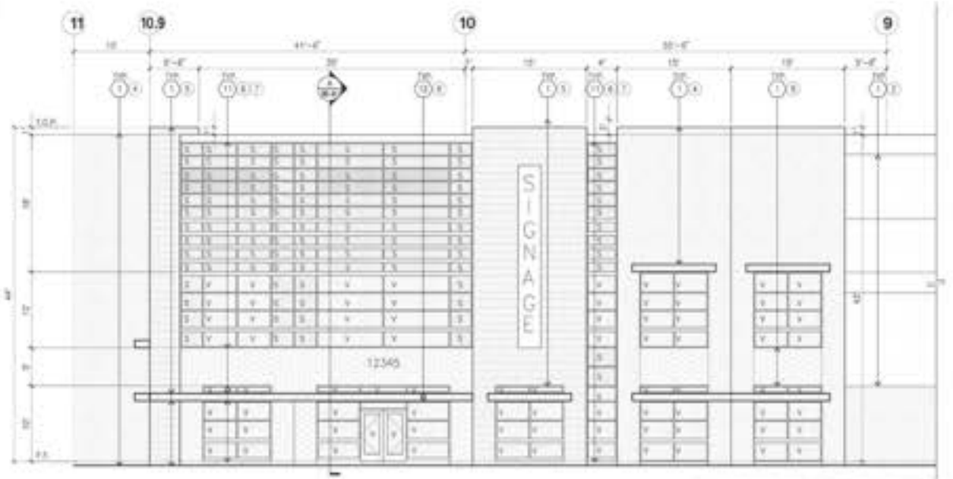




NORTH WEST ELEVATION (D)

SOUTH ELEVATION (C)





ENLARGED EAST ELEVATION (F)

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED)
2. PANEL JOINT
3. PANEL REVEAL - ALL REVEALS TO HAVE A MIN. OF 3/8" CHAMFER REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR, U.N.O.
4. OVERHEAD DOOR @ GRADE (TYP.) - SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
5. OVERHEAD DOOR @ DOCK HIGH - SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 2" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER - PAINT TO MATCH BUILDING COLOR.
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR. PROVIDE PVB WHITE DROPPER AT BOTTOM OF DOOR.
9. INTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
10. DOCK BUMPER
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
12. TUBE STEEL CANOPY
13. PRECAST CONCRETE UP LIGHT

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. OR T.P. = TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND U-WELD SHALL BE DESIGNED TO RESIST 90 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS, ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON.

COLOR SCHED. - ELEVATIONS

1	CONCRETE TILT-UP PANEL	PAINT BRAND	SHERWIN WILLIAMS SW 7005 PURE WHITE
2	CONCRETE TILT-UP PANEL	PAINT BRAND	SHERWIN WILLIAMS SW 7042 SHOJI WHITE
3	CONCRETE TILT-UP PANEL	PAINT BRAND	SHERWIN WILLIAMS SW 7044 AMAZING GRAY
4	CONCRETE TILT-UP PANEL	PAINT BRAND	SHERWIN WILLIAMS SW 6156 SAWDUST
5	CONCRETE TILT-UP PANEL	PAINT BRAND	SHERWIN WILLIAMS SW 7604 SMOKEY BLUE
6	MULLIONS	COLOR	CLEAR ANODIZED MULLIONS
7	GLAZING	COLOR	MEDIUM PERFORMANCE BLUE REFLECTIVE GLAZING
8	METAL CANOPY	PAINT BRAND	SHERWIN WILLIAMS ACRYLIC LATEX SYSTEM HIGH CLOSE/HIGH PERFORMANCE SW 7663 MONORAL SILVER
9	CONCRETE TILT-UP PANEL	PAINT BRAND	ARIZONA TILE SAW WOOD 20X60 RW02

PAINT AND MATERIAL LEGEND

1 2 3 4 5 6 7

GLAZING LEGEND

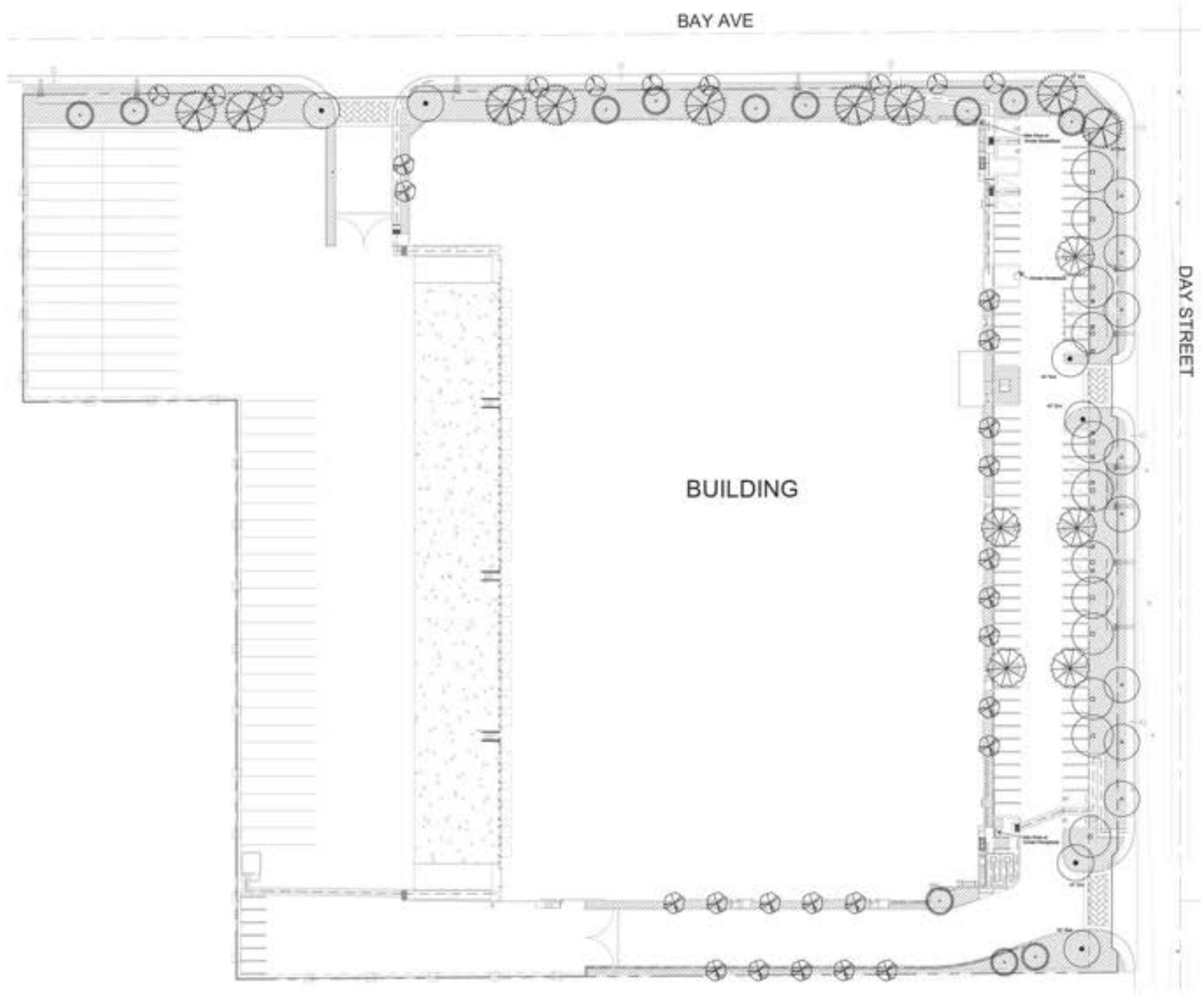
T TEMPERED SPANDREL GLASS V TEMPERED VISION GLASS V INSULATED VISION GLASS
ALL GLAZING TO BE TEMPERED GLASS

Source(s): HPA (04-29-2024)

Figure 3-7

Not to Scale

Conceptual Architectural Elevations



PLANTING LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Cercidium 'Desert Museum' Blue Palo Verde	48" Box 36" Box	8 2	L	Multi
	Chilopsis linearis Desert Willow	24" Box	12	L	Multi
	Chitalpa tashkentensis Chitalpa	24" Box	4	L	Standard
	Magnolia g. 'Little Gem' Magnolia	24" Box	10	M	Standard Multi Trunk
	Pinus canariensis Canary Island Pine	24" Box	6	M	Standard Multi Trunk
	Prosopis chilensis Chilean Mesquite	48" Box 36" Box	2 1	L	Multi
	Rhus lancea African Sumac	24" Box	12	L	Standard
	Tristania conferta Brisbane Box	15 Gal	31	M	Standard

SYMBOL	BOTANICAL/COMMON NAME	SIZE	WUCOLS	REMARKS
	Acca sellowiana Pineapple Guava	5 Gal	M	
	Baccharis p. 'Centennial' Coyote Bush	5 Gal	L	
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal	M	
	Calliandra haematocephala Calliandra	5 Gal	M	
	Dietes bicolor Fortnight Lily	5 Gal	M	
	Lagerstroemia 'Tuscarora' Crape Myrtle	5 Gal	M	
	Muhlenbergia capillaris Pink Muhly	5 Gal	M	
	Muhlenbergia rigens Deer Grass	5 Gal	M	
	Rhaphiolepis i. 'Clara' Indian Hawthorn	5 Gal	M	
	Rhaphiolepis i. 'Springtime' Indian Hawthorn	5 Gal	M	
	Rhamnus californica California Coffeeberry	5 Gal	L	
	Rosmarinus o. 'Tuscan Blue' Rosemary	5 Gal	L	
	Salvia c. 'Allen Chickering' Allen Chickering Sage	5 Gal	L	
	Salvia leucantha Autumn Sage	5 Gal	L	
	Salvia leucantha Mexican Sage	5 Gal	L	
	Westringia fruticosa Coast Rosemary	5 Gal	L	
	Westringia f. 'Grey Box' Dwarf Coast Rosemary	5 Gal	L	

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Rosa 'Flower Carpet' Red Red Flower Carpet Rose	1 Gal	36" O.C.	L	
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	48" O.C.	L	
	Trachelospermum jasminoides Star Jasmine	1 Gal	24" O.C.	M	
	Acacia redolens 'Low Boy' Dwarf Acacia	1 Gal	8' O.C.	L	
	Baccharis p. 'Pigeon Point' Dwarf Coyote Bush	1 Gal	8' O.C.	L	
	Lantana 'Gold Mound' Yellow Lantana	1 Gal	36" O.C.	L	

1 Bike Rack - PARK-IT POWDER COATED STEEL BIKE RACKS SKU:727042-BK from TimeTrap Products or equivalent

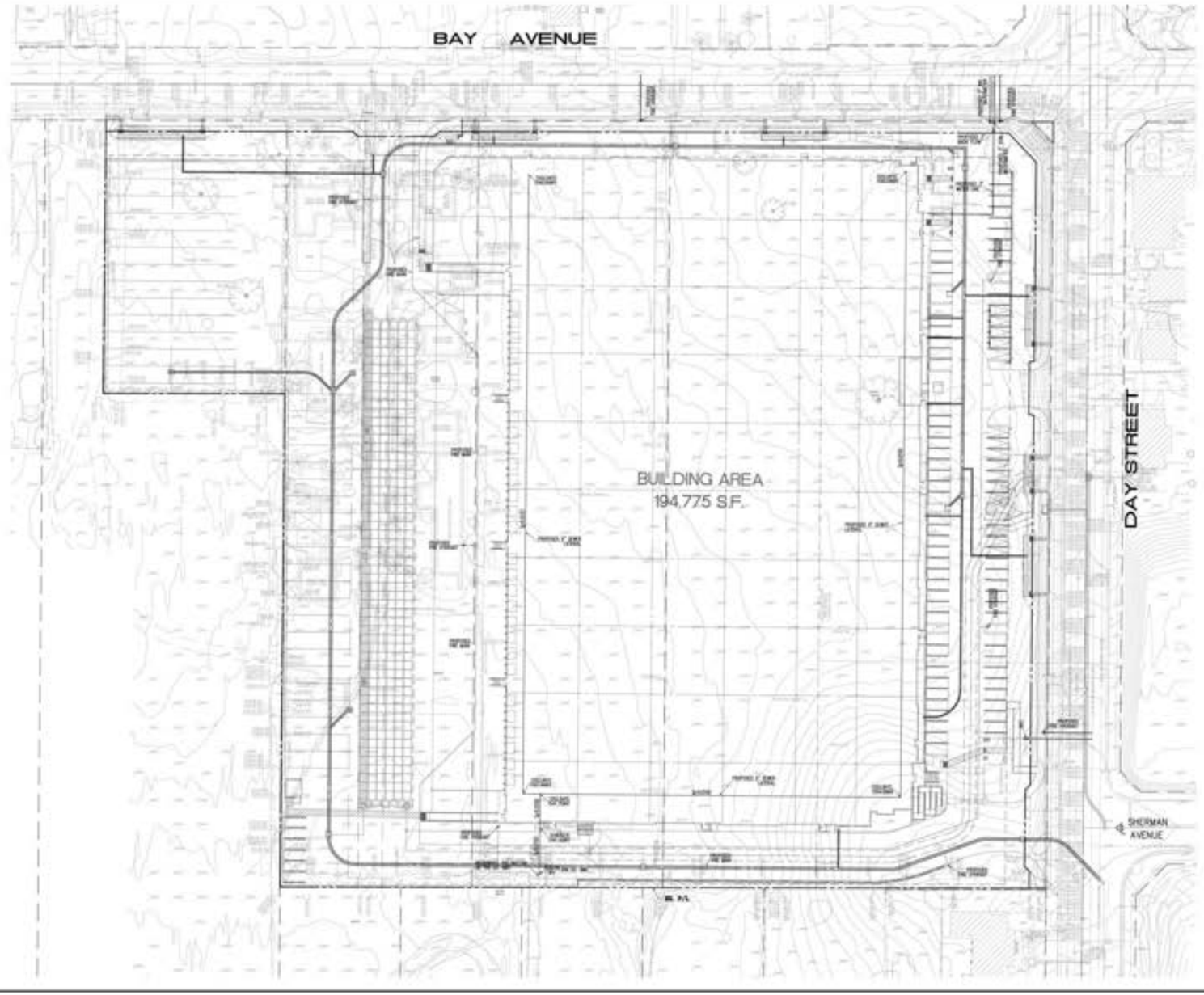
= Smoking Receptacle - RUBBERMAID FG261088 or equivalent

Source(s): Hunter Landscape (02.28.2024)

Figure 3-8

Not to Scale

Conceptual Landscape Plan

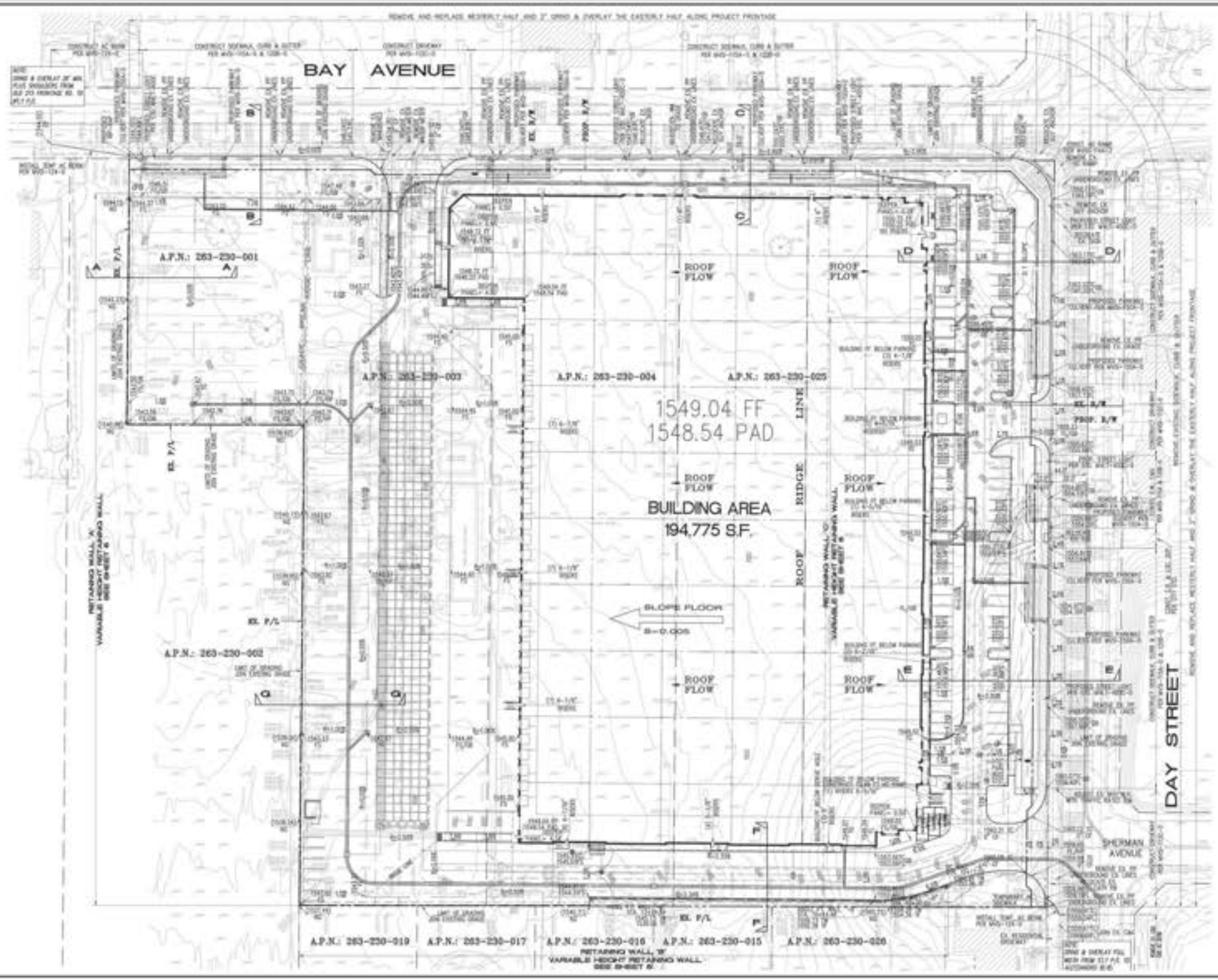


Source(s): Thienes Engineering, Inc. (06-25-2024)

Figure 3-9

Not to Scale

Conceptual Utility Plan



Source(s): Thienes Engineering, Inc. (06-25-2024)

Figure 3-10

Not to Scale

Conceptual Grading Plan

4.0 Environmental Analysis

4.0.1 Summary of EIR Scope

In accordance with CEQA Guidelines Sections 15126-15126.4, this EIR Section includes analyses of potential direct, indirect, and cumulatively-considerable impacts that could result from the planning, construction, and/or operation of the proposed Project.

The City distributed a Notice of Preparation (NOP) for this EIR to public agencies and interested individuals and posted the NOP on its website to solicit input on the scope of environmental study for the Project. In addition, the City held a publicly advertised EIR Scoping Meeting on September 20, 2023, to solicit input from the general public on the scope of environmental study for the Project. Taking all known information and public comments into consideration, 13 primary environmental subject areas are evaluated in detail in this EIR Section 4.0, as listed below. Each subsection evaluates several specific topics related to the primary environmental subject; refer to each subsection for a full account of the specific subject matters addressed therein.

4.1	Aesthetics	4.8	Hazards & Hazardous Materials
4.2	Air Quality	4.9	Hydrology & Water Quality
4.3	Biological Resources	4.10	Land Use & Planning
4.4	Cultural Resources	4.11	Noise
4.5	Energy	4.12	Transportation
4.6	Geology &Soils	4.13	Tribal Cultural Resources
4.7	Greenhouse Gas Emission		

After conducting preliminary research and in consideration of all comments received by the City on the scope of this EIR and documented in the City's administrative record, the City determined that the Project clearly has no potential to result in significant impacts under seven (7) environmental subjects: Agriculture & Forestry Resources, Mineral Resources, Population & Housing, Public Services, Recreation, Utilities & Service Systems, and Wildfire. These seven subject areas are addressed in EIR Section 5.0, *Other CEQA Considerations*.

4.0.2 Scope of Cumulative Effects Analysis

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a proposed project. As noted in CEQA Guidelines Section 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts" (CEQA Guidelines Section 15130(a)(1)). As defined in CEQA Guidelines Section 15355:

'Cumulative Impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: "1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency ['the list of projects approach'], or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact ['the summary of projections approach']."

This EIR utilizes an analysis approach that combines the summary of projections with the manual addition of past, present, and reasonably foreseeable projects ("combined approach"). The City determined the combined approach to be appropriate because while long-range planning documents contain enough information to enable an analysis of cumulative effect for all subject areas, relying solely on the summary of projections approach could underestimate localized cumulative effects in proximity to a development site or affected sensitive receptor(s). The list of projects used to supplement the summary of projections approach includes known approved and pending development projects in proximity to the Project Site (approximately 0.5-mile), listed below.

1. Cottonwood & Edgemont Project: An approved, but not yet constructed, plan to develop two warehouse distribution buildings abutting Old 215 Frontage Road, south of Cottonwood Avenue, with a combined floor area of 99,630 s.f.

2. Alessandro Corporate Center: A proposal to develop a warehouse distribution building north of Alessandro Boulevard and abutting I-215 with approximately 115,410 s.f. floor area.

3. Old 215 Industrial Park: An approved, under construction project comprised of six warehouse distribution buildings abutting Old 215 Frontage Road, south of Bay Avenue, with a combined floor area of approximately 197,000 s.f. This project abuts the Project Site on the west.

4. Moreno Valley Business Center: An approved, but not yet constructed, plan to develop a warehouse distribution building abutting Alessandro Boulevard, east of Day Street, with approximately 164,187 s.f. of floor area.

The location of the development projects listed above are illustrated on Figure 4.0-1, *Cumulative Project Location Map*.

For the summary projections approach, the cumulative study area primarily includes the City of Moreno Valley which is located among incorporated cities and unincorporated communities located in the northwest portion of Riverside County that have similar environmental characteristics as the Project area. The selected study area encompasses a valley that is largely bounded by prominent topographic landforms, such as Box Spring Mountain, the Foothills, and Reche Canyon to the north, the Badlands to the east, and the Lakeview Mountains and Bernasconi Hills to the southeast. This study area exhibits similar characteristics in terms of climate, geology, and hydrology and, therefore, is also likely to have similar biological and archaeological characteristics as well. This study area also encompasses the service areas of the Project Site's primary public service and utility providers. Areas outside of this study area either exhibit topographic, climatological, or other environmental circumstances that differ from those of the Project area, or are simply too far from the proposed Project site to produce environmental effects that could be cumulatively considerable. Exceptions include the cumulative air quality analysis, which considers the entire South Coast Air Basin (SCAB); the greenhouse gas emissions and global climate change analysis, which considers global climate; and the analysis of potentially cumulative hydrology and water quality effects, which considers the area of the Santa Ana River Basin Watershed.

The proposed Project is consistent with the Business Park/Light Industrial land use designation applied to the Project Site by the City's General Plan. The City's General Plan EIR, having State Clearinghouse (SCH) No. 2000091075, with a Draft EIR date of June 16, 2005, and Final EIR date of July 11, 2006, is herein incorporated by reference pursuant to CEQA Guidelines Section 15150. Additionally, because the Project Site is located near the City of Riverside and unincorporated areas of Riverside County, the General Plan and General Plan EIRs of these jurisdictions also were considered. The location where each General Plan CEQA compliance document is available for public review is provided below. All of the CEQA compliance documents listed below are herein incorporated by reference pursuant to CEQA Guidelines Section 15150.

- City of Moreno Valley General Plan EIR (SCH No. 2000091075), available for public review at the City of Moreno Valley City Hall, 14177 Frederick Street, Moreno Valley, CA 92553, and online at https://moval.gov/city_hall/general-plan.html

- County of Riverside General Plan EIR (SCH No. 2002051143), available for public review at the County of Riverside Transportation and Land Management Agency Planning Department, 4080 Lemon Street, Riverside, CA 92502, and available online at https://planning.rctlma.org/General-Plan-Zoning/General-Plan/Riverside-County-General-Plan-2015/General-Plan-Amendment-No960-EIR-No521-CAP-February-2015.

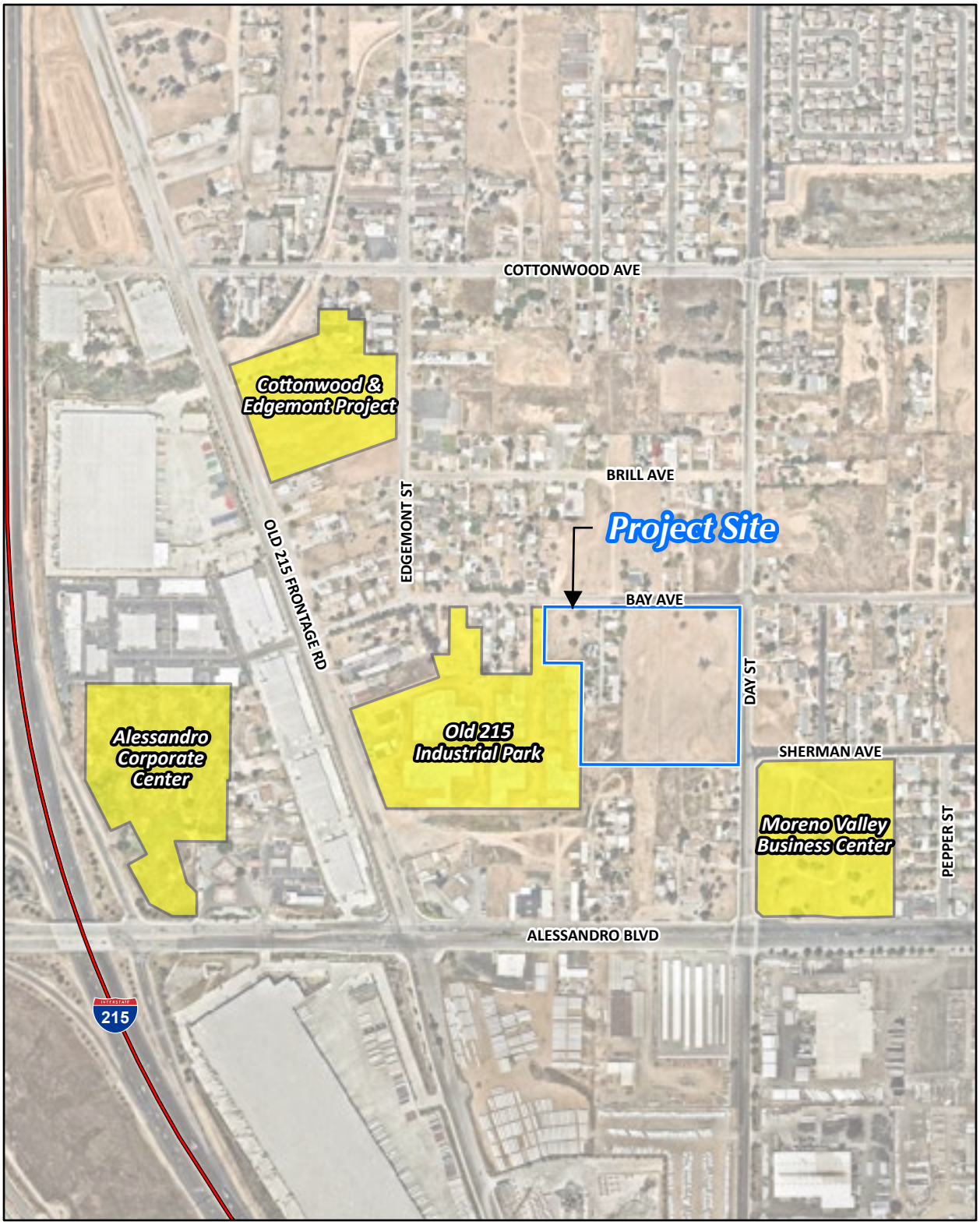
- City of Riverside General Plan EIR (SCH No. 2004021108), available for public review at the City of Riverside, 3900 Main Street, Riverside, CA 92522, and available online at https://riversideca.gov/cedd/planning/city-plans/general-plan-0.

4.0.3 Analysis Format

Subsections 4.1 through 4.13 of this EIR evaluate the 13 environmental subjects warranting detailed analysis as determined by the City of Moreno Valley in consideration of preliminary research findings, public comments, and technical studies pertaining to the Project Site and the proposed Project. The format of discussion is standardized as much as possible in each section for ease of review. The environmental setting is discussed first, followed by a discussion of the potential environmental impacts that would result from implementation of the Project (which is based on specified thresholds of significance used as criteria to determine whether potential environmental effects are significant). The thresholds of significance used in this EIR are based on the thresholds approved by the City of Moreno Valley in their *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* (see CEQA Guidelines Section 15064.7). The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, is significant, or is less than significant.

Serving as the CEQA Lead Agency for this EIR, the City of Moreno Valley is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City of Moreno Valley, taking into consideration the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* (July 2019), the City of Moreno Valley General Plan, the Moreno Valley Municipal Code and adopted City policies, the judgment of the technical experts that prepared this EIR's technical appendices, performance standards adopted, implemented, and monitored by regulatory agencies, and significance standards recommended by regulatory agencies.

As required by CEQA Guidelines Section 15126.2(a), Project-related effects on the environment are characterized in this EIR as direct, indirect, cumulatively considerable, short-term, long-term, on-site, and/or off-site impacts. A summarized "impact statement" is provided in each subsection following the analysis. Each subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations) that the Project and its implementing actions are required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. For any impact identified as significant and unavoidable, the City of Moreno Valley would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 in order to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Project, supported by substantial evidence in the Project's administrative record, that outweigh the unavoidable impacts.



Source(s): ESRI, NearMap Imagery (September 2023)

Figure 4.0-1

0 150 300 600 Feet

Cumulative Project Location Map

4.1 AESTHETICS

This Subsection describes the aesthetic qualities and visual resources present on the Project Site and in the Project Site's vicinity, and evaluates the potential effects that the Project may have on these resources. Descriptions of existing visual characteristics and the analysis of potential impacts to aesthetic resources are based on field observations and photographs collected by T&B Planning, Inc. in May 2023 (T&B Planning, 2023); analysis of aerial photography (Google Earth Pro, 2023); and the Project application materials submitted to the City of Moreno Valley and described in Section 3.0, *Project Description* of this EIR. This Subsection also is based on information contained in the Aesthetics section of the certified Final Program EIR prepared for the City's General Plan (SCH No. 2000091075) (Moreno Valley, 2006a), and the City of Moreno Valley Municipal Code (Moreno Valley, 2023). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.1.1 EXISTING CONDITIONS

A. Project Site and Surrounding Areas

The Project Site is in the western portion of the City of Moreno Valley, Riverside County, California. The Project Site abuts the west side of Day Street and the south side of Bay Avenue, and is located approximately 650 feet north of Alessandro Boulevard. For many decades, the surrounding area exhibited a rural or undeveloped character, but the area is transitioning to an urbanized character. Low density residential uses occur to the north (north of Bay Avenue), east (east of Day Street), and south of the Project Site. Commercial uses are also located south of the Project Site (on the north and south sides of Alessandro Boulevard). Property abutting the Project Site on the west/southwest is under construction for light industrial land uses. Refer to EIR Subsection 2.3, *Surrounding Land Uses*, for a description of uses abutting and nearby the Project Site.

Topographically, the Project Site slopes gently from east to west with elevations ranging from approximately 1,555 feet above mean sea level (amsl) in the eastern portion of the site to approximately 1,538 amsl in the western portion of the site. There are no rock outcroppings or unique topographic features present on the property.

Pursuant to CEQA Guidelines Section 15125 and explained in Section 2.0 of this EIR, the physical environmental condition for purposes of establishing the setting of this EIR is the environment as it existed at the time the EIR's NOP was released for public review. The NOP for this EIR was released on September 5, 2023. As of that date, the Project Site was fenced and all but one parcel were undeveloped.

A photographic inventory of the Project Site was taken from five vantage points and is relied upon herein to describe the Project Site's existing aesthetic condition and character. The photographs taken from these vantage points are illustrated on Figure 4.1-1 and Figure 4.1-2. These photographs provide a representative visual depiction of the Site's visual characteristics as seen from surrounding public viewing areas, which consist of the segments of Bay Avenue and Day Street that abut the Project Site.

The photographs were all taken during the same session and reflect a field of view approximately 5.0 feet above the ground.

- View 1 depicts views from Bay Avenue at the northeastern corner of the Project Site, looking south and southwest. The Project Site is covered with ruderal vegetation and chain link fencing is along the Site's perimeter. Electrical distribution poles and above-ground powerlines adjacent to Bay Avenue are visible from View 1. On-going construction is visible to the west/southwest of the Project Site.

- View 2 illustrates the northern portion of the Project Site looking south from Bay Avenue, at the approximate midpoint between the western boundary of the Project Site and Day Street. The Project Site is covered with ruderal vegetation and chain link fencing is along the Site's perimeter. Electrical distribution poles and above-ground powerlines adjacent to Bay Avenue are visible. In addition, vehicle parking areas and ornamental landscaping associated with the residential structures on the Project Site are visible in the foreground.

- View 3 shows the northeast corner of the Project Site as seen from the Bay Avenue and Day Street intersection. This portion of the Project Site is vacant and undeveloped and is surrounded by chain linked fence. As shown in Figure 4.1-1, trees inside the Project Site and transmission poles along both Bay Avenue and Day Street are visible.

- View 4 depicts views of the eastern portion of the Project Site from Day Street at the approximate midpoint between Bay Avenue and the southern Project Site boundary. This portion of the Project Site is vacant and covered with ruderal vegetation, with scattered trees.

- View 5 provides views of the southern portion of the Project Site, as viewed from Day Street at the southeast corner of the Site. This portion of the Project Site is vacant and undeveloped and is surrounded by chain linked fence. Electrical distribution poles and above-ground powerlines adjacent today Street are visible from View 5, as are partial views of the foothills associated with the Box Springs Mountains Reche Canyon.

B. Scenic Vistas and Scenic Resources

The Project Site is located within a relatively flat valley near the I-215 Freeway corridor in an area surrounded by rugged hills and mountains. Major scenic resources in Moreno Valley that contribute to scenic vistas include the Box Springs Mountains and Reche Canyon to the north of the City, the Badlands to the east of the City, and the Bernasconi Hills to the southeast of the City. The Project Site is not located within a City-designated scenic vista or view corridor for the Box Springs Mountains, Reche Canyon, the Badlands, or the Bernasconi Hills (Moreno Valley, 2006a, Figure 7-2). Due to intervening development and the distance and orientation of these topographic features in relation to the Project Site, prominent, distinct views of the Badlands (and beyond, San Gorgonio Mountain) and the Bernasconi Hills are not available from public viewing areas abutting the Project Site under existing conditions (Google Earth Pro, 2023).

1 Views from Bay Avenue at the northeastern corner of the Project Site, looking south and southwest.

2 Views from the northern portion of the Project Site looking south from Bay Avenue, at the approx. midpoint between the western boundary of the Project Site and Day Street.

3 Views from the northeast corner of the Project Site as seen from the Bay Avenue and Day Street intersection.

Source(s): ESRI, NearMap Imagery (September 2023)

Figure 4.1-1

Not to Scale

Site Photographs – Views 1 through 3

4 Views of the eastern portion of the Project Site from Day Street at the approximate midpoint between Bay Avenue and the southern Project Site boundary.

5 Views of the southern portion of the Project Site, as viewed from Day Street at the southeast corner of the Site.

Source(s): ESRI, NearMap Imagery (September 2023)

Figure 4.1-2

Not to Scale

Site Photographs – Views 4 and 5

Scenic resources visible (at least partially) from public viewpoints near the Project Site include the Box Springs Mountains (approximately 2.0 miles to the north and partially visible) and the foothills associated with Reche Canyon (approximately 4.2 miles to the northeast and partially visible). Under existing conditions, views of the Box Springs Mountains to the north are mostly obscured due to intervening development, trees, topography, and atmospheric haze that is common in the Inland Empire throughout the year (Google Earth Pro, 2023). Under existing conditions, views of the Foothills to the northeast are also largely obstructed by existing development, trees, and atmospheric haze (ibid.).

There are no State-designated scenic road or highway corridors within the City of Moreno Valley (Caltrans, 2023a), and the Project Site does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings visible from a scenic road or highway.

C. Light and Glare

The Project Site is not exposed to any sources of artificial, exterior lighting under existing conditions other than outdoor fixtures associated with the existing residences on the Project Site. Artificial lighting sources occur in the immediate vicinity of the Project Site, with the most notable sources of light emanating from street lights along the northern side of Day Street, and from developed properties in the area.

4.1.2 Applicable Regulatory Requirements

A. Local Plans, Policies, and Regulations

1. City of Moreno Valley General Plan

The City of Moreno Valley General Plan (adopted July 11, 2006) guides future development within the city. The General Plan's Community Development Element, Parks, Recreation and Open Space Element, and Conservation Element identify attributes that contribute form, character, and quality of life in the communities and neighborhoods where people live and provide goals, policies and programs that are intended to preserve the City's character and scenic resources while improving overall community design.

2. City of Moreno Valley Municipal Code

The City of Moreno Valley Municipal Code Section 9.08.100 (Lighting) regulates light and glare associated with new development in the City, and requires the following of non-residential development:

> *All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate, or be of unusually high intensity or brightness* (Moreno Valley, 2023).

4.1.3 Basis for Determining Significance

The Project would result in a significant impact to aesthetics if the Project or any Project-related component would:

a. *Have a substantial adverse effect on a scenic vista;*

b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*

c. *In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or*

d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects that development projects could have on aesthetics/visual quality and scenic resources. The use of these thresholds for the evaluation of Project-related impacts is intended to ensure that impacts to aesthetic resources are appropriately evaluated and that feasible mitigation measures are applied for any impacts that are determined to be significant.

Regarding the determination of significance under Threshold "a," if the Project would block or otherwise substantially and adversely affect a unique view of a scenic vista(s) as seen from a public viewing location(s), such as a public road, park, trail, and/or other publicly-owned property at which the general public is legally authorized to use or congregate, the impact would be regarded as significant. Effects to scenic vistas from private properties would not be considered significant because the City of Moreno Valley General Plan calls for the protection of public views and the City does not have any ordinances or policies in place that protect views from privately-owned property.

Regarding the determination of significance under Threshold "b," if the Project would interfere with the substantial preservation and/or enhancement of scenic resources within a State scenic highway corridor or scenic resources visible from a State scenic highway then impacts would be significant.

The United States Census Bureau defines "urbanized area" as a densely settled core of census tracts and/or census blocks that have 50,000 or more residents and meet minimum population density requirements while also being adjacent to territory containing non-residential urban land uses. The Project Site is within the boundaries of the Census-defined Riverside-San Bernardino urban area (Census Reporter, 2023); therefore, for the analysis of Threshold "c," the Project would result in a significant adverse impact if the Project design conflicts with applicable zoning and other applicable regulations governing scenic quality.

Regarding the determination of significance under Threshold "d," if the Project would directly expose the Project area with bright lights or create unwanted light in the night sky including light trespass sky glow, or over-lighting, the Project would adversely affect day or nighttime views in the area.

4.1.4 Methodology for Evaluating Impacts

The analysis of potential impacts to aesthetics is based upon a site reconnaissance and photographic survey conducted by T&B Planning and review of published reports, maps, and aerial photographs. In addition, the City's General Plan and its EIR, the City's Municipal Code, and information sources from State agencies were researched to establish the Project Site's existing conditions and likelihood of environmental effects.

4.1.5 Impact Analysis

***Threshold a:** Would the Project have a substantial adverse effect on a scenic vista?*

Scenic resources within the City of Moreno Valley are identified as the Box Springs Mountains, the Foothills, the Badlands, and the Bernasconi Hills. According to General Plan Figure 7-2, *Major Scenic Resources*, the Project Site is not located within or adjacent to a designated scenic resource or within a view corridor for any of the designated scenic resources in the City (Moreno Valley, 2006a).

Due to intervening development and the distance and orientation of the City's identified scenic resources in relation to the Project Site, prominent, distinct views of the Badlands (and beyond, San Gorgonio Mountain) and the Bernasconi Hills are not available from public viewing areas abutting the Project Site under existing conditions (Google Earth Pro, 2023). Scenic resources visible (at least partially) from public viewpoints near the Project Site include the Box Springs Mountains (approximately 2.0 miles to the north and partially visible) and the Foothills (approximately 4.2 miles to the northeast and partially visible). Under existing conditions, views of the Box Springs Mountains to the north the Foothills to the northeast are mostly obscured from view as seen from and around the Project Site due to intervening development, trees, topography, and atmospheric haze that is common in the Inland Empire throughout the year (Google Earth Pro, 2023).

The Project would result in the construction of an approximately 44-foot -tall warehouse, with a solid screen wall surrounding the building's truck court. Other vertical features (walls, fences, light poles, landscaping, etc.) would be shorter and have substantially less physical mass than the building, so the 44-foot -high building is considered to have the greatest potential to affect a scenic vista. The Project's proposed light industrial warehouse building would be set back from the public right-of-way for Day Street by approximately 93 feet and from the public right-of-way for Bay Avenue by approximately 22 feet. These roadways are the only existing public viewing areas that have the potential to be substantially affected by the Project. At a maximum height of 44 feet, the proposed warehouse building would not be so tall as to obstruct views or otherwise substantially detract from views of scenic landforms in the distance which, due to the heights of these landform features and distances from the Project site, would still be visible and partially visible along the horizon. Additionally, the proposed warehouse building's setback distances from Day Street and Bay Avenue would ensure that the lines

of sight are maintained from these public roads. As such, the Project would not have a substantial adverse effect on views of these scenic resources.

Based on the foregoing analysis, the Project would not have a substantial adverse effect on a scenic vista or scenic resources in the Project vicinity. Impacts would be less-than-significant.

Threshold b: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The Project Site is not located within or adjacent to an officially designated State scenic highway corridor and does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings (Caltrans, 2023a; Moreno Valley, 2006a). Accordingly, the Project would result in no impact to scenic resources, including resources within a California scenic highway.

Threshold c: In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The Project Site is located within an urbanized area, as defined by the U.S. Census Bureau, and determined as part of the 2020 Census (Census Reporter, 2023). Thus, pursuant to this threshold, a potentially significant impact to visual character only would occur if the Project were to conflict with applicable zoning and/or other City regulations governing scenic quality.

The Project's design, including site layout, architecture, and landscaping is discussed and illustrated in detail in EIR Section 3.0. As previously described, the Project's architecture incorporates a neutral color palette that would not be visually offensive and also incorporates accent elements, such as colored glass and decorative building elements for visual interest. Additionally, the Project's landscape plan incorporates low-water-need plant species that can maintain vibrancy during drought conditions. The proposed visual features of the Project would ensure a high-quality aesthetic for the site. The City reviewed the Project proposal in detail and determined that no component of the Project would conflict with applicable design regulations within the General Plan or the City's Zoning Code that govern scenic quality. No impact would occur.

Threshold d: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The Project Applicant proposes to develop the Project Site with a warehouse facility and would introduce additional lighting elements on-site to illuminate the parking areas, truck docking areas, and building entrances.

The Project Applicant would be required to comply with lighting requirements as set forth in the City Municipal Code Sections 9.10.110 (Light and Glare) and 9.16.280 (Applications for Lighting: General

Requirements). The Municipal Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding public nuisances (e.g., blinking/flashing lights, unusually high intensity, or needlessly bright lighting). The City would confirm compliance with applicable lighting requirements during future review of building permit applications/plans. Mandatory compliance with the Municipal Code would ensure that the Project would not introduce any permanent design features that would adversely affect day or nighttime views in the area. This impact would be less-than-significant.

With respect to glare, a majority of Project building materials would consist of tilt-up concrete panels (which are low-reflective), although the buildings would incorporate some glass elements. While window glazing has a potential to result in minor glare effects, such effects would not adversely affect daytime views of surrounding properties, including motorists along adjacent roadways, because the glass proposed for the Project would be low-reflective. Additionally, the Project's proposed landscaping would provide a buffer between all proposed glass surfaces and the public right-of-way.

4.1.6 Cumulative Impact Analysis

The CEQA Guidelines define a "cumulative impact" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355). The Project's effects to scenic views of the Box Springs Mountains and the Foothills are localized to the immediate Project area and would not extend beyond the public viewing areas that immediately abut the Project Site (Bay Avenue and Day Street). A warehouse building is approved but not yet constructed at the northeast corner of Day Street and Alessandro Boulevard and when considered together with the proposed Project, has the potential to collectively contribute to view obstruction. There are also many non-conforming residential properties and vacant properties in the area that have the potential to develop with business park and light industrial uses per the City's General Plan Land Use Plan. New development also is occurring and planned to occur in the City of Riverside on the west side of the Old 215 Frontage Road. Regardless, impacts would be less than significant and not cumulatively considerable because views of scenic topographic landforms would still be visible in the distance beyond these buildings given the heights of the buildings and the topographic elevations of the landforms that are far higher than the proposed structures. Accordingly, impacts would not be cumulatively considerable and the Project's contribution would be less than cumulatively considerable.

As noted under the analysis of Threshold "b," the Project Site is not located within proximity to any designated State scenic routes and does not contain any scenic resources. Therefore, the Project has no potential contribute to a cumulatively significant impact to scenic resources within a designated scenic route corridor.

As with the Project, new development in the surrounding area would be subject to applicable development regulations and design standards, including, but not limited to the City's Municipal Code. Mandatory compliance to applicable development regulations and design standards would ensure that developments would incorporate high quality building materials, site design, and landscaping to

minimize the potential for adverse effects due to a conflict with applicable zoning and other regulations governing scenic quality. In addition, the Project's design incorporates various architectural and landscape features to enhance and/or screen views of the interior of the Site from the surrounding public street system. Accordingly, Project-related impacts due to a conflict with applicable zoning and other regulations governing scenic quality would be less than cumulatively-considerable when considered in context with the existing visual character and quality of the Project Site's surroundings, which is considered an urbanized environment.

With respect to potential cumulative light and glare impacts, the Project Applicant would be required to comply with City Municipal Code Section 9.08.100 (Lighting), which sets standards for exterior lighting/fixtures. Other developments in the City also are required to adhere to Municipal Code Section 9.08.100 (Lighting). Additionally, development projects with light sources in surrounding jurisdictions would be required to comply with the light reduction requirements applicable in their respective jurisdiction. Although cumulative development in the Project's surrounding area is expected to introduce new sources of lighting and potentially reflective materials, the required compliance with the applicable legal standard and code requirements would ensure that future cumulative development does not introduce substantial sources of lighting or glare. As such, the Project would not contribute to cumulatively-considerable, adverse impacts to the existing daytime or nighttime views of the Project Site or its surroundings.

4.1.7 Significance of Impacts Before Mitigation

Threshold a: Less-than-Significant Impact. Implementation of the Project would have minimal effect on distant views of scenic landforms. Compliance with the Municipal Code would ensure the building and surface parking lot would be compatible with surrounding land uses, and ensure that public views are not blocked and scenic vistas are maintained. Impacts would be less-than-significant.

Threshold b: No Impact. The Project Site does not contain any scenic resources and is not located within the viewshed of a scenic highway. No impact to scenic resources would occur.

Threshold c: No Impact. The Project Site is in an urbanized area and would not conflict with applicable regulations in ways that would adversely affect scenic quality. No impact would occur.

Threshold d: Less-than-Significant Impact. Project-related development would not create substantial light or glare. Compliance with the City Municipal Code requirements for lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area from on-site lighting elements. A less-than-significant impact would result from implementation of the Project.

4.1.8 Mitigation

Impacts would be less-than-significant; therefore, mitigation is not required.

4.2 AIR QUALITY

This Subsection is based primarily on two technical studies that were prepared by Urban Crossroads, Inc. to evaluate the potential for Project-related construction and operational activities to result in adverse effects on local and regional air quality. The first report, an air quality impact analysis (AQIA), is titled "Bay & Day Commerce Center Air Quality Impact Analysis," dated October 2, 2023, and is included as *Technical Appendix B* to this EIR (Urban Crossroads, 2023a). The second report, a mobile source health risk assessment (HRA), is titled "Bay & Day Commerce Center Mobile Source Health Risk Assessment," dated October 2, 2023, and is included as *Technical Appendix C* to this EIR (Urban Crossroads, 2023b). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.2.1 EXISTING CONDITIONS

A. Atmospheric Setting

The Project Site is located in the South Coast Air Basin (SCAB, or "Basin"), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAB encompasses approximately 6,745 square miles and includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west; the San Gabriel, San Bernardino, and the San Jacinto Mountains to the north and east, respectively; and the San Diego County line to the south.

B. Regional Climate

The regional climate – temperature, wind, humidity, precipitation, and the amount of sunshine – has a substantial influence on air quality. The SCAB's distinctive climate is determined by its terrain and geographical location, which comprises a coastal plain connected to broad valleys and low hills bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter. The SCAB is semi-arid, with average annual temperatures varying from the low-to-middle 60s, measured in degrees Fahrenheit (F); however, the air near the land surface is quite moist on most days because of the presence of a marine layer. This shallow layer of sea air is an important modifier of the SCAB's climate. Humidity restricts visibility in the SCAB and the relative high humidity heightens the conversion of sulfur dioxide (SO_2) to sulfates (SO_4). The marine layer provides an environment for that conversion process, especially during the spring and summer months. Inland areas of the SCAB, including where the Project Site is located, show more variability in annual minimum/maximum temperatures and lower average humidity than coastal areas within the SCAB due to decreased marine influence.

More than 90 percent of the SCAB's rainfall occurs between November and April. The annual average rainfall within the SCAB varies between approximately nine (9) inches in Riverside to 14 inches in downtown Los Angeles. Monthly and yearly rainfall totals are extremely variable. Summer rainfall usually consists of widely scattered thunderstorms near the coast and slightly heavier shower activity in the eastern portion of the SCAB. Due to its generally clear weather, about three-quarters of available sunshine is received in the SCAB; the remaining one-quarter is absorbed by clouds. The abundant

amount of sunshine (and its associated ultraviolet radiation) is a key factor to the photochemical reactions of air pollutants in the SCAB.

Dominant airflow direction and speed are the driving mechanisms for transport and dispersion of air pollution. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with storms moving through the region from the northwest. This period also brings five to 10 periods of strong, dry offshore winds, locally termed "Santa Anas" each year. During the dry season, which coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, typified by a daytime onshore sea breeze and a nighttime offshore drainage wind. Summer wind flows are created by the pressure differences between the relatively cold ocean and the unevenly heated and cooled land surfaces that modify the general northwesterly wind circulation over southern California. During the nighttime, heavy, cool air descends mountain slopes and flows through the mountain passes and canyons as it follows the lowering terrain toward the ocean.

In the SCAB, there are two distinct temperature inversion structures that control the vertical mixing of air pollution. During the summer, warm high-pressure descending (subsiding) air is undercut by a shallow layer of cool marine air. The boundary between these two layers of air is a persistent marine subsidence/inversion. This boundary prevents vertical mixing which effectively acts as an impervious lid to pollutants over the entire SCAB. The mixing height for the inversion structure is normally situated 1,000 to 1,500 feet above mean sea level. A second inversion-type forms in conjunction with the drainage of cool air off the surrounding mountains at night followed by the seaward drift of this pool of cool air. The top of this layer forms a sharp boundary with the warmer air aloft and creates nocturnal radiation inversions. These inversions occur primarily in the winter, when nights are longer and onshore flow is weakest. They are typically only a few hundred feet above mean sea level. These inversions effectively trap pollutants, such as nitrogen oxides and carbon monoxide, as the pool of cool air drifts seaward. Winter is therefore a period of high levels of primary pollutants along the coastline.

The discussion above summarizes information from the Project's AQIA. Refer to Sections 2.2 and 2.3 of the Project's AQIA (refer to *Technical Appendix B*) for a detailed description of regional climate and wind patterns.

C. *Criteria Pollutants and Associated Human Health Effects*

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as "criteria pollutants." An overview of the common criteria air pollutants in the SCAB, their sources, and associated effects to human health are summarized on the following pages (this information is summarized from Section 2.4 of the Project's AQIA; refer to the AQIA for a more detailed discussion of criteria pollutants).

- **Carbon Monoxide (CO)** is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest in the winter during the morning, when there is little to no wind and surface-based inversions trap the pollutant at ground levels. CO is emitted directly from internal combustion engines; therefore, motor vehicles operating at slow speeds are the primary source of CO and the highest ambient CO concentrations in the SCAB are generally found near congested transportation corridors and intersections. Inhaled CO does not directly affect the lungs but affects tissues by interfering with oxygen transport and competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Therefore, health conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. The most common symptoms associated with CO exposure include headache, nausea, vomiting, dizziness, fatigue, and muscle weakness. Individuals most at risk to the effects of CO include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic oxygen deficiency.

- **Sulfur Dioxide (SO_2)** is a colorless gas or liquid. SO_2 enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO_2 oxidizes in the atmosphere, it forms sulfates (SO_4). Collectively, these pollutants are referred to as sulfur oxides (SO_X). SO_2 is a respiratory irritant to people afflicted with asthma. After a few minutes' exposure to low levels of SO_2, asthma sufferers can experience breathing difficulties, including airway constriction and reduction in breathing capacity. Although healthy individuals do not exhibit similar acute breathing difficulties in response to SO_2 exposure at low levels, animal studies suggest that very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract.

- **Nitrogen Oxides (NO_X)** consist of nitric oxide (NO), nitrogen dioxide (NO_2) and nitrous oxide (N_2O) and are formed when nitrogen (N_2) combines with oxygen (O_2). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition. NO_2 is a criteria air pollutant, and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the nitrogen oxide compounds, NO_2 is the most abundant in the atmosphere. As ambient concentrations of NO_2 are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO_2 than those indicated by regional

monitoring stations. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO_2. Short-term exposure to NO_2 can result in resistance to air flow and airway contraction in healthy subjects. Exposure to NO_2 can result decreases in lung functions in individuals with asthma or chronic obstructive pulmonary diseases (e.g., chronic bronchitis, emphysema), as these individuals are more susceptible to the effects of NO_X than healthy individuals.

- **Ozone (O_3)** is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_X), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant. Short-term exposure (lasting for a few hours) to ozone at levels typically observed in southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Individuals exercising outdoors, children, and people with pre-existing lung disease, such as asthma and chronic pulmonary lung disease, are the most susceptible sub-groups for ozone effects. Children who participate in multiple outdoor sports and live in communities with high ozone levels have been found to have an increased risk for asthma.

- **Particulate Matter less than 10 microns (PM_{10}) and less than 2.5 microns ($PM_{2.5}$)** are air pollutants consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols that are 10 microns or smaller or 2.5 microns or smaller, respectively. These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO_2 release from power plants and industrial facilities and nitrates that are formed from NO_X release from power plants, automobiles, and other types of combustion sources. The chemical composition of fine particles is highly dependent on location, time of year, and weather conditions. The small size of PM_{10} and $PM_{2.5}$ allows them to enter the lungs where they may be deposited, resulting in adverse health effects. Elevated ambient concentrations of fine particulate matter (PM_{10} and $PM_{2.5}$) have been linked to an increase in respiratory infections, number, and severity of asthma attacks, and increased hospital admissions. Some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in life-span, and an increased mortality from lung cancer. Daily fluctuations in $PM_{2.5}$ concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long-term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children, appear to be the most susceptible to the effects of high levels of PM_{10} and $PM_{2.5}$.

- **Volatile Organic Compounds (VOCs) and Reactive Organic Gasses (ROGs)** are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute

to the formation of smog through atmospheric photochemical reactions. Individual VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. Odors generated by VOCs can irritate the eye, nose, and throat, which can reduce respiratory volume. In addition, studies have shown that the VOCs that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system.

- **Lead (Pb)** is a heavy metal that is highly persistent in the environment. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. Currently, emissions of lead are largely limited to stationary sources such as lead smelters. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure.

D. Existing Air Quality

Air quality is evaluated in the context of ambient air quality standards published by the federal and State governments. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are detailed in Table 4.2-1, *Ambient Air Quality Standards*.

Table 4.2-1 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards [1]		National Standards [2]		
		Concentration [3]	Method [4]	Primary [3,5]	Secondary [3,6]	Method [7]
Ozone (O_3)[8]	1 Hour	0.09 ppm (180 µg/m³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m³)		0.070 ppm (137 µg/m³)		
Respirable Particulate Matter (PM10)[9]	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		—		
Fine Particulate Matter (PM2.5)[9]	24 Hour	—	—	35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	12.0 µg/m³	15 µg/m³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m³)		9 ppm (10 mg/m³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		—	—	
Nitrogen Dioxide (NO_2)[10]	1 Hour	0.18 ppm (339 µg/m³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)		0.053 ppm (100 µg/m³)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[11]	1 Hour	0.25 ppm (655 µg/m³)	Ultraviolet Fluorescence	75 ppb (196 µg/m³)	—	Ultraviolet Flouresecence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m³)	
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (for certain areas)[10]	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas)[10]	—	
Lead[12,13]	30 Day Average	1.5 µg/m³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m³ (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m³		
Visibility Reducing Particles[14]	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride[12]	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

Source: (Urban Crossroads, 2023a, p. 19)

Table 4.2-1 Ambient Air Quality Standards (cont.)

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
9. On December 14, 2012, the national annual PM2.5 primary standard was lowered from 15 $\mu g/m^3$ to 12.0 $\mu g/m^3$. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 $\mu g/m^3$, as was the annual secondary standard of 15 $\mu g/m^3$. The existing 24-hour PM10 standards (primary and secondary) of 150 $\mu g/m^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

    Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu g/m^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Source (Urban Crossroads, 2023a, p. 20)

1. *Regional Air Quality*

❑ Criteria Pollutants

The SCAQMD monitors levels of various criteria pollutants at 37 permanent monitoring stations and 5 single-pollutant source Pb air monitoring sites throughout the Basin. The attainment status for criteria pollutants within the SCAB is summarized in Table 4.2-2, *Attainment Status of Criteria Pollutants in the SCAB*.

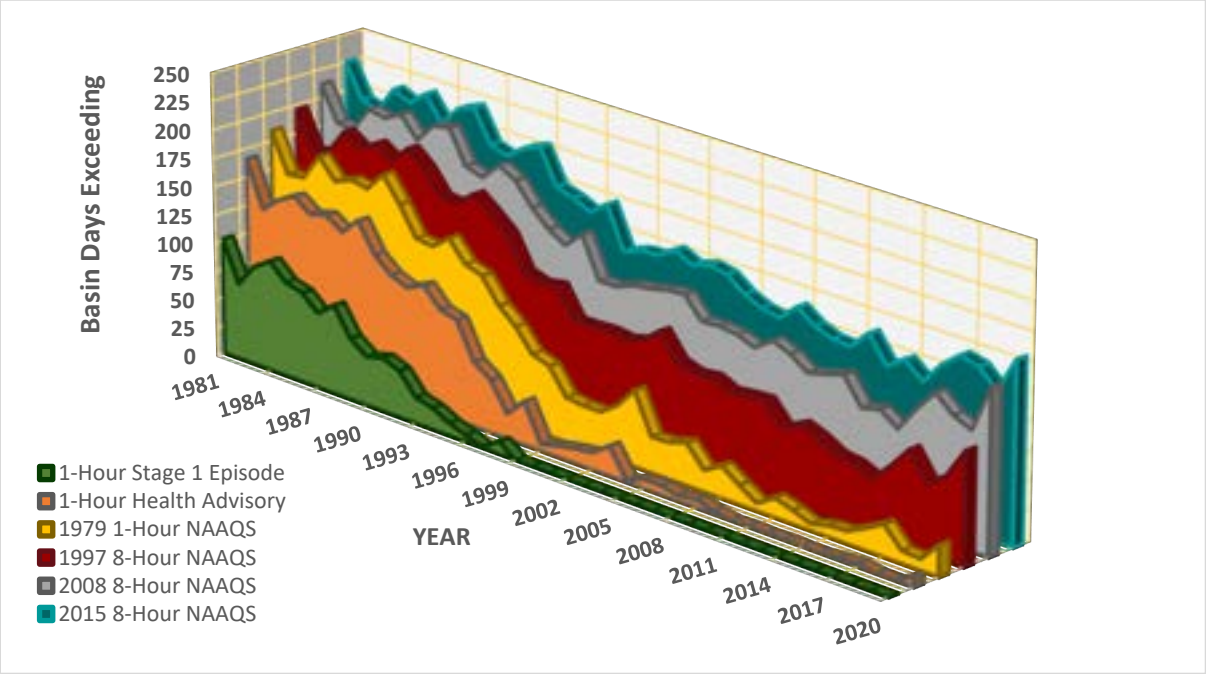
Table 4.2-2 Attainment Status of Criteria Pollutants in the SCAB

Criteria Pollutant	State Designation	Federal Designation
O_3 – 1-hour standard	Nonattainment	--
O_3 – 8-hour standard	Nonattainment	Nonattainment
PM_{10}	Nonattainment	Attainment
$PM_{2.5}$	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO_2	Attainment	Unclassifiable/Attainment
SO_2	Unclassifiable/Attainment	Unclassifiable/Attainment
Pb[1]	Attainment	Unclassifiable/Attainment

Note: See Appendix 2.1 from the Project's AQIA for a detailed map of State/National Area Designations within the SCAB
"-" = The national 1-hour O_3 standard was revoked effective June 15, 2005.
[1] The Federal nonattainment designation for lead is only applicable towards the Los Angeles County portion of the SCAB.
Source: (Urban Crossroads, 2023a, p. 21)

The SCAB has been one of the most unhealthful air basins in the United States and has experienced unhealthful air quality since World War II. However, as a result of the region's air pollution control efforts over the last 60+ years, criteria pollutant concentrations in the SCAB have reduced dramatically and are expected to continue to improve in the future as State regulations become more stringent (Urban Crossroads, 2023a, pp. 26-33). Emissions of O_3, NO_X, VOC, and CO have been decreasing in the SCAB since 1975 and are projected to continue to decrease. These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled (VMT) in the SCAB continue to increase, NO_X and VOC levels are decreasing because of federal and State mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_X emissions from electric utilities have also decreased due to use of cleaner fuels and renewable energy. O_3 contour maps show that the number of days exceeding the 8-hour NAAQS decreased between 1997 and 2007. Of note, due to higher temperatures and stagnant weather conditions, O_3 levels have increased in the past two years within the SCAB; however, O_3 levels in the SCAB have decreased substantially over the last 30 years with the current maximum measured concentrations being approximately one-third of concentrations experienced in the late 1970s, as illustrated on Figure 4.2-1, *SCAB Ozone Trend*.

Figure 4.2-1 SCAB Ozone Trend



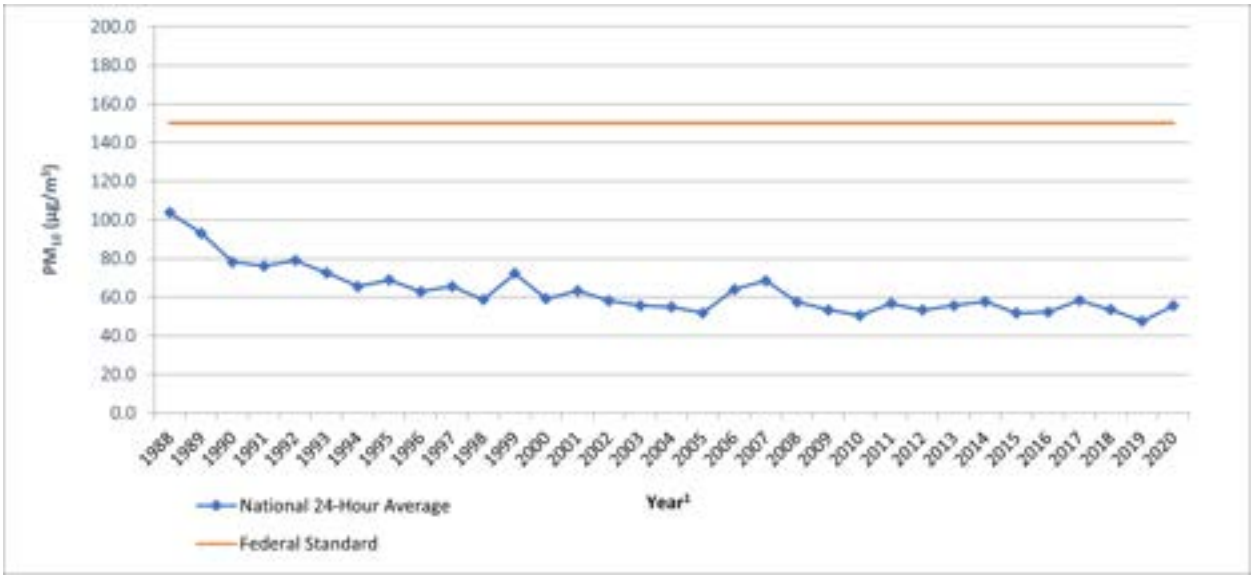
Source: (Urban Crossroads, 2023a, p. 27)

The most recent PM_{10} statistics also show an overall improvement within the SCAB as illustrated in Figure 4.2-2, *SCAB PM_{10} Trend (Federal Standard)*, and Figure 4.2-3, *SCAB PM_{10} Trend (Based on State Standard)*. During the period for which data are available, the 24-hour annual average concentration for PM_{10} decreased by approximately 46 percent against the federal standard, from 103.7 microgram per cubic meter (µg/m³) in 1988 to 55.5 µg/m³ in 2020 (Urban Crossroads, 2023a, p. 28). The 24-hour annual average for emissions for PM_{10} have decreased by approximately 64 percent against the State standards, from 93.9 µg/m³ in 1989 to 33.9 µg/m³ in 2020 (ibid.).

Figure 4.2-4, *SCAB $PM_{2.5}$ Trend (Federal Standard)*, and Figure 4.2-5, *SCAB $PM_{2.5}$ Trend (State Standard)*, shows the most recent 24-hour average $PM_{2.5}$ concentrations in the SCAB from 1999 through 2020. Overall, the national and State annual average concentrations have decreased by almost 50 percent and 31 percent, respectively (Urban Crossroads, 2023a, p. 29). It should be noted that the SCAB is currently designated as nonattainment for the State and federal $PM_{2.5}$ standards (ibid.).

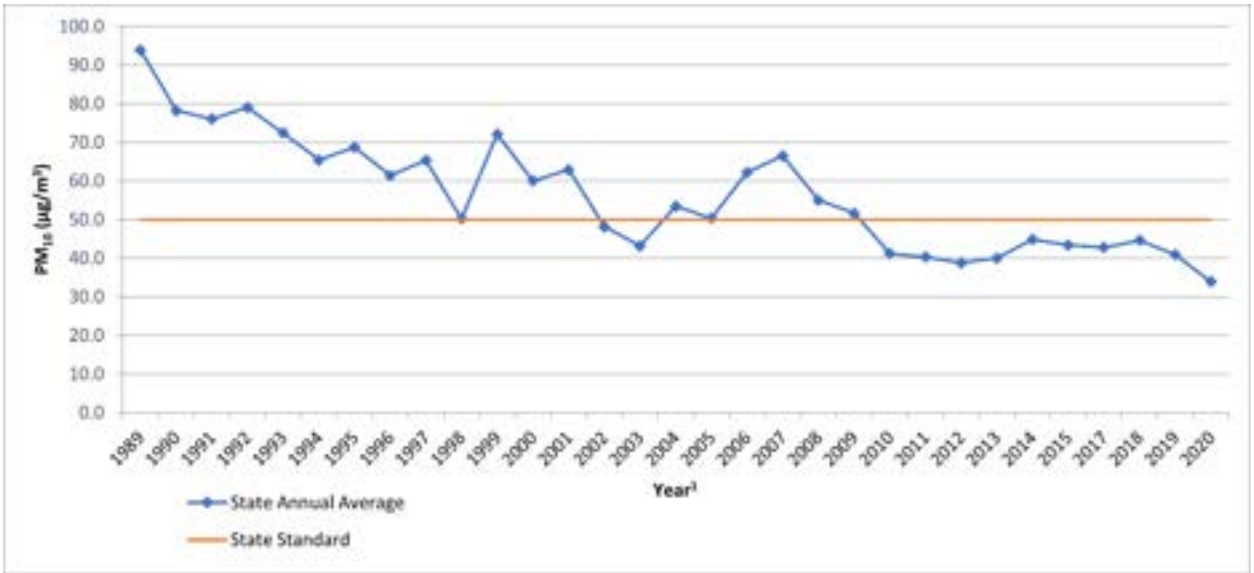
The most recent CO concentrations in the SCAB are shown in Figure 4.2-6, *SCAB CO Trend*. CO concentrations in the SCAB have decreased markedly - a total decrease of more about 80 percent in the peak 8-hour concentration from 1986 to 2012 (Urban Crossroads, 2023a, p. 31). (2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB.)

Figure 4.2-2 SCAB PM_{10} Trend (Federal Standard)



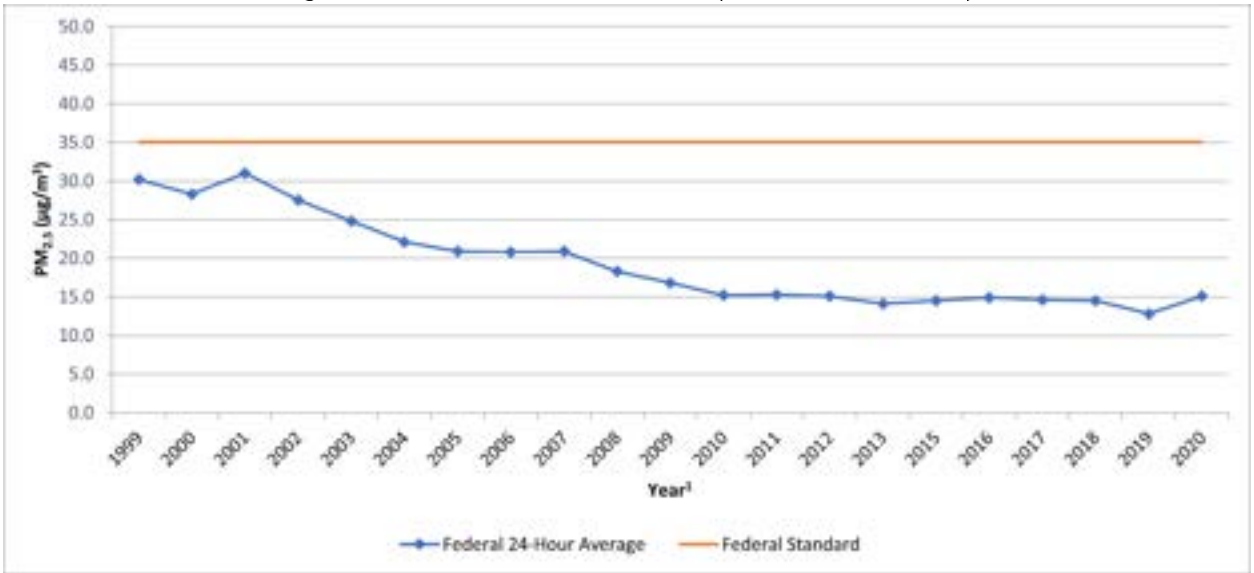
Adapted from 2020 CARB, iADAM: Top Four Summary: PM_{10} 24-Hour Averages (1988-2020)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2023a, p. 28)

Figure 4.2-3 SCAB PM_{10} Trend (State Standard)



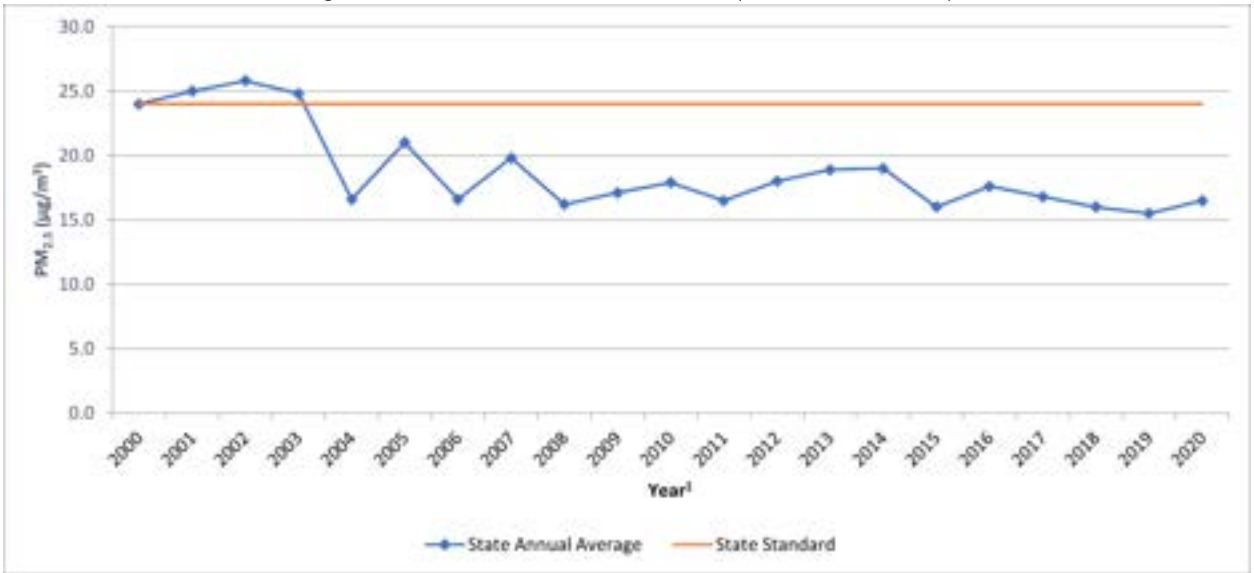
Adapted from 2020 CARB, iADAM: Top Four Summary: PM_{10} 24-Hour Averages (1988-2018)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2023a, p. 28)

Figure 4.2-4 SCAB $PM_{2.5}$ Trend (Federal Standard)



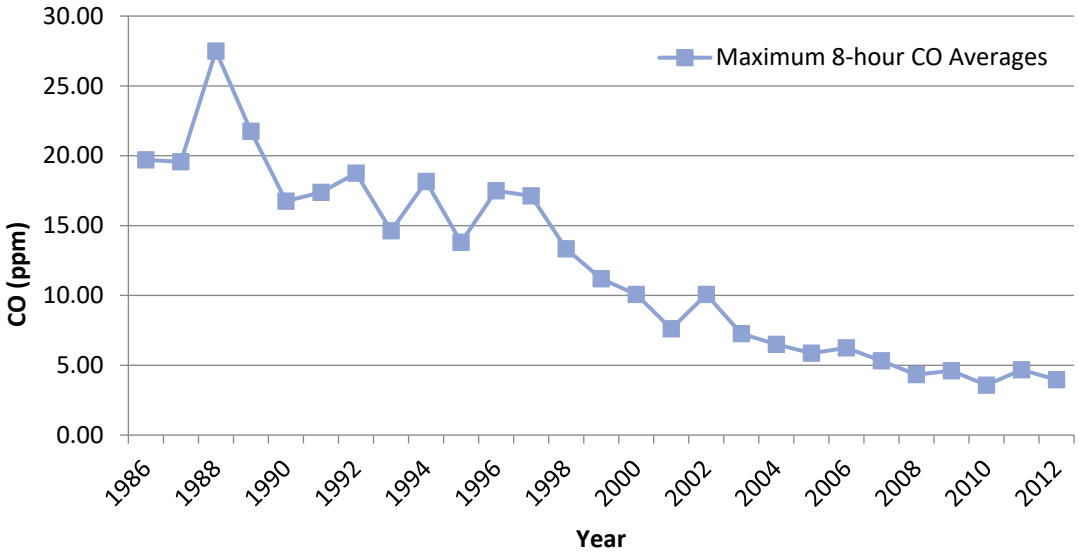
Adapted from 2020 CARB, iADAM: Top Four Summary: $PM_{2.5}$ 24-Hour Averages (1999-2018)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2023a, p. 29)

Figure 4.2-5 SCAB $PM_{2.5}$ Trend (State Standard)



Adapted from 2020 CARB, iADAM: Top Four Summary: $PM_{2.5}$ 24-Hour Averages (1999-2018)
[1] Some years have been omitted from the table as insufficient data (or no) data has been reported. Years with reported value of "0" have also been omitted.
Source: (Urban Crossroads, 2023a, p. 29)

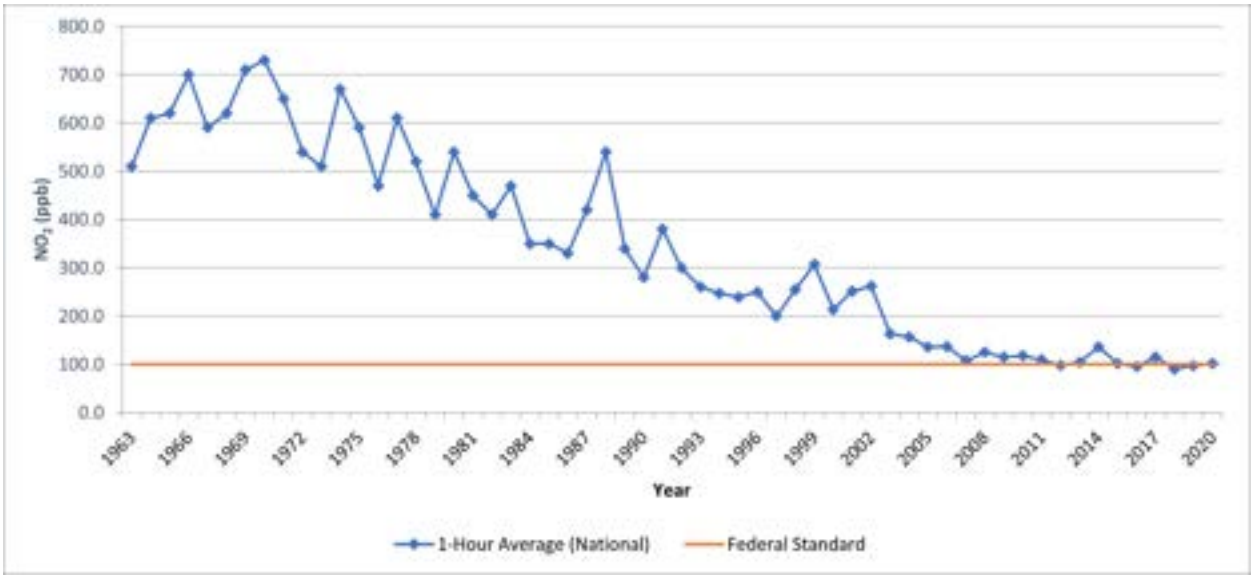
Figure 4.2-6 SCAB CO Trend



Adapted from 2020 CARB, iADAM: Top Four Summary: CO 8-Hour Averages (1999-2018)
[1] The most recent year where 8-hour concentration data is available is 2012.
Source: (Urban Crossroads, 2023a, p. 31)

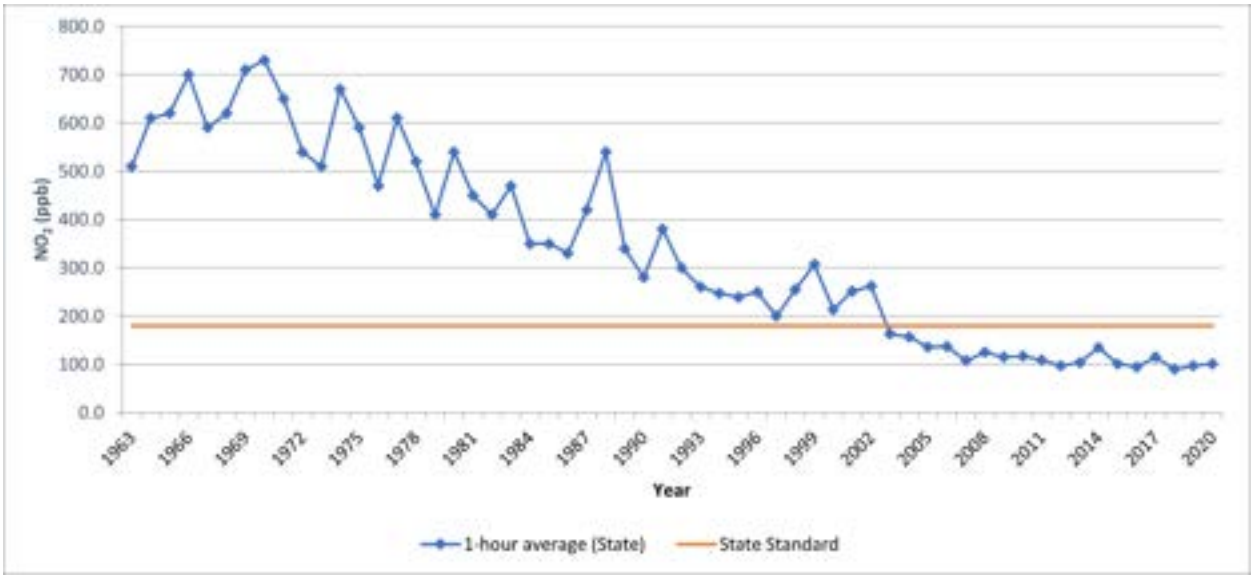
The most recent NO_2 data for the SCAB is shown in Figure 4.2-7, *SCAB NO_2 Trend (Federal Standard)*, and Figure 4.2-8, *SCAB NO_2 Trend (State Standard)*. Over the last 50 years, NO_2 values have decreased significantly; the peak 1-hour national and State averages for 2020 are approximately 80 percent lower than what they were during 1963 (Urban Crossroads, 2023a, p. 32). The SCAB attained the State 1-hour NO_2 standard in 1994, bringing the entire State into attainment. A new State annual average standard of 0.030 parts per million (ppm) was adopted by the California Air Resources Board (CARB) in February 2007. The new standard is just barely exceeded in the SCAQMD. NO_2 is formed from NO_X emissions, which also contribute to O_3. As a result, the majority of the future emission control measures would be implemented as part of the overall O_3 control strategy. Many of these control measures would target mobile sources, which account for more than three-quarters of California's NO_X emissions, and are expected to bring the SCAQMD into attainment of the State annual average standard.

Figure 4.2-7 SCAB NO_2 Trend (Federal Standard)



Adapted from 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2018)
Source: (Urban Crossroads, 2023a, p. 32)

Figure 4.2-8 SCAB NO_2 Trend (State Standard)



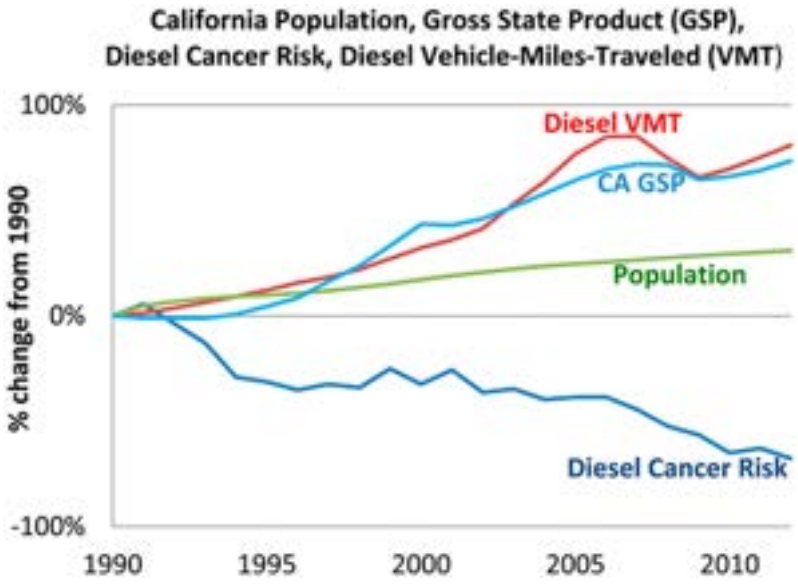
Adapted from 2020 CARB, iADAM: Top Four Summary: CO 1-Hour Averages (1963-2018)
Source: (Urban Crossroads, 2023a, p. 32)

❑ Toxic Air Contaminants

Toxic air contaminants (TACs) are a classification of air pollutants that have been attributed to carcinogenic and non-carcinogenic health risks. Beginning in the mid-1980s, the CARB adopted a series of regulations to reduce the amount of air toxic contaminant emissions resulting from mobile and stationary sources, such as cars, trucks, stationary sources, and consumer products.

As a result of CARB's regulatory efforts, ambient concentrations of TACs have declined substantially across the State. To reduce TAC emissions from mobile sources, CARB has required that all light- and medium-duty vehicles sold in California since 1996 be equipped with an on-board diagnostic system to alert drivers of potential engine problems (as approximately half of all tailpipe emissions result from malfunctioning emissions control devices). Also, since 1996, CARB has required the use of cleaner burning, reformulated gasoline in all light- and medium-duty vehicles. These two regulations resulted in an over 80 percent reduction in TAC emissions from light- and medium-duty vehicles in the State between 1990 and 2012 (Urban Crossroads, 2023a, pp. 33-34). The CARB also implemented programs to retrofit diesel-fueled engines and facilitate the use of diesel fuels with ultra-low sulfur content to minimize the amount of diesel emissions and their associated TACs. As a result of CARB's programs, diesel emissions and their associated TACs fell by approximately 71 percent since 2000 despite an approximately 81 percent increase in miles traveled by diesel vehicles during that same time period (ibid.), as shown on Figure 4.2-9, *Diesel Particulate Matter and Diesel Vehicle Miles Traveled Trends*. Moreover, the average statewide diesel particulate matter (DPM) emissions for Heavy Duty Trucks (HDT), in terms of grams of DPM generated per mile traveled, are projected to dramatically reduce due to regulatory requirements on vehicular emissions adopted by CARB and the Ports of Los Angeles and Long Beach (ibid.).

Figure 4.2-9 DPM and Diesel Vehicle Miles Trend



Source: (Urban Crossroads, 2023a, p. 34)

2. *Local Air Quality*

❑ Criteria Pollutants

Ambient air pollutant concentrations in the Project area are summarized in Table 4.2-3, *Project Area Air Quality Monitoring Summary*. Local air quality data was collected from the SCAQMD air quality monitoring stations located nearest to the Project Site: the Perris Valley monitoring station, located approximately 9.3 miles south of the Project Site, for O_3 and PM_{10} and the Metropolitan Riverside County monitoring station, located approximately 9.5 miles northwest of the Project Site, for CO, NO_2, and $PM_{2.5}$ (Urban Crossroads, 2023a, p. 21). Data was collected for the three most recent years for which data was available (2019-2021).

Table 4.2-3 Project Area Air Quality Monitoring Summary

Pollutant	Standard	Year		
		2019	2020	2021
O_3				
Maximum Federal 1-Hour Concentration (ppm)		0.118	0.125	0.117
Maximum Federal 8-Hour Concentration (ppm)		0.095	0.106	0.094
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	26	34	25
Number of Days Exceeding State/Federal 8-Hour Standard	> 0.070 ppm	64	74	60
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.5	1.9	2.1
Maximum Federal 8-Hour Concentration	> 20 ppm	1.2	1.4	1.8
NO_2				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.056	0.066	0.052
Annual Federal Standard Design Value		0.014	0.014	0.014
PM_{10}				
Maximum Federal 24-Hour Concentration ($\mu g/m^3$)	> 150 $\mu g/m^3$	97	77	76
Annual Federal Arithmetic Mean ($\mu g/m^3$)		25.3	35.9	34.2
Number of Days Exceeding Federal 24-Hour Standard	> 150 $\mu g/m^3$	0	0	0
Number of Days Exceeding State 24-Hour Standard	> 50 $\mu g/m^3$	4	6	16
$PM_{2.5}$				
Maximum Federal 24-Hour Concentration ($\mu g/m^3$)	> 35 $\mu g/m^3$	46.70	41.00	82.10
Annual Federal Arithmetic Mean ($\mu g/m^3$)	> 12 $\mu g/m^3$	11.13	12.63	12.58
Number of Days Exceeding Federal 24-Hour Standard	> 35 $\mu g/m^3$	4	4	10

ppm = Parts Per Million
$\mu g/m^3$ = Microgram per Cubic Meter
Data for O_3, CO, NO_2, PM_{10}, and $PM_{2.5}$ was obtained from SCAQMD Air Quality Data Tables.
Source: (Urban Crossroads, 2023a, p. 22)

❑ Toxic Air Contaminants

As part of preparation of the *MATES-V* study, the SCAQMD collected toxic air contaminant data at 10 fixed sites within the SCAB. None of the fixed monitoring sites are located within the vicinity of the Project Site; however, *MATES-V* extrapolates the excess cancer risk levels throughout the SCAB using mathematical modeling for specific geographic grids. *MATES-V* estimates an excess carcinogenic risk of approximately 367 in one million for the Project area, placing the Project area within the 70th percentile for cancer risk (SCAQMD, 2022). For comparison, the prior version of SCAQMD's *MATES* analysis, *MATES-IV*, estimated the Project area was in the 89th percentile for cancer risk with an excess cancer risk of 652 in one million (ibid.). The trend in the Project area of improving toxic air contaminant risk levels mirrors the overall trend of improving air quality within the SCAB, as described earlier in this Subsection.

Notwithstanding the improvement in local toxic air contaminant risk levels modeled by, the census tract containing the Project Site is mapped by OEHHA within the 95th percentile for pollution burden which, based on the census tract's demographic characteristics, results in OEHHA ranking the area within the 98th percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2023).

4.2.2 Applicable Regulatory Requirements

The following is a brief description of the federal, State, and local environmental laws and related regulations governing air quality emissions.

A. Federal Plans, Policies, and Regulations

1. Federal Clean Air Act

The Clean Air Act (CAA; 42 U.S.C. § 7401 et seq.) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO_2), particulate matter (PM_{10}), $PM_{2.5}$, and lead (Pb).

One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines.

The sections of the federal CAA most directly applicable to the development of the Project Site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O_3 (smog), CO, and PM_{10}. Specifically, it clarifies how areas are

designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health. (EPA, 2021b) Mobile source emissions are regulated in accordance with the CAA Title II provisions. These standards are intended to reduce tailpipe emissions of hydrocarbons, CO, and NO_X on a phased-in basis that began in model year 1994. Automobile manufacturers also are required to reduce vehicle emissions resulting from the evaporation of gasoline during refueling. These provisions further require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas.

Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source.

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk.

2. SmartWay Program

The US EPA's SmartWay Program is a voluntary public-private program developed in 2004, which 1) provides a comprehensive and well-recognized system for tracking, documenting and sharing information about fuel use and freight emissions across supply chains; 2) helps companies identify and select more efficient freight carriers, transport modes, equipment, and operational strategies to improve supply chain sustainability and lower costs from goods movement; 3) supports global energy security and offsets environmental risk for companies and countries; and 4) reduces freight transportation-related emissions by accelerating the use of advanced fuel-saving technologies. This program is supported by major transportation industry associations, environmental groups, State and local governments, international agencies, and the corporate community.

B. State Plans, Polices, and Regulations

1. California Clean Air Act (CCAA)

The California Clean Air Act (CCAA) establishes numerous requirements for district plans to attain state ambient air quality standards for criteria air contaminants. The CCAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the State's ambient air quality standards, the California Ambient Air Quality Standards

(CAAQS), by the earliest practical date. The California Air Resources Board (CARB) established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Generally, the CAAQS are more stringent than the NAAQS. For districts with serious air pollution, its attainment plan should include the following: no net increase in emissions from new and modified stationary sources; and best available retrofit technology for existing sources.

2. Air Toxic Hot Spots Act

The Air Toxic "Hot Spots" Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code Section 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts. (CA Legislative Info, n.d.)

3. Air Quality Management Planning

The California Air Resources Board (CARB) and local air districts throughout the State are responsible for developing clean air plans to demonstrate how and when California will attain air quality standards established under both the CAA and CCAA. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies.

4. Truck & Bus Regulation

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean engines are not required to be replaced until later. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks (trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By

2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule, and were all replaced by 2020.

5. Advanced Clean Truck Regulation

In June, 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. CARB reports that as of 2020, most commercially-available models of zero-emission vans, trucks and buses operate less than 100 miles per day. Commercial availability of electric-powered long-haul trucks is very limited. However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future.

6. California Air Resources Board Rules

The CARB enforces rules related to air pollutant emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

C. Local Plans, Polices, and Regulations

1. SCAQMD Air Quality Management Plan

The NAAQS and CAAQS are exceeded in most parts of the SCAB. In response, and in conformance with California Health & Safety Code Section 40702 *et seq.* and the CCAA, the SCAQMD adopted an AQMP to plan for the improvement of regional air quality. AQMPs are updated regularly in order to reduce emissions and accommodate growth more effectively. Each version of the plan is an update of the previous plan and has a 20-year horizon with a revised baseline. The SCAQMD's most recent iteration of the AQMP, *2022 Air Quality Management Plan (2022 AQMP)*, was adopted in December 2022.

2. SCAQMD Rules

The SCAQMD enforces rules related to air pollutant emissions in the SCAB. Rules with applicability to the Project include, but are not limited to, those listed below.

- SCAQMD Rule 402 (Nuisance Odors): Prohibits the discharge of air contaminants that cause nuisance or annoyance to any considerable number of persons or to the public
- SCAQMD Rule 403 (Fugitive Dust): Requires the implementation of best available dust control measures (BACMs) during activities capable of generating fugitive dust. Rule 403 also requires activities defined as "large operations" to notify the SCAQMD by submitting specific forms; a large operation is defined as any active operation on property containing 50 or more acres of disturbed surface area; or any earth moving operation with a daily earth-moving or throughput volume of 3,850 cubic meters (5,000 cubic yards), three times during the most recent 365-day period.
- SCAQMD Rule 431.2 (Low Sulfur Fuel): Requires the use of diesel fuels that adhere to sulfur content limits.
- SCAQMD Rule 1108 (Cutback Asphalt): Prohibits the use of asphalt that exceeds a specified percentage of VOCs.
- SCAQMD Rule 1113 (Architectural Coatings): Requires all buildings within the SCAQMD to adhere to the VOC limits for architectural coatings.
- SCAQMD Rule 1186 (PM_{10} Emissions from Paved and Unpaved Roads, and Livestock Operations): Requires the use of street sweepers that meet minimum standards for cleaning capabilities.
- SCAQMD Rule 1301 (General): Provides pre-construction review requirements to ensure that new or relocated facilities do not interfere with progress in attainment of the NAAQS. Rule 1301 also limits emission increase of ammonia and ozone depleting compounds from new, modified, or relocated facilities by requiring the use of Best Available Control Technology (BACT).
- SCAQMD Rule 1401 (New Source Review of Toxic Air Contaminants): Prohibits a person from discharging into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- SCAQMD Rule 2305 (Warehouse Indirect Source Rule): Requires all operators of warehouses with at least 100,000 s.f. of indoor floor space to implement measures that reduce nitrogen oxides and particulate matter emissions and/or pay a fee to fund programs to improve regional air quality.

4.2.3 Basis for Determining Significance

The thresholds listed below are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to air quality that could result from development projects. The proposed Project would result in a significant impact to air quality if the Project or any Project-related component would:

a. *Conflict with or obstruct implementation of the applicable air quality plan;*

b. *Result in a cumulatively-considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);*

c. *Expose sensitive receptors to substantial pollutant concentrations; or*

d. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.*

The Project would result in a significant impact under Threshold "a" if the Project were determined to conflict with the SCAQMD *2022 AQMP*. Pursuant to Chapter 12, Sections 12.2 and 12.3, of the SCAQMD *CEQA Air Quality Handbook*, a project would conflict with the *AQMP* if either of the following conditions were to occur:

- The Project would increase the frequency or severity of existing NAAQS and/or CAAQS violations, cause or contribute to new air quality violations, or delay the attainment of interim air quality standards; or
- The Project would exceed the *2022 AQMP's* future year buildout assumptions.

The evaluation under Threshold "b," follows the SCAQMD's cumulative impact analysis guidance in their *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*: "[T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR … Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant" (SCAQMD, 2003, pp. D-3). Accordingly, implementation of the Project would result in a cumulatively-considerable impact if the Project's construction and/or operational activities exceed one or more of the SCAQMD's "Regional Thresholds" for criteria pollutant emissions, as summarized in Table 4.2-4, *Maximum Daily Emissions Thresholds*.

Table 4.2-4 Maximum Daily Emissions Thresholds

Pollutant	Regional Construction Threshold	Regional Operational Thresholds
NO_X	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM_{10}	150 lbs/day	150 lbs/day
$PM_{2.5}$	55 lbs/day	55 lbs/day
SO_X	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Pb	3 lbs/day	3 lbs/day

lbs/day = Pounds Per Day
Source: (Urban Crossroads, 2023a, p. 37)

For evaluation under Threshold "c," the Project would result in a significant impact if any of the following were to occur:

- The Project's localized criteria pollutant emissions would exceed one or more of the "Localized Thresholds" listed in Table 4.2-5 or Table 4.2-6;
- The Project would cause or contribute to a CO "Hot Spot;" and/or
- The Project's toxic air contaminant emissions, like DPM, would expose sensitive receptor populations to an incremental cancer risk of greater than 10 in one million; and/or result in a non-carcinogenic health risk rating ("Acute Hazard Index") greater than 1.0.

Table 4.2-5 Maximum Daily Localized Construction Emissions Thresholds

Construction Activity	Construction Localized Thresholds			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Demolition	118 lbs/day	602 lbs/day	4 lbs/day	3 lbs/day
Site Preparation	220 lbs/day	1,230 lbs/day	10 lbs/day	6 lbs/day
Grading	187 lbs/day	999 lbs/day	8 lbs/day	5 lbs/day

Localized Thresholds presented in this table are based on the SCAQMD *Final LST Methodology*, July 2008
Source: (Urban Crossroads, 2023a, p. 51)

Table 4.2-6 Maximum Daily Localized Operational Emissions Thresholds

Pollutant	Operational Localized Thresholds
NO_X	270 lbs/day
CO	1,577 lbs/day
PM_{10}	4 lbs/day
$PM_{2.5}$	2 lbs/day

Localized Thresholds presented in this table are based on the SCAQMD *Final LST Methodology*, July 2008
Source: (Urban Crossroads, 2023a, p. 53)

For evaluation under Threshold "d," a significant impact would occur if the Project's construction and/or operational activities result in air emissions leading to an odor nuisance pursuant to SCAQMD Rule 402.

4.2.4 Methodology for Calculating Project-Related Air Quality Impacts

The California Emissions Estimator Model (CalEEMod), version 2022.1.1.12, was used to calculate all Project-related air pollutant emissions (with the exception of localized emissions and diesel particulate matter emissions from Project operations, refer to Subsection 4.2.4B, below). The CalEEMod is a Statewide land use emission computer model developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts, including the SCAQMD, that provides a uniform platform to quantify potential criteria pollutant emissions associated with construction and operation of land development projects. (CAPCOA, 2022)

A. Methodology for Calculating Project Construction Emissions

1. Regional Pollutant Emissions

The Project's construction period will last approximately ten (10) months and will include six (6) activity phases: 1) demolition, 2) site preparation; 3) grading; 4) building construction; 5) paving; and 6) architectural coating. For purposes of the air quality analysis, the Project's construction activities are assumed to occur between June 2024 and April 2025. This assumption represents a conservative analysis scenario because, should construction occur later than the dates assumed in the analysis, construction equipment emissions would be the same or more likely lower than presented because emission regulations are becoming more stringent over time and the retirement of older (higher-polluting) equipment and replacement with newer (less-polluting) pieces of equipment is constantly happening in response to State regulations or service needs (Urban Crossroads, 2023a, p. 39). The air quality analysis model utilizes the durations of each construction activity phase and the construction equipment fleet previously presented in EIR Section 3.0, Project Description. The analysis assumptions for Project construction are based on information provided by the Project Applicant and the experience and technical expertise of the Project's air quality technical expert (Urban Crossroads).

Refer to Section 3.4 of the Project's AQIA for more detail on the methodology utilized to calculate the Project's construction-related regional pollutant emissions.

2. Localized Pollutant Emissions

Project-related localized pollutant emissions were calculated in accordance with the SCAQMD's *Final Localized Significance Threshold (LST) Methodology*. The equipment-specific grading rates were obtained from the SCAQMD's *Fact Sheet for Applying CalEEMod to Localized Significance Thresholds* and CalEEMod User's Guide *Appendix C: Emission Calculation Details for CalEEMod*. Based on these information sources, the Project was calculated to disturb one (1) acre per day during the demolition phase of construction, 3.5 acres per day during the site preparation phase of construction and 2.5 acres per day during the grading phase of construction. SCAQMD's methodology recommends using look-up tables for projects with a disturbance area of less than or equal to one (1), two (2), or five (5) acres in size and using dispersion modeling for projects with a disturbance area greater than five (5) acres in size. Because the Project is assumed to disturb five acres or less during all phases of construction, the SCAQMD's screening look-up tables were utilized to determine localized pollutant concentration levels at sensitive receptor locations near the Project Site. Emission concentrations were modeled at six (6) receptor locations near the Project Site, including existing residences north of Bay Avenue, east of Day Street, and south of the Project Site.

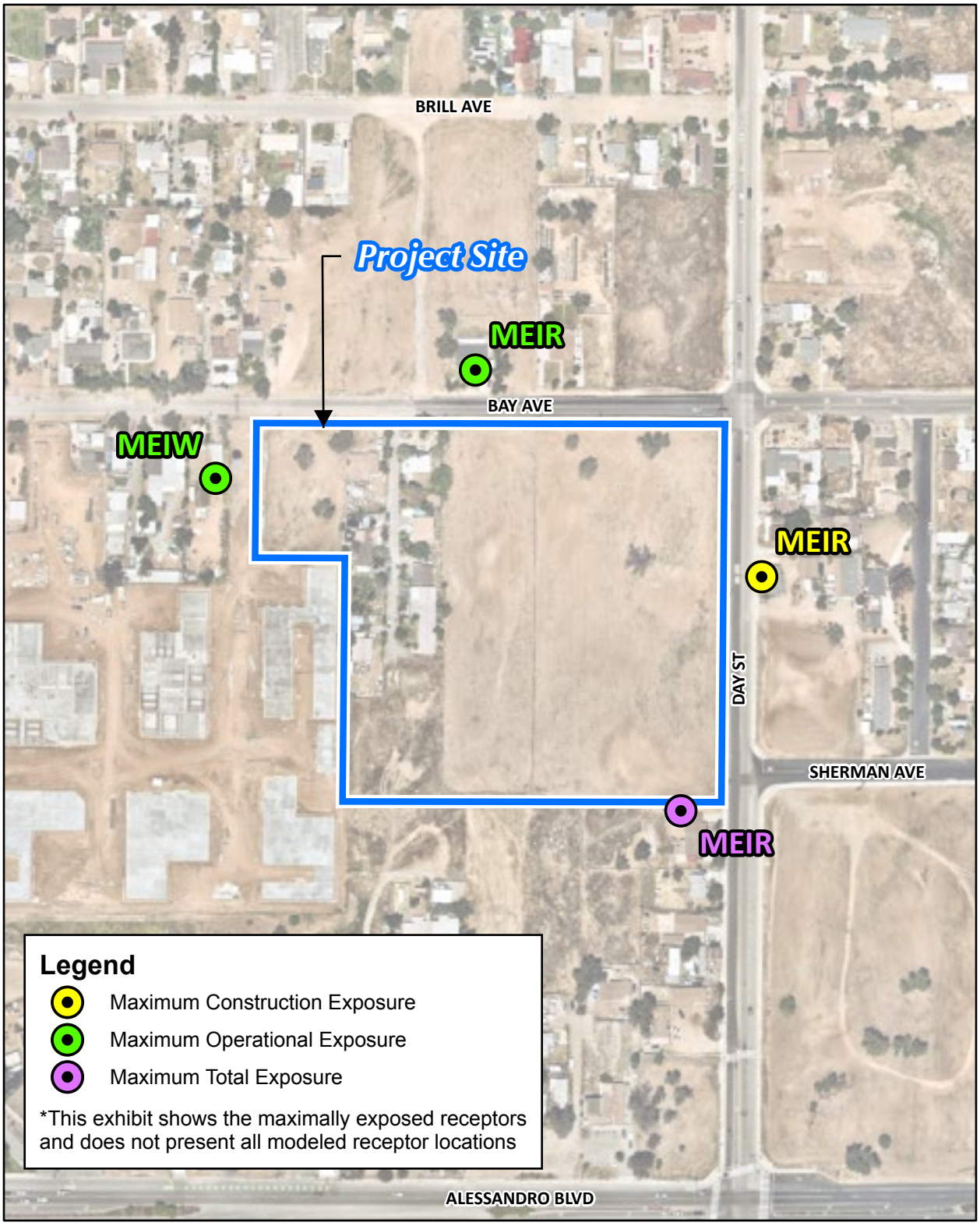
The SCAQMD's *Final Localized Significance Threshold Methodology* indicates that off-site mobile emissions from development projects should be excluded from localized emissions analyses. Therefore, for purposes of calculating the Project's construction-related localized pollutant emissions, only emissions included in the CalEEMod on-site emissions outputs were considered.

Refer to Section 3.6 of the Project's AQIA for more detail on the methodology utilized to calculate Project construction-related localized pollutant emissions.

3. Diesel Particulate Matter Emissions

Diesel particulate matter (DPM) emissions from construction equipment operating on the Project Site and haul trucks traveling to and from the Project Site were calculated with CalEEMod.

The potential health risks of Project-related DPM emissions were quantified at maximally-impacted sensitive receptor locations in accordance with the guidelines in the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Pursuant to SCAQMD's recommendations, emissions were modeled using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) software program. Refer to Section 2.3 of the Project's HRA (Technical Appendix C) for a detailed description of the model inputs and equations used in the calculation of average particulate concentrations during construction of the Project and see Figure 4.2-10 for the location of maximally-impacted sensitive receptors used in this analysis.



Source(s): ESRI, NearMap Imagery (September 2023), Urban Crossroads (October 2024)

Figure 4.2-10

Location of Maximally Impacted Sensitive Receptors

Health risks associated with exposure to DPM emissions at a given concentration are defined in terms of the probability of developing cancer or chronic non-cancer health effects as a result of exposure to DPM emissions at a given concentration. The cancer and non-cancer risk probabilities are determined through a series of equations to calculate unit risk factor, cancer potency factor, and chronic daily intake. The evaluation results in a maximum health risk value, which is merely a calculation of risk and does not necessarily mean that any individual will contract cancer or other non-cancer health concern as a result of the exposure. The equations and input factors utilized in the Project analysis were obtained from Office of Environmental Health Hazard Assessment (OEHHA). Refer to Sections 2.4 and 2.5 of the Project's HRA for a detailed description of the variable inputs and equations used in the calculations of receptor population health risks associated with Project construction.

B. Methodology for Calculating Project Operational Emissions

1. Regional Pollutant Emissions

The Project's operational-related regional pollutant emissions analysis quantifies air pollutant emissions from mobile sources, area sources (e.g., architectural coatings, consumer products, landscape maintenance equipment), and energy sources.

Mobile source emissions are the product of the number of daily vehicle trips generated by the Project, the composition of the Project's vehicle fleet (mix of passenger cars, motorcycles, light-heavy-duty trucks, medium-heavy-duty trucks, and heavy-heavy duty trucks), and the trip length (number of miles driven) by Project vehicles. The Project's average number of daily vehicle trips, vehicle fleet mix, and trip length were determined using the methodology recommended by the SCAQMD.

For purposes of analysis in this EIR, the Project is assumed to contain refrigerated (cold) storage space – occupying up to 25 percent of the Project's building floor area. Accordingly, the air quality analysis accounts for transport refrigeration units (TRUs) on approximately 25 percent of all heavy-duty trucks serving the Project Site daily. The TRU calculations are based on EMissions FACtor Model version 2021 (EMFAC2021), developed by the CARB. EMFAC2021 does not provide emission rates per hour or mile as with the on-road emission model and only provides annual emission inventories. These inventories are not always consistent with assumptions used in the modeling of project-level air pollutant emissions. Therefore, the emissions inventory was converted into emission rates to accurately calculate emissions from TRU operation associated with project-level details. This was accomplished by converting the annual horsepower hours to daily operational characteristics and converting the daily emission levels into hourly emission rates based on the total emission of each criteria pollutant by equipment type and the average daily hours of operation.

The Project's operational analysis assumes the use of one (1) 200 horsepower, natural gas or gasoline-powered yard-tractors (also known as a terminal tractor, yard goat, yard truck, yard mule, or yard dog) on the Project Site for up to four (4) hours per day for all 365 days of the year.

The estimated area source emissions and energy source emissions analyses for the Project rely on default inputs within CalEEMod.

Refer to Sections 3.5 and 3.6 of the Project's AQIA Technical for detailed information on the methodology utilized to calculate regional pollutant emissions during Project operation.

2. Localized Pollutant Emissions

The SCAQMD's *Final Localized Significance Threshold Methodology* provides look-up tables for sites with an area of five (5) acres or less. For development projects that exceed five acres in size, like the Project, the LST look-up tables provide a conservative analysis approach because the look-up tables assume that all the air pollutant emissions produced across the entire development site are concentrated within a five-acre area instead of being dispersed across the entire development site. Thus, this analysis method over-predicts potential localized air quality impacts for larger projects, and in the case of the proposed Project would over-predict localized impacts by more than three (i.e., emissions spread across the 9.9-acre Project Site would be concentrated within a five-acre area for analysis purposes).

The *Final Localized Significance Threshold Methodology* only provides for the evaluation of on-site emissions sources because the CalEEMod outputs do not separate on-site and off-site mobile source emissions. Notwithstanding, on-site mobile source emissions are manually added to the LST analysis by estimating emissions from mobile sources operating on the Project Site. The emissions from on-Site mobile sources are estimated to be equivalent to five (5) percent of the Project's one-way vehicle trip length, which far exceeds the actual maximum distance a passenger car or truck could travel through the Project's parking lots and, thus, represents a conservative assumption that overstates the actual localized impact of the Project's on-site mobile source emissions.

The operational LST analysis utilizes the same sensitive receptor locations that were utilized in the construction LST analysis.

Refer to Section 3.8 of the Project's AQIA for detailed information on the methodology utilized to calculate the Project's operational localized pollutant emissions.

3. Diesel Particulate Matter Emissions

DPM emissions from trucks traveling to and from the Project Site were calculated using emission factors for PM_{10} generated with the EMissions FACtor 2021 model (EMFAC 2021). Refer to Section 2.3 of the Project's HRA for a detailed description of the model inputs and equations used in the estimation of the Project-related DPM emissions.

The potential health risks of Project-related DPM emissions were quantified at maximally-impacted sensitive receptor locations in accordance with the guidelines in the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Pursuant to SCAQMD's recommendations, emissions were modeled using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) software program. Refer to Section 2.3 of the Project's HRA for a detailed description of the model inputs and equations used in the calculation of average particulate concentrations during

operation of the Project and see Figure 4.2-10 for the location of maximally-impacted sensitive receptors uses in this analysis.

Health risks associated with exposure to DPM emissions at a given concentration are defined in terms of the probability of developing cancer or chronic non-cancer health effects as a result of exposure to DPM emissions at a given concentration. The cancer and non-cancer risk probabilities are determined through a series of equations to calculate unit risk factor, cancer potency factor, and chronic daily intake. The evaluation results in a maximum health risk value, which is merely a calculation of risk and does not necessarily mean that any individual will contract cancer or other non-cancer health concern as a result of the exposure. The equations and input factors utilized in the Project analysis were obtained from Office of Environmental Health Hazard Assessment (OEHHA). Refer to Sections 2.4 and 2.5 of the Project's HRA for a detailed description of the variable inputs and equations used in the calculations of receptor population health risks associated with Project operations.

4.2.5 Impact Analysis

At the time the Project's air quality impact analysis was performed, the Project's site plan included 193,745 s.f. of building floor area. After completion of the Project's air quality impact analysis, the proposed site plan was revised to provide 194,775 s.f. of floor area (a 1,030 s.f. increase in total floor area). All Project-related air pollution emissions quantified and disclosed in this section are based on the analysis performed for the original Project Site plan. Although the Project's total building floor area increased by 0.5-percent from the time the analysis was performed, which would incrementally increase the air pollution emissions disclosed herein, this change is not substantive enough to alter the findings of the air quality analysis and the conclusions presented herein remain valid (Urban Crossroads, 2023a, p. 5; Urban Crossroads, 2023b, p. 7).

Threshold a: ***Would the Project conflict with or obstruct implementation of the applicable air quality plan?***

The SCAQMD *2022 AQMP*, which is the applicable air quality plan for the Project area, addresses long-term air quality conditions for the SCAB. The criteria for determining consistency with the *2022 AQMP* are analyzed below.

- *Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Consistency Criterion No. 1 refers to violations of the NAAQS and CAAQS. Violations of the NAAQS and/or CAAQS would occur if the emissions resulting from the Project were to exceed the SCAQMD's localized emissions thresholds. As a conservative measure, the Project's regional emissions of VOC, NO_X, PM_{10}, and $PM_{2.5}$ are considered in the consistency determination because if the Project's emissions of any of these pollutants would exceed the applicable SCAQMD regional thresholds, then these emissions could delay the SCAB's

attainment of federal and/or State ozone or particulate matter standards. As disclosed under the analysis for Threshold "c," below, Project-related activities would not exceed SCAQMD localized emissions thresholds during construction or long-term operation and, thus, would not directly cause new violations of the NAAQS and/or CAAQS. As disclosed under the analysis for Threshold "b," below, Project-related activities would exceed the SCAQMD regional emissions thresholds for VOCs during construction but would not exceed SCAQMD regional emissions thresholds for any criteria pollutant during operation. VOCs are a precursor for ozone; thus, Project construction activities would result in a substantial, short-term contribution of air pollutants within the SCAB that could delay the attainment of federal and State ozone standards. As such, prior to mitigation, the Project would not conflict with Consistency Criterion No. 1.

- *Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMP based on the years of Project build-out phase.*

The growth forecasts used in the *AQMP* to calculate future regional emissions levels are based on land use planning data provided by lead agencies via their general plan documentation. Development projects that seek to change the allowable uses or increase the intensity of use on a specific property beyond the respective general plan's vision may result in increased stationary area source emissions and/or vehicle source emissions when compared to the *AQMP* assumptions. However, if a project is consistent with the uses allowed by the local general plan and does not exceed the growth projections in the applicable local general plan, then the project is consistent with the growth assumptions in the *AQMP*. The prevailing planning document for the Project Site is the City's General Plan, which designates the Project Site for "Business Park/Light Industrial (BP)" land uses. The Project is consistent with the General Plan land use designation for the subject property and, therefore, the Project would be consistent with the growth assumptions used in the *AQMP* and would not exceed the *AQMP*'s long-term emissions projections. Accordingly, the Project would not conflict with Consistency Criterion No. 2.

Although the growth projections utilized in the *AQMP* do not account for local zoning, the Project does include a Change of Zone request to change the Project Site's zoning designation from "Business Park" to "Light Industrial." The City's Zoning Ordinance allows similar land uses and identical development standards (e.g., building intensity) between the respective land use categories; therefore, the Project's zone change would not substantively or substantially diverge from the growth assumptions used in the *AQMP*.

In conclusion, because the proposed Project satisfies both aforementioned criteria for determining consistency with the AQMP, the Project is deemed consistent with the *2016 AQMP*. As such, the Project would not conflict with or result in the obstruction of the applicable air quality plan and a less-than-significant impact would occur.

Threshold b: ***Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

As noted earlier in this Subsection, the SCAB has a "non-attainment" designation for ozone (1- and 8-hour) and particulate matter ($PM_{2.5}$ and PM_{10}) under existing conditions; thus, any direct emissions of these pollutants or their precursors that exceed applicable SCAQMD significance thresholds would be considered significant.

A. Construction Emissions Impact Analysis

Peak emissions from Project construction are summarized in Table 4.2-7, *Peak Construction Emissions Summary*. Detailed air model outputs are presented in Appendix 3.1 of the Project's AQIA. As shown in Table 4.2-7, peak construction-related emissions of VOCs, NO_X, CO, SO_X, and particulate matter (PM_{10} and $PM_{2.5}$) would not exceed the applicable SCAQMD regional thresholds. Accordingly, the Project's construction activities would not emit substantial concentrations of these pollutants and would not contribute to an existing or projected air quality violation on a cumulatively-considerable basis. Project construction impacts related to emissions of VOCs, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ would all be less than significant, even without mitigation.

Table 4.2-7 Peak Construction Emissions Summary

Year	Emissions (lbs/day)					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Summer						
2024	1.07	49.17	35.31	0.24	12.12	4.21
2025	50.37	27.13	49.09	0.07	2.00	0.70
Winter						
2024	1.04	18.55	33.66	0.03	1.46	0.49
2025	50.34	27.22	46.97	0.07	2.00	0.70
Maximum Daily Emissions	**50.37**	**49.17**	**49.09**	**0.07**	**12.12**	**4.21**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2023a, p. 41)

B. Operational Emissions Impact Analysis

Peak emissions from Project operations are presented in Table 4.2-8, *Peak Operational Emissions Summary.* Detailed air model outputs for the operational analysis are provided in Appendix 3.4 of the Project's AQIA.

Table 4.2-8 Peak Operational Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
Mobile Source	1.16	11.43	12.45	0.12	5.29	1.52
Area Source	5.81	0.07	8.43	0.00	0.01	0.01
Energy Source	0.06	1.09	0.92	0.01	0.08	0.08
TRU Source	1.38	1.52	0.16	0.00	0.07	0.06
On-Site Equipment Source	0.12	0.38	16.44	0.00	0.03	0.03
Total Maximum Daily Emissions	**8.53**	**14.49**	**38.40**	**0.12**	**5.48**	**1.70**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**
Winter						
Mobile Source	1.11	11.97	10.91	0.11	5.29	1.52
Area Source	4.43	0.00	0.00	0.00	0.00	0.00
Energy Source	0.06	1.09	0.92	0.01	0.08	0.08
TRU Source	1.38	1.52	0.16	0.00	0.07	0.06
On-Site Equipment Source	0.12	0.38	16.44	0.00	0.03	0.03
Total Maximum Daily Emissions	**7.09**	**14.95**	**28.44**	**0.12**	**5.47**	**1.69**
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2023a, p. 45)

As summarized in Table 4.2-8, Project operational emissions of VOCs, NO_X, CO, SO_X, PM_{10} and $PM_{2.5}$ would not exceed SCAQMD regional criteria thresholds. Accordingly, the Project would not emit substantial concentrations of these pollutants during long-term operation and would not contribute to an existing or projected air quality violation. The Project's long-term emissions of VOCs, NO_X, CO, SO_X, PM_{10} and $PM_{2.5}$ would be less than significant, even without mitigation.

Threshold c: ***Would the Project expose sensitive receptors to substantial pollutant concentrations?***

The Project has the potential to result in the exposure of sensitive receptors to substantial pollutant concentrations during construction and operation. The following analysis addresses the potential for Project-related activities to exceed applicable LSTs for criteria pollutant emissions; cause or contribute to CO "hot spots," and result in cancer risks and non-cancer health hazards to nearby sensitive receptors.

A. Localized Criteria Pollutant Analysis

1. Construction Analysis

Table 4.2-9, *Localized Construction-Source Emissions Summary*, shows that localized emissions of NO_X, CO, and particulate matter (PM_{10} and $PM_{2.5}$) during Project construction would not exceed applicable SCAQMD thresholds. Detailed construction model outputs are presented in Appendix 3.1 of the Project's AQIA. Accordingly, Project construction would not expose any sensitive receptors in the vicinity of the Project Site to substantial criteria pollutant concentrations. Impacts would be less than significant.

Table 4.2-9 Localized Construction-Source Emissions Summary

Construction Activity	Year	Emissions (lbs/day)[A]			
		NO_X	CO	PM_{10}	$PM_{2.5}$
Demolition	**Maximum Daily Emissions**	**11.91**	**18.17**	**0.87**	**0.29**
	SCAQMD Localized Threshold	118	602	4	3
	Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**
Paving	**Maximum Daily Emissions**	**14.73**	**23.31**	**5.76**	**2.79**
	SCAQMD Localized Threshold	220	1,230	10	6
	Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**
Architectural Coating	**Maximum Daily Emissions**	**10.27**	**17.77**	**2.39**	**1.03**
	SCAQMD Localized Threshold	187	999	8	5
	Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2023a, p. 52)

2. Operational Analysis

Table 4.2-10, *Localized Operations-Source Emissions Summary*, shows that Project operations would not exceed the applicable SCAQMD thresholds for localized NO_X, CO, and particulate matter (PM_{10} and $PM_{2.5}$) emissions concentrations at the sensitive receptor locations with the highest exposure to Project operational activities. Detailed construction model outputs are presented in Appendix 3.2 and 3.3 of the Project's AQIA. Accordingly, the Project would not expose any sensitive receptors in the vicinity of the Project Site to substantial pollutant concentrations. Impacts would be less than significant.

B. CO Hot Spot Analysis

A CO "hot spot" is an isolated geographic area where localized concentrations of CO exceeds the CAAQS one-hour (20 parts per million) or eight-hour (9 parts per million) standards. A Project-specific CO "hot spot" analysis was not performed because CO attainment in the SCAB was thoroughly

analyzed as part of SCAQMD's *2003 AQMP* and the *1992 Federal Attainment for Carbon Monoxide Plan* (*1992 CO Plan*) (Urban Crossroads, 2023a, pp. 55-56). The *2003 AQMP* and the *1992 CO Plan* found that peak CO concentrations in the SCAB were the byproduct of unusual meteorological and topographical conditions and were not the result of traffic congestion. For context, the CO "hot spot"

Table 4.2-10 Localized Operations-Source Emissions Summary

Scenario	Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	**4.45**	**28.34**	**0.25**	**0.20**
SCAQMD Localized Threshold	270	1,577	4	2
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2023a, p. 53)

analysis performed for the 2003 AQMP recorded a CO concentration of 9.3 parts per million (8-hour) at the Long Beach Boulevard/Imperial Highway intersection in Los Angeles County; however, only a small portion of the recorded CO concentrations (0.7 parts per million) were attributable to traffic congestion at the intersection. The vast majority of the recorded CO concentrations at the Long Beach Boulevard/Imperial Highway intersection (8.6 parts per million) were attributable to unique local meteorological conditions that resulted in elevated ambient air concentrations.

In comparison, ambient CO concentrations in the Project vicinity range between 0.106 and 0.125 parts per million (8-hour and 1-hour concentrations, respectively) – less than a quarter of the ambient CO concentrations recorded at the Long Beach Boulevard/Imperial Highway intersection (see Table 4.2-3). Further, data from other air pollution control districts in the State indicate that under existing and future vehicle emission rates, an individual development project would have to increase traffic volumes at a single intersection by between 24,000 and 44,000 vehicles per hour in order to generate a significant CO impact; whereas the Project would generate 28 vehicle trips during the peak hour (Urban Crossroads, 2023f). Based on the relatively low local traffic congestion levels, low existing ambient CO concentrations, and the lack of any unusual meteorological and/or topographical conditions in the Project Site vicinity, the Project is not expected to cause or contribute to a CO "hot spot." Impacts would be less than significant.

C. Toxic Air Contaminant Emissions Impact Analysis

The following analysis evaluates the potential for implementation of the Project to result in acute and chronic health hazards – including cancer –at sensitive receptors in the vicinity of the Project Site. Detailed air dispersion model outputs and risk calculations are presented in Appendices 2.1 through 2.5 of the Project's HRA.

1. Construction Analysis

As part of Project construction, diesel-fueled equipment would operate on-site. Also, diesel-fueled trucks would travel to/from the Project Site to make deliveries of construction materials and equipment and to haul debris from the Site. Diesel-fueled trucks produce DPM emissions, which is a toxic air contaminant and is known to be associated with acute and chronic health hazards – including cancer.

The receptor location with the greatest potential exposure to Project construction-related DPM emissions is an existing residence located at 13808 Day Street, approximately 88 feet east of the Project Site (MEIR, see Figure 4.2-10). At this receiver location, the maximum incremental cancer risk attributable to the Project is 4.07 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2023b, p. 1). The non-cancer risk health index would be <0.01, which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0 (ibid.). All other receptors in the vicinity of the Project Site would experience less risk than what is identified for the MEIR. As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity.

2. Operational Analysis

The Project does not include any uses that would generate fixed, stationary point-sources of air pollutant emissions. Thus, the Project operations would not directly produce toxic air contaminants. However, operation of the Project would generate/attract diesel-fueled truck traffic. Diesel-fueled trucks produce DPM, which is a toxic air contaminant associated with carcinogenic and non-carcinogenic health hazards. Project-related DPM health risks are summarized below.

The residential land use with the greatest potential exposure to Project operation-source DPM emissions (MEIR) is located approximately 96 feet north of the Project Site at an existing residence located at 21918 Bay Avenue. At the MEIR, the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 4.45 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. (Urban Crossroads, 2023b, p. 1) All other residential receptors in the vicinity of the Project Site would experience less risk than what is identified for the MEIR. Accordingly, long-term operation of the Project would not directly cause or contribute in a cumulatively-considerable manner to the exposure of residential receptors to substantial DPM emissions. Therefore, the Project would result in a less-than-significant impact.

The worker receptor land use with the greatest potential exposure to Project DPM source emissions (maximally exposed individual worker, MEIW) is a warehouse located approximately 71 feet west of the Project Site (currently under construction but will be operational by the time the Project is operational). At the MEIW, the maximum incremental cancer risk impact is 0.51 in one million which is less than the SCAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. (Urban Crossroads, 2023b, p. 2) All other worker receptors in the vicinity of the Project Site

would experience less risk than what is identified for the MEIW. Accordingly, long-term operation of the Project would not directly cause or contribute in a cumulatively-considerable manner to the exposure of worker receptors to substantial DPM emissions. Therefore, the Project would result in a less-than-significant impact.

There are no schools located within 3,500 feet of the Project Site, which is the location with the highest concentrations of Project-related DPM emissions due to trucks idling on the Site, and no schools within 1,320 feet of the Project's primary truck route. Proximity to sources of toxics is critical to determining the impact. Based on California Air Resources Board and SCAQMD emissions and modeling analyses, particulate matter pollutant concentrations drop by 70 percent at a distance of 500 feet and by 80 percent at 1,000 feet from the emissions source (Urban Crossroads, 2023b, p. 2). Because there are no schools located within at least 3,500 of the Project Site or 1,200 feet of the Project's truck route, Project operations would not expose any school child receptors to substantial concentrations of diesel particulate matter emissions (ibid.). The Project would not directly cause or contribute to a cumulatively-considerable manner to the exposure of school child receptors to substantial DPM emissions. Impacts to school child receptors would be less than significant.

3. Total Exposure Analysis

The receptor location with the greatest potential total exposure to Project construction- and operational-related DPM emissions is an existing residence located at 13881 Day Street, approximately 20 feet south of the Project Site. At this receiver location, the maximum incremental cancer risk attributable to the Project is 6.62 in one million, which would not exceed the SCAQMD cancer risk threshold of 10 in one million (Urban Crossroads, 2023b, p. 3). Also, the non-cancer risk health index would be <0.01, which would not exceed the SCAQMD non-cancer health risk index threshold of 1.0 (ibid.). Project construction would not directly cause or contribute in a cumulatively-considerable manner to the exposure of receptors near the Project Site to substantial DPM emissions. Impacts would be less than significant.

Threshold d: ***Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?***

During construction activities on the Project Site, odors could be produced by construction equipment exhaust or from the application of asphalt and/or architectural coatings. However, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction would be temporary, short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. In addition, construction activities on the Project Site would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance (Urban Crossroads, 2023a, pp. 58-59). Accordingly, the Project's construction would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant.

During long-term operation, Project would operate as a warehouse distribution facility, which is not typically associated with the emission of objectionable odors. Temporary outdoor refuse storage could

be a potential source of odor; however, Project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations, thereby precluding any significant odor impact. Furthermore, the occupant(s) of the proposed warehouse building would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance, during long-term operation (Urban Crossroads, 2023a, pp. 58-59). As such, long-term operation of the Project would not create objectionable odors affecting a substantial number of people and all impacts would be less than significant.

4.2.6 Cumulative Impact Analysis

The area immediately surrounding the Project Site contains a variety of uses, including vacant parcels, residential land uses, and parcels developed (or under construction) with industrial and commercial uses. Due to the proximity of I-215 and March Air Reserve Base, which are generally not compatible with residential land uses due to air pollution concerns, the City has designated the area north of Alessandro Boulevard and west of Day Street for industrial and commercial land uses.

The census tract containing the Project Site is in the 95th percentile for pollution burden which, based on the census tract's demographic characteristics, results in the OEHHA ranking the area within the 98th percentile of communities that are disproportionately burdened by multiple sources of pollution (OEHHA, 2023). As part of their *MATES-V* study, SCAQMD estimates the Project area is located within the 70th percentile for cancer risk within the SCAB (which is an improvement from the *MATES-IV* study six years prior that found the Project area to be in the 89th percentile for cancer risk) (SCAQMD, 2022). Thus, although air pollutant levels in the Project area remain elevated, the observed trend is of improving air conditions.

As discussed under the analysis for Threshold "a," the Project would be consistent with the *2022 AQMP*; therefore, there is no potential for the Project to result in a cumulatively considerable effect on the environment due to an inconsistency with the *2022 AQMP*.

Based on SCAQMD guidance, any exceedance of a regional or localized threshold for criteria pollutants also is considered to be a cumulatively-considerable effect, while air pollutant emissions that fall below applicable regional and/or localized thresholds are not considered cumulatively-considerable. As discussed in the analysis under Thresholds "b" and "c" the Project would not emit any air pollutants during construction or operation that exceed the applicable SCAQMD regional or localized threshold and, thus, the Project would result in effects to regional and local air quality that would not be cumulatively considerable.

As indicated in the analysis of Threshold "d," above, there are no Project components that would expose a substantial number of sensitive receptors to objectionable odors. There are no known sources of offensive odors in the Project area. Because the Project's construction and operation would not create substantial and objectionable odors, there is no potential for odors from the Project Site to commingle with odors from nearby development projects and expose sensitive receptors to substantial,

offensive odors. Accordingly, implementation of the Project would result in a less than significant cumulative impact related to odors.

4.2.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would neither contribute to a delay in the attainment of federal and State air quality standards in the SCAB nor exceed local growth projections. Accordingly, the Project would not conflict with or obstruct implementation of the *2022 AQMP*.

Threshold b: Less than Significant Impact. Project construction and operational activities would not exceed the applicable SCAQMD regional threshold for any criteria pollutant. Thus, the Project would not contribute cumulatively considerable volumes of any air pollutant for which the SCAB does not attain federal or State air quality standards.

Threshold c: Less than Significant Impact. Implementation of the Project would not: 1) exceed applicable SCAQMD localized criteria pollution emissions thresholds during construction and operation; 2) would not expose sensitive receptors to toxic air contaminants (i.e., DPM) that exceed the applicable SCAQMD carcinogenic and non-carcinogenic risk thresholds; and 3) would not cause or contribute to the formation of a CO "hot spot."

Threshold d: Less than Significant Impact. The Project would not produce air emissions that would lead to unusual or substantial construction-related or operational-related odors. The Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.

4.2.8 Mitigation

The Project would result in less than significant impacts to air quality and mitigation above and beyond compliance with applicable federal and State regulations and local air quality rules is not required.

4.3 BIOLOGICAL RESOURCES

This Subsection evaluates the potential for Project-related activities to impact sensitive biological resources on or adjacent to the Project Site. The analysis in the Subsection is based primarily on information contained in the Project's Biology Report, which was prepared by Alden Environmental, Inc. (hereinafter, "Alden"). This report, titled "General Biological Resources Assessment for the Bay & Day Commerce Center Project" and dated July 7, 2023 is provided as *Technical Appendix D* to this EIR (Alden, 2023). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.3.1 EXISTING CONDITIONS

A. Vegetation Communities and Land Cover Types

The Project Site contains one vegetation community (non-native grassland) and two land cover types (agriculture/disturbed habitat and developed land) under existing conditions. The vegetation community and land cover characteristics of the Project Site are summarized below.

- **Agriculture/Disturbed Habitat.** Approximately 7.5 acres of the Project Site is classified as agriculture/disturbed habitat. This area occurs on the eastern half and northwest corner of the Project Site and consists of land that is regularly tilled/mowed. Plant species observed in this vegetation community on-site include non-native species such as cheeseweed *(Malva parviflora*), shortpod mustard (*Hirschfeldia incana*), and Russian thistle (*Salsola tragus*). *(Alden, 2023, p. 4)*

- **Developed Land.** The Project Site contains approximately 1.6 acres of developed land, located on the north-central portion of the Project Site. The developed area on the Project Site is developed with residential structures and outbuildings and is planted with ornamental landscaping. Plant species noted in this area of the Project Site include Peruvian pepper tree (*Schinus mole*), eucalyptus tree (*Eucaluptus sp*.) and tree of heaven (*Ailanthus altissima*). *(Alden, 2023, p. 4)*

- **Non-native Grassland.** Non-native grassland covers approximately 0.8-acre at the southwest corner of the Project Site. The non-native grassland on the Project Site consists of sparse to dense cover of non-native grass species such as wild oats (*Avena sp*.) and common ripgut grass (*Bromus diandrus*), as well as native and non-native herbaceous species such as rancher's fiddleneck (*Amsinckia menziesii var. intermedia*) and shortpod mustard. *(Alden, 2023, p. 4)*

B. Special-Status Plants Species

Records searched conducted with the California Natural Diversity Data Base (CNDDB) and U.S. Fish and Wildlife Service (USFWS) did not identify reports of any sensitive plant species on the Project Site or within the Project Site vicinity (Alden, 2023, p. 5). No sensitive plant species were observed on the Project Site and the Project is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA) or Criteria Area Species Survey Area (CASSA) (ibid.). See Appendix B from the Project's Biology Report for the full list of plant species observed on the Project Site.

C. Special-Status Wildlife Species

No sensitive animal species were observed or detected within the Project Site during field surveys and the CNDDB and USFWS database queries did not return any records of sensitive animal species observations on or adjacent to the Site (Alden, 2023, p. 5). Refer to Appendix C from the Project's Biology Report for the full list of plant species observed on the Project Site.

Despite the lack of records in the CNDDB and USFWS database searches, the burrowing owl (*Athene cunicularia*) has the potential to occur on the Project Site based on the physical characteristics of the property and the current and/or historical distribution of the species. A focused burrowing owl survey was conducted during the 2023 burrowing owl breeding and nesting season following the Burrowing Owl Survey Instructions for the Western Riverside MSHCP. Four separate Project Site visits were conducted and the entire Site was surveyed for burrowing owls and potential burrows, perches, or other owl use areas. No burrowing owls or sign of burrowing owl use of the subject property were observed during the focused survey (Alden, 2023, Appendix A). The area surrounding the Project Site is mostly developed/disturbed and the potential for owls to occur in proximity to the Project Site is minimal (Alden, 2023, p. 5).

D. Nesting Birds

While there were no nests observed on the Project Site, the Project Site contains groundcover, shrubs, and trees that could be used for nesting or roosting by a variety of native and/or migratory avian species (Alden, 2023, pp. 5, 8).

E. Wetlands

The Project Site was inspected for riparian/riverine and vernal pool resources, as well as any features that have potential to be considered Waters of the U.S. (WUS) or Waters of the State (WS) under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and/or California Department of Fish and Wildlife (CDFW). The Project Site does not contain drainage features, ponding areas, or wetland/riparian resources that could be considered a WUS or WS (Alden, 2023, pp. 5-6).

4.3.2 Applicable Regulatory Requirements

A. Federal Plans, Policies, and Regulations

1. Endangered Species Act (ESA)

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend (USFWS, 2017). It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened"

means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened.

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants.

Section 7 of the ESA requires federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the USFWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species. During consultation, the "action" agency receives a "biological opinion" or concurrence letter addressing the proposed action. In the relatively few cases in which the USFWS or NMFS makes a jeopardy determination, the agency offers "reasonable and prudent alternatives" about how the proposed action could be modified to avoid jeopardy. It is extremely rare that a project ends up being withdrawn or terminated because of jeopardy to a listed species.

Section 10 of the ESA may be used by landowners including private citizens, corporations, tribes, states, and counties who want to develop property inhabited by listed species. Landowners may receive a permit to take such species incidental to otherwise legal activities, provided they have developed an approved habitat conservation plan (HCP). HCPs include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. HCPs may benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation.

2. Migratory Bird Treaty Act (16 USC Section 703-712)

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations (USFWS, 2021). The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 U.S.C. 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds.

B. State Plans, Policies, and Regulations

1. California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved (CDFW, n.d.). The California Department of Fish and Wildlife (CDFW) works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met.

Section 2081 subdivision (b) of the California Fish and Game Code (CFGC) allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs).

If a species is listed by both the federal ESA and CESA, CFGC Section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA.

A Safe Harbor Agreement (SHA) authorizes incidental take of a species listed as endangered, threatened, candidate, or a rare plant, if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species. California SHAs are analogous to the federal safe harbor agreement program and CDFW has the authority to issue a consistency determination based on a federal safe harbor agreement.

2. Natural Community Conservation Planning Act (NCCP)

CDFW's Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program began in 1991 as a cooperative effort to protect habitats and species. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly. (CDFW, n.d.)

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous

activities that compose the development of an NCCP. CDFW and the USFWS provide the necessary support, direction, and guidance to NCCP participants. (CDFW, n.d.)

There are currently 14 approved NCCPs (includes 6 subarea plans) and more than 20 NCCPs in the active planning phase (includes 10 subarea plans), which together cover more than 7 million acres and will provide conservation for nearly 400 special status species and a wide diversity of natural community types throughout California (CDFW, n.d.). The Project Site is located within the boundaries of an approved NCCP: the Western Riverside Multi-Species Habitat Conservation Plan.

3. Native Plant Protection Act (NPPA) of 1977

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered (CDFW, n.d.). There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

4. Unlawful Take or Destruction of Nests or Eggs (CFGC Sections 3503.5-3513)

Section 3503.5 of the CFGC specifically protects birds of prey, stating: "It is unlawful to take, possess, or destroy any . . . [birds-of-prey] or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating: "It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act." (CA Legislative Info, n.d.)

C. Local Plans, Policies, and Regulations

1. Western Riverside County MSHCP

The Western Riverside County MSHCP is a comprehensive, multi-jurisdictional HCP focusing on conservation of species and their habitats in Western Riverside County. The Western Riverside County MSHCP was adopted on June 17, 2003, and an Implementing Agreement (IA) was executed between the USFWS, CDFW, and participating entities (including the City of Moreno Valley). Rather than focusing on one species at a time, implementation of the Western Riverside County MSHCP Section 10 Permit preserves native vegetation and meets the habitat needs of multiple species.

The Project Site is located within the Reche Canyon/Badlands Area Plan of the Western Riverside County MSHCP but is not located within or adjacent to any Criteria Cells. The Project Site is located within the MSHCP Burrowing Owl Survey Area but is not located within the Narrow Endemic Plant Species Survey Area (NEPSSA) or the Criteria Area Plant Species Survey Area (CAPSSA) (Alden, 2023, p. 5).

2. Stephen's Kangaroo Rat Habitat Conservation Plan

The Stephens' Kangaroo Rat Habitat Conservation Plan (HCP) is a comprehensive, multi-jurisdictional HCP focusing on the conservation of the endangered Stephens' Kangaroo Rat and its habitat. The Stephens' Kangaroo Rat HCP was adopted in August 1990 and an Implementing Agreement (IA) was executed between the USFWS, CDFW, and participating entities (including the City of Moreno Valley). The Stephens' Kangaroo Rat HCP provides for the permanent establishment, mitigation, and monitoring of a reserve network for the Stephens' Kangaroo Rat. The Project Site is not located within the Stephens' Kangaroo Rat survey area but is located within the Stephens' Kangaroo Rat mitigation fee area (RCIT, n.d.).

3. City of Moreno Valley Municipal Code

The City's Municipal Code Chapter 3.48, *Western Riverside Multi-Species Habitat Conservation Plan Fee Program Ordinance*, is a local development mitigation fee program to assist in preserving vegetation communities and natural areas within the City of Moreno Valley and western Riverside County, which are known to support threatened, endangered, or key sensitive populations of plant and wildlife species (Moreno Valley, 2003). Each development project to be constructed within the City of Moreno Valley would be required to pay a local development mitigation fee (based on project acreage).

The City's Municipal Code Section 8.60.070 (Imposition of Impact and Mitigation Fee) also requires development projects within the boundaries of Stephens' Kangaroo Rat mitigation fee area, such as the Project, to pay an impact and mitigation fee (based on project acreage) (Moreno Valley, 2003).

4.3.3 Basis for Determining Significance

The State Legislature has established it to be the policy of the State of California to "[p]revent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities..." (Public Resources Code § 21001(c)). CEQA Guidelines Section 15065(a) establishes that a project may have a significant effect where:

> *"The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species ..."*

Appendix G of the CEQA Guidelines is more specific in addressing biological resources and encompasses a broader range of resources to be considered, including: candidate, sensitive, or special status species; riparian habitat or other sensitive natural communities; federally protected wetlands; fish and wildlife movement corridors; local policies or ordinances protecting biological resources; and, adopted Habitat Conservation Plans (HCPs). Based on the guidance within CEQA and the CEQA

Guidelines, the City of Moreno Valley has adopted a set of significance thresholds for determining the specific conditions by which a development project could result in a significant impact to biological resources (before considering offsetting mitigation measures). The significance thresholds, referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act*, are utilized in the analysis presented in this Subsection. Accordingly, for the purpose of analysis in this EIR, the proposed Project would result in a significant impact to biological resources if the Project or any Project-related component would:

a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service;*

b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife Service;*

c. *Have a substantial adverse effect on State or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*

d. *Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites;*

e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or*

f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or State habitat conservation plan.*

4.3.4 Methodology for Evaluating Biological Resources Impacts

The biological resources impacts assessment is based on literature review, including a review of the California Natural Diversity Data Base (CNDDB), historical and current aerial photographs, USGS topographic maps, U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil survey maps, the National Hydrography Dataset, and National Wetlands Inventory, and visits to the Project Site where existing biological resources on and adjacent to the Project Site were mapped. Refer to the Project's Biology Report for detailed descriptions of the Project Site survey dates, scopes of study, and research and survey methodologies used in the biological resources analysis. (Alden, 2023, pp. 1-3)

4.3.5 IMPACT ANALYSIS

Threshold a:	***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

A. Direct Impacts to Special-Status Plants

No special-status plants were observed within the Project Site during field surveys and, due to the highly disturbed nature of the Project Site, the area has a low potential to support sensitive plant species known to occur in the general Project area (Alden, 2023, p. 5). Furthermore, the Project survey area is not located within a NEPSSA or CASSA and, thus, is not considered to be in an area with a high likelihood of supporting substantial populations of sensitive native plant species (ibid.). Implementation of the Project would result in no direct impacts to special-status plants.

B. Direct Impacts to Special-Status Animals

No special-status animals were observed or detected within the Project Site during field surveys (Alden, 2023, p. 5). Furthermore, the CNDDB and USFWS database queries did not return any records of sensitive animal species on or adjacent to the Project Site (ibid.). One (1) special-status animal species (burrowing owl) has the potential to occur on the Project Site; however, neither burrowing owls nor signs of burrowing owls were observed during the focused breeding season surveys conducted on-site, and burrowing owls are unlikely to occur in areas adjacent to the Project Site due to the level of existing disturbance/development (Alden, 2023, p. 5 & Appendix A). Nonetheless, the burrowing owl is a roaming species and the subject property contains marginally-suitable habitat for the species. If burrowing owls are present on the Project Site at the time construction activities commence, potential impacts to the species would be significant and mitigation would be required.

C. Indirect Impacts to Special-Status Biological Resources

The Project Site is highly disturbed under existing conditions and the Site is mostly surrounded by developed, urban land uses. No natural or open spaces are located adjacent to the Project Site and it is unlikely that special-status plants or wildlife species occur within areas adjacent to the Site due to high levels of disturbance and ongoing human activity. Due to the lack of natural, undisturbed habitat surrounding the Project Site and the unlikely presence of listed or special-status plant or wildlife species in areas abutting the Site, the Project would not result in indirect impacts to listed or special-status biological resources.

The Project Site is in area that is surrounded by existing development with habitat conditions very similar to those that exist on the Project Site. There are no native open space areas adjacent to the Project Site and no listed or special-status plant or wildlife species are expected to occur within the developed and disturbed areas abutting the site. Due to the lack of natural, undisturbed habitat surrounding the Project Site and the unlikely presence of listed or special-status plant or wildlife

species in areas abutting the site, the Project would not result in indirect impacts to listed or special-status biological resources.

Threshold b:	***Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?***

Based on field surveys conducted on the Project Site no riparian habitat is present on the Project Site and none of the vegetation communities or land cover types observed on or abutting the Project Site are classified as a sensitive or natural community (Alden, 2023, pp. 4-5). Implementation of the Project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or the USFWS; no impact would occur.

Threshold c:	***Would the Project have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

The Project Site does not contain any protected wetland or aquatic resources, including, but not limited to, natural drainages or water courses, wetland habitat, marsh, vernal pools, or coastal resources (Alden, 2023, pp. 4-5). As such, the Project would not have a substantial adverse effect on State- or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impact would occur.

Threshold d:	***Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

The Project Site does not contain natural, surface drainage/watercourse or ponding features. Additionally, there are no water bodies on or abutting the Project Site that could support fish. Therefore, there is no potential for the Project to interfere with the movement of native resident or migratory fish. The Project Site also does not serve as a wildlife corridor nor is it connected to an established corridor, and there are no native wildlife nurseries on or adjacent to the Site. Therefore, there is no potential for the Project to impede the use of a native wildlife nursery site. Based on the foregoing information, the Project would result in no impact to any native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites.

The Project would remove vegetation (i.e., trees, shrubs, and grasses) from the Project Site that serves as provides potential roosting and nesting habitat for birds common to the Inland Empire area, although no nests were observed on the Project Site and no birds are known to nest on the Site (Alden, 2023, pp. 5, 8). As noted previously, numerous non-sensitive bird species were observed on the Project Site, including but not limited to Anna's hummingbird, house finch, American crow, raven, and Eurasian

collared dove. Although these species are not considered special-status or sensitive based on their prevalence in southern California, the MBTA and California Fish and Game Code are in place to protect these bird species, among others, while nesting. If Project construction is to occur during the avian nesting season (February 15 – September 1) and if active nests are present on the Project Site, significant impacts to nesting birds could occur. The Project's impact to nesting birds is a potentially significant impact for which mitigation is required.

Threshold e: ***Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Implementation of the Project would result in the removal of trees on the Project Site. The removal of trees is regulated by City of Moreno Valley Municipal Code Chapter 9.17.030, Landscape and Irrigation Design Standards, which requires development projects to conduct a tree survey prior to construction and, if any mature significant trees are to be removed, to replace each removed tree at defined ratios (as specified in Municipal Code Chapter 9.17.030). Prior to removal of any trees from the Project Site, the Project Applicant would be required to comply with the provisions of Chapter 9.17.030 of the City of Moreno Valley Municipal Code. Mandatory compliance with the requirements of the Municipal Code would ensure the Project would not conflict with the City of Moreno Valley's ordinance regulating tree removal (Moreno Valley, 2023).

The City of Moreno Valley Municipal Code contains provisions for the protection of the Stephens' Kangaroo Rat pursuant to the Stephens' Kangaroo Rat HCP (refer to Title 8, Chapter 8.60, Threatened and Endangered Species, of the Municipal Code). The Project Applicant is required to contribute a local development impact and mitigation fee, which requires a fee payment to assist the City in implementing the habitat conservation plan for the Stephens' Kangaroo Rat. With mandatory compliance with standard regulatory requirements (i.e., development impact and mitigation fee payment), the proposed Project would not conflict with any City policies or ordinances related to the protection of the Stephens' Kangaroo Rat (Moreno Valley, 2023).

The City of Moreno Valley Municipal Code Chapter 3.48, Western Riverside County Multiple Species Habitat Conservation Plan Fee Program, also contains provisions for the collection of mitigation fees to further the implementation of the Western Riverside County MSHCP. The Project Applicant is required to contribute a local mitigation fee, which requires a fee payment to assist the City in implementing the Western Riverside County MSHCP reserve system (including the acquisition, management, and long-term maintenance of sensitive habitat areas). With mandatory compliance with standard regulatory requirements (i.e., mitigation fee payment), the Project would not conflict with any City policies or ordinances related to the mitigation fee program associated with Western Riverside County MSHCP (Moreno Valley, 2023).

The City of Moreno Valley does not have any additional policies or ordinances in place to protect biological resources that are applicable to the Project. Impacts would be less-than-significant.

Threshold f: ***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

The Project Site is subject to the provisions of the Western Riverside County MSHCP; however, the Project Site is not located in a criteria cell. The following analysis evaluates the Project's compliance with the Western Riverside County MSHCP requirements pursuant to the following sections of the MSHCP that are applicable to the Project Site: Section 6.1.2, *Protection of Species Associated with Riparian/Riverine Habitat and Vernal Pools*; Section 6.1.3, *Protection of Narrow Endemic Plant Species*; Section 6.1.4, *Guidelines Pertaining to the Urban/Wildland Interface*; and Section 6.3.2, *Additional Survey Needs and Procedures*.

MSHCP Section 6.1.2: Species Associated with Riparian/Riverine Habitat and Vernal Pools
Wetland/riparian features or vernal pools regulated by the MSHCP are not present on or adjacent to the Project Site (Alden, 2023, p. 6). Accordingly, there is no potential for the Project to conflict with MSHCP Section 6.1.2.

MSHCP Section 6.1.3: Protection of Narrow Endemic Plants
The Project Site is not located within the Western Riverside County MSHCP NEPSSA; therefore, the NEPSSA requirements are not applicable to the Project and the Project is consistent with MSHCP Section 6.1.3 (Alden, 2023, p. 3).

MSHCP Section 6.1.4: Urban/Wildlands Interface Guidelines
The Project Site is not located within or adjacent to any MSHCP conservation areas; therefore, the Project would not conflict with MSHCP Section 6.1.4 (Alden, 2023, p. 6).

MSHCP Section 6.3.2: Additional Surveys and Procedures
The Project Site is not located within the a MSHCP CASSA; therefore, the CASSA requirements are not applicable to the Project (Alden, 2023, p. 6).

The Project Site is located within the Western Riverside County MSHCP burrowing owl survey area. No burrowing owls or signs of burrowing owl use were observed on the Project Site and, due to the level of existing disturbance and development adjacent to the Project Site, burrowing owls are not expected to use areas adjacent to the Project Site (Alden, 2023, p. 5 & Appendix A). Nonetheless, the burrowing owl is a roaming species and the Project Site contains marginally-suitable habitat for the species; therefore, there is the potential for the species to occupy the Project Site prior to the start of construction. If burrowing owls are present on the Project Site at the time construction activities commence, impacts to the species – and a potential conflict with MSHCP Section 6.3.2 – could occur. This impact is significant and mitigation is required.

Lastly, the Project Site is located within the Stephens' Kangaroo Rat Habitat Conservation Plan Fee Area, which is administered by the Riverside County Habitat Conservation Agency. The Project Applicant would be required to pay the established Stephens' Kangaroo Rat mitigation fee. Payment

of the Stephens' Kangaroo Rat HCP fee is required – as noted in the analysis under Threshold "e," above – and would ensure the Project is consistent with the Stephens' Kangaroo Rat HCP and MSHCP Section 6.3.2.

4.3.6 Cumulative Impact Analysis

This cumulative impact analysis for biological resources considers development of the Project Site in conjunction with other development projects in the vicinity of the Project Site as well as full General Plan buildout in the City of Moreno Valley and other jurisdictions in the region within the boundaries of the Western Riverside County MSHCP.

The Project Site does not contain any special-status plant species nor does the Site have the potential to support such species. Therefore, the Project would not impact any special-status plant species and, thus, the Project would have no potential to contribute to a cumulative impact to special-status plant species.

Except for the burrowing owl, implementation of the Project would not contribute to a substantial adverse cumulative impact to special-status wildlife species because no such species are likely to occur on the Project Site. Regarding the burrowing owl, this species is commonly found within western Riverside County; as such, it is reasonable to conclude that impacts to the burrowing owl habitat would occur in conjunction with development of other properties in the cumulative study area. Because the Project Site contains habitat suitable for use by the burrowing owl, implementation of the Project has the potential to contribute to a cumulatively considerable impact to the burrowing owl.

The Project would not impact any riparian or sensitive natural communities; therefore, there is no potential for the Project to contribute to a cumulatively considerable impact to these resources.

The Project would not impact any State-protected or federally-protected wetlands. Accordingly, the Project has no potential to contribute to a cumulatively considerable impact to State or federally protected wetlands.

The Project would remove vegetation from the Project Site that has the potential to support nesting birds protected by federal and State regulations. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. Thus, the Project has the potential to contribute to a cumulatively considerable impact to nesting birds.

The Project would not conflict with any local policies or ordinances protecting biological resources. Other development projects in the cumulative study area would be required to comply with applicable local policies and/or ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Project and cumulative development would be prohibited from violating applicable, local policies or ordinances related to the protection of biological resources, a cumulatively considerable impact would not occur.

The Project Site is subject to the Western Riverside County MSHCP and its survey requirements for the burrowing owl. As noted above, the Project Site contains habitat suitable for the burrowing owl and, therefore, has the potential to conflict with MSHCP Section 6.3.2. Because other properties in the cumulative study area also could contain suitable habitat for the burrowing owl and have the potential to conflict with MSHCP Section 6.3.2, this impact is regarded as cumulatively considerable.

4.3.7 Significance of Impacts Before Mitigation

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project Site contains suitable habitat for the burrowing owl. In the event the burrowing owl is present on the Project Site at the time construction commences, implementation of the Project has the potential to result in the mortality of burrowing owl individuals.

Threshold b: No Impact. The Project Site does not contain riparian and/or other sensitive natural habitats; therefore, the Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.

Threshold c: No Impact. No State- or federally-protected wetlands are located on the Project Site; therefore, no impact to wetlands would occur.

Threshold d: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and California Fish and Game Code, should habitat removal occur during the nesting season and should nesting birds be present.

Threshold e: Less-than-Significant-Impact. The Project would not conflict with any local policies or ordinances protecting biological resources.

Threshold f: Significant Direct and Cumulatively-Considerable Impact. The Project Site is subject to the Western Riverside County MSHCP and its survey requirements for the western burrowing owl. Although the Project is compliant with all MSHCP provisions and although burrowing owl is absent from the Project Site under existing conditions, the Project Site contains habitat suitable for the species. If the species migrates onto the Project Site and is present on the property at the time a grading permit is issued, impacts would be significant.

4.3.8 MITIGATION

The following mitigation measures address potential Project-related impacts to the burrowing owl:

MM 4.3-1 Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Moreno Valley prior to the issuance of a grading permit and subject to the following provisions:

a) In the event that the pre-construction survey identifies no burrowing owls on the property a grading permit may be issued without restriction.

b) In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.

c) In the event that the pre-construction survey identifies the presence of three (3) or more mating pairs of burrowing owl, the requirements of MSCHP Species-Specific Conservation Objectives 5 for the burrowing owl shall be followed. Objective 5 states that if the site (including adjacent areas) supports three (3) or more pairs of burrowing owls and supports greater than 35 acres of suitable habitat, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite until it is demonstrated that Objectives 1-4 have been met. A grading permit shall be issued, either:

i. Upon approval and implementation of a property-specific Determination of Biologically Superior Preservation (DBESP) report for the burrowing owl by the CDFW; or

ii. A determination by the biologist that the site is part of an area supporting less than 35 acres of suitable Habitat, and upon passive or active relocation of the species following accepted CDFW protocols. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing

of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.

The following mitigation measures would address the potential for Project construction to impact nesting birds, including migratory species.

MM 4.3-2 Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (February 1 through September 15), unless a migratory bird nesting survey is completed in accordance with the following requirements:

a) A nesting bird survey shall be conducted on the Project Site and within suitable habitat located within a 250-foot radius of the Project Site by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.

b) A copy of the migratory nesting bird survey results report shall be provided to the City of Moreno Valley Planning Division. If the survey identifies the presence of active nests, then the qualified biologist shall provide the City of Moreno Valley Planning Division with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City of Moreno Valley Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City Planning Division verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.

4.3.9 Significance of Impacts After Mitigation

Thresholds a & f: Less-than-Significant Impact with Mitigation. Implementation of MM 4.3-1 would ensure that pre-construction surveys are conducted for the burrowing owl to determine the presence or absence of the species on the Project Site. If present, the mitigation measure provides performance criteria that requires avoidance and/or relocation of burrowing owls in accordance with MSHCP protocol. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to the burrowing owl would be reduced to below a level of significance.

Threshold d: Less-than-Significant Impact with Mitigation. Implementation of Mitigation Measure MM 4.3-2 would ensure that pre-construction surveys are conducted for nesting birds protected by State and federal regulations if vegetation is removed from the Project Site during the breeding season. If nesting birds are present on the Project Site, the mitigation requires avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. With implementation of the required mitigation, potential direct and cumulatively considerable impacts to nesting birds protected by State and federal regulations would be reduced to below a level of significance.

4.4 CULTURAL RESOURCES

This analysis in this Subsection is based on a site-specific cultural resource assessment report titled "Phase I Cultural Resources Survey for the Bay & Day Commerce Center Project," dated February 20, 2024 and prepared by Brian F. Smith and Associates, Inc. (hereinafter "BFSA"). This report is provided as *Technical Appendix E* to this EIR (BFSA, 2024a). All references used in this Subsection are included in EIR Section 7.0, *References*.

Confidential information has been redacted from *Technical Appendix E* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City, and BFSA is considered confidential in respect to places that have traditional tribal cultural significance (California Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code of Regulations Section 15120(d)).

4.4.1 EXISTING CONDITIONS

A. Prehistoric and Protohistoric Resources

1. Regional Setting

The Project Site is located within an area of southern California referred to as the Inland Empire; specifically, in the western portion of Riverside County. The Paleo Indian, Archaic, Late Prehistoric Period, and Protohistoric Period are the four general prehistoric periods represented in Riverside County, and are summarized below. Refer to *Technical Appendix E* for a detailed discussion about the prehistoric cultural periods in Riverside County.

- Paleo Indian Period (Late Pleistocene: 11,500 to circa 9,000 years before the present [YBP]). The environment during the late Pleistocene was cool and moist, which allowed for the formation of deep, pluvial lakes in the deserts and basin lands. By the end of the Pleistocene, the climate became warmer, which caused large lakes to recede and evaporate, extinction of Pleistocene megafauna, and major vegetation changes. Paleo Indians were likely attracted to multiple habitat types, including mountains, marshlands, estuaries, and lakeshores. These people likely subsisted using a more generalized hunting, gathering, and collecting adaption using a variety of resources including birds, mollusks, and both large and small mammals.

- Archaic Period (Early and Middle Holocene: circa 9,000 to 1,3000 YBP). During the Archaic Period, a widespread complex was established in the southern California region. A more localized complex in the northern inland expression is identified as the Greven Knoll Complex. The Greven Knoll Complex is split into three different phases based on their time period. Phase I of Greven Knoll Complex is generally dominated by the presence of manos and metates, core tools, hammerstones, large dart points, flex inhumations, and occasional cremations. Mortars

and pestles were absent, suggesting that the subsistence economy emphasizes hunting. Phase II had similar tools but with a small presence of mortar and pestles, suggesting that gathering is part of their lifestyle. Phase III had an even heavier emphasis on gathering, which included the reliance on seeds and yucca. The shift in food processing technologies suggest a change in subsistence strategies. Although people were still hunting large games, plant-based food became a large part of their diets.

- Late Prehistoric Period (Late Holocene: 1,300 YBP to 1790). Approximately 1,350 YBP, a Shoshonean-speaking group from the Great Basin region moved into Riverside County County, marking the transition to the Late Prehistoric Period. This period is characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversified and intensified during this period with elaborate trade networks, shell-bead currency, and effective technological innovations. Technological development included the introduction of ceramics and bow and arrow.

- Protohistoric Period. The Project Site and general vicinity are within a geographic area where the traditional territories of three Takic-speaking groups adjoined and overlapped, at least during the Late Prehistoric and Protohistoric periods: the Cahuilla, Gabrielino, and the Luiseño.

  When contacted by the Spanish in the sixteenth century, the Luiseño occupied a territory bounded on the west by the Pacific Ocean, on the east by the Peninsular Ranges mountains at San Jacinto (including Palomar Mountain to the south and Santiago Peak to the north), on the south by Agua Hedionda Lagoon, and on the north by Aliso Creek in present-day San Juan Capistrano. The Luiseño differed from their neighboring Takic speakers in having an extensive proliferation of social statuses, a system of ruling families that provided ethnic cohesion within the territory, a distinct worldview, and an elaborate religion. The Luiseño occupied sedentary villages most often located in sheltered areas in valley bottoms, along streams, or along coastal strands near mountain ranges. Villages were located near water sources to facilitate acorn leaching and in areas that offered thermal and defensive protection.

  At the time of Spanish contact, the Cahuilla occupied territory that included the San Bernardino Mountains, Orocopia Mountain, and the Chocolate Mountains to the west, Salton Sea and Borrego Springs to the south, Palomar Mountain and Lake Mathews to the west, and the Santa Ana River to the north. Cahuilla villages were typically permanent and located on low terraces within canyons in proximity to water sources. These locations proved to be rich in food resources and also afforded protection from prevailing winds. Villages were occupied throughout the year; however, during a several-week period in the fall, most of the village members relocated to mountain oak groves to take part in acorn harvesting. The Cahuilla was not a political nation, but rather a cultural nationality with a common language. Clans were comprised of three to 10 lineages; each lineage owned a village site and specific resource areas. Lineages within a clan cooperated in subsistence activities, defense, and rituals.

The Gabrielino occupied much of present-day Los Angeles and Orange counties at the time of Spanish contact. The southern extent of this culture area is bounded by Aliso Creek, the eastern extent is located east of present-day San Bernardino along the Santa Ana River, the northern extent includes the San Fernando Valley, and the western extent includes portions of the Santa Monica Mountains. The Gabrielino also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in all of southern California. The Gabrielino lived in permanent villages and occupied smaller resource-gathering camps at various times of the year depending upon the seasonality of the resource. Larger villages were comprised of several families or clans, while smaller, seasonal camps typically housed smaller family units. The coastal area between San Pedro and Topanga Canyon was the location of primary subsistence villages, while secondary sites were located near inland sage stands, oak groves, and pine forests. Permanent villages were located along rivers and streams and in sheltered areas along the coast. Villages were politically autonomous units comprised of several lineages. During times of the year when certain seasonal resources were available, the village would divide into lineage groups and move out to exploit them, returning to the village between forays.

2. Project Site Conditions

BFSA surveyed the Project Site for the presence of prehistoric and protohistoric archaeological resources. The survey consisted of a series of parallel transects spaced at approximately 10-meters intervals. The pedestrian survey indicated that the property has been disturbed by disking and previous land modifications resulting from the ongoing and historic uses of the property. The survey did not result in the identification of any cultural resources (BFSA, 2024a, p. 5.0-2).

BFSA also conducted an archaeological records search through the Eastern Information Center (EIC) at the University of California, Riverside (UCR). Nine prehistoric resources/sites have been recorded within a one-mile radius of the Project Site, none of which are located within the subject property. The resources identified consist of five prehistoric bedrock milling feature sites and four prehistoric isolates (BFSA, 2024a, pp. 5.0-1).

After the September 5, 2023 publication of the Notice of Determination (NOD) for this EIR, which established the baseline for the environmental analysis contained herein pursuant to CEQA Guidelines Section 15125(a)(1), the 11,419-acre Soboba Sycamore Hills Traditional Landscape and the 25,642-acre Pechanga Sycamore Hills Traditional Property were recorded/recognized by the EIC. The two traditional tribal areas cover much of eastern Riverside and western Moreno Valley, from Mentone through Val Verde, with bedrock-laden hillsides being a primary distinguishing feature of these areas. The Project Site does not contain any identified resources/artifacts, geologic features (e.g., exposed bedrock), or vegetation associated with the Soboba Sycamore Hills Traditional Landscape or Pechanga Sycamore Hills Traditional Property.

B. Historical Cultural Resources

1. Regional Setting

The general historical setting for southern California is divided into three general periods: the Spanish period (1769-1821), the Mexican Period (1822-1846), and the American Period (1848-present). Each time period is summarized below and discussed in more detail in *Technical Appendix E*.

- Spanish Period (1769-1821): European exploration along the California coast began in 1542 with the landing of Juan Rodriguez Cabrillo at San Diego Bay. The first Spanish colonizing expedition reached southern California in 1769 with the intention of converting and civilizing the indigenous people as well as expanding the knowledge of and access to new resources in the region. By the late eighteenth century, large portions of southern California were overseen by Mission San Luis Rey, Mission San Juan Capistrano, and Mission San Gabriel. As the missions grew, livestock holding increased and became more vulnerable to theft. In order to protect their interest, the missions set out formal exploration to the now San Bernadino Valley to meet their needs. The early colonization effort is followed by establishment of estancias in Lake Elsinore, Temecula, and Murrieta. The indigenous groups who occupied by the lands were recruited by missionaries, converted, and put to work in the missions. Throughout this period, the indigenous population were decimated by introduced diseases, drastic shift in diet, and social conflicts due to the introduction of a new social order.

- Mexican Period (1821-1848): Mexico achieved independence from Spain in 1822 and became a federal republic in 1824. Both Baja and Alta California became classified as territories, so the Mexican Republic sought to grant large tracts of private land to encourage citizens to immigrate to California. The land grants, known as "ranchos," covered expansive portions of California and by 1846, more than 600 land grants have been issued by the Mexican government. Many ranchos were established in the present day western Riverside County. Treatment to the indigenous population grew worse, and many of them were forced off their land or put to work in the ranchos as slave labor. The indigenous population had become dependent on the mission system, and they can no longer rely upon prehistoric subsistence and social patterns.

- American Period (1848-present): The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which Mexico ceded territory – including California – to the United States. Settlement of southern California increased dramatically in the early American Period. Many ranchos were sold or otherwise acquired by Americans, and most were subdivided into agricultural parcels or towns. Southern California remained dominated by cattle ranches in the early American period, though droughts and increasing population resulted in farming and more urban professions supplanting ranching through the late nineteenth century.

  In 1893, Riverside County was created from portions of then-San Bernardino and San Diego Counties. Early settlers to the Moreno Valley area were engaged in dry farming, as a reliable

water source had not yet been secured. In 1890, the Alessandro Irrigation District was established, and construction began on an intricate series of pipelines to bring water to the valley. The arrival of water, via the Moreno Tunnel, in 1891 led to increased investment in the area's agricultural economy. Following this development, large-scale fruit and citrus farms were established in the area. This development provided only a temporary boom, as lawsuits over water rights led to a loss of water delivery in the Moreno Valley in 1899. Public and private wells were eventually produced and by 1912 the Moreno Mutual Water Company had identified a reliable source of water. As a result, the area's population again increased, and the area resumed citrus production along with much of Riverside County.

Originally established as Alessandro Flying Training Field in 1918, March Field was constructed in the Moreno Valley as the country anticipated entry into World War I. March Field has played a key role in providing skilled crews for many international conflicts and remains in operation as a reserve base today. The founding and lasting presence of March Field has contributed to the expansion of the Moreno Valley, as services and amenities for those stationed there has remained a necessity since its founding.

Through the 1970's the City of Moreno Valley experienced steady growth. The Riverside International Raceway and the Lake Perris Recreation Area were established in 1957 and 1973 respectively. The valley experienced a boom in the 1980s; the decade saw the population increase two-fold (from roughly 19,000 to almost 50,000). While votes for incorporation failed in 1968 and 1983, in 1984 the communities of Sunnymead, Edgemont, and Moreno incorporated as the City of Moreno Valley. The city has continued to expand in recent decades and today it is largely occupied by suburban development.

2. Project Site Conditions

BFSA conducted a pedestrian survey of the Project Site and reviewed historical records databases to identify the presence or absence of historical resources on the Project Site. The survey of the Project Site identified eight (8) historic-age structures on the subject property: seven residences and one detached garage all built between 1953 and 1967 (BFSA, 2024a, 5.0-13).

Based on archival research, 19 historic cultural resources have been recorded within a one-mile radius of the Project Site, none of which are located within the subject property. The resources identified consist of one historic trash deposit, one historic ranch complex, two historic foundation sites, two historic railroad segments, one historic drainage channel, 11 historic single-family residences, and one historic isolate (BFSA, 2024a, pp. 5.0-1).

4.4.2 Applicable Regulatory Requirements

A. Federal Plans, Policies, and Regulations

1. National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) was passed primarily to acknowledge the importance of protecting our nation's heritage (NPS, 2021a). While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony."

NHPA and related legislation sought a partnership among the federal government and the states that would capitalize on the strengths of each. The federal government, led by the National Park Service (NPS) provides funding assistance; basic technical knowledge and tools; and a broad national perspective on America's heritage. The states, through State Historic Preservation Officers (SHPOs) appointed by the governor of each state, would provide matching funds, a designated state office, and a statewide preservation program tailored to state and local needs and designed to support and promote state and local historic preservation interests and priorities.

An Advisory Council on Historic Preservation (ACHP), the first and only federal entity created solely to address historic preservation issues, was established as a cabinet-level body of Presidentially-appointed citizens, experts in the field, and federal, state, and local government representatives, to ensure that private citizens, local communities, and other concerned parties would have a forum for influencing federal policy, programs, and decisions as they impacted historic properties and their attendant values.

Section 106 of NHPA granted legal status to historic preservation in federal planning, decision-making, and project execution. Section 106 requires all federal agencies to take into account the effects of their actions on historic properties, and provide ACHP with a reasonable opportunity to comment on those actions and the manner in which federal agencies are taking historic properties into account in their decisions.

A number of additional executive and legislative actions have been directed toward improving the ways in which all federal agencies manage historic properties and consider historic and cultural values in their planning and assistance. Executive Order 11593 (1971) and, later, Section 110 of NHPA (1980, amended 1992), provided the broadest of these mandates, giving federal agencies clear direction to identify and consider historic properties in federal and federally assisted actions. The National Historic Preservation Amendments of 1992 further clarified Section 110 and directed federal agencies to establish preservation programs commensurate with their missions and the effects of their authorized programs on historic properties.

2. *National Register of Historic Places (NRHP)*

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation (NPS, 2021b). Authorized by the NHPA of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources.

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- Age and Integrity. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?

- Significance. Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past?

Nominations can be submitted to a SHPO from property owners, historical societies, preservation organizations, governmental agencies, and other individuals or groups. The SHPO notifies affected property owners and local governments and solicits public comment. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the NPS for a Determination of Eligibility (DOE). Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state.

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access.

3. *National Historic Landmarks Program*

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States (NPS, 2021c). Today, over 2,600 historic places bear this national distinction. Working with citizens throughout the nation, the NHL Program draws upon the expertise of NPS staff who guide the nomination process for new Landmarks and provide assistance to existing Landmarks.

4. *Native American Graves Protection and Repatriation Act (NAGPRA)*

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native

American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation (OLRC, n.d.).

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s).

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items.

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee.

B. State Plans, Policies, and Regulations

1. California Administrative Code, Title 14, Section 4308

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: "No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value." (California State Parks, n.d.)

2. California Code of Regulations Title 14, Section 1427

California Code of Regulations Title 14, Section 1427 provides that: "No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure,

disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found." (NAHC, n.d.)

3. California Register of Historic Resources

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the state's significant historical and archaeological resources (OHP, n.d.). The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA.

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4).

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if the resource is threatened by a project. Additionally, local building inspectors must grant code alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource (OHP, n.d.).

4. Traditional Tribal Cultural Places Act (Senate Bill 18, "SB 18")

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning (OPR, 2005). SB 18 also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations.

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow

consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government.

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and noticing requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment.

5. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources (OPR, 2017b). By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes 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, Section 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, Section 21080.3.1.)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code Section 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015.

Section 21074 of the Public Resources Code defines "tribal cultural resources." In brief, in order to be considered a "tribal cultural resource," a resource must be either:

(1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or

(2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017b)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe.

6. California Health and Safety Code

California Health and Safety Code (HSC) Section 7050.5(b) requires that excavation and disturbance activities must cease "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery…" until the coroner can determine regarding the circumstances, manner, and cause of any death (CA Legislative Info, n.d.). The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. Section 7051 specifies that the removal of human remains from "internment or a place of storage while awaiting internment" with the intent to sell them or to dissect them with "malice or wantonness" is a public offense punishable by imprisonment in a state prison. Lastly, HSC Sections 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that "all California Indian human remains and cultural items are to be treated with dignity and respect." It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims (CA Legislative Info, n.d.).

California Public Resources Code, Section 5097.98 states that whenever the commission receives notification of a discovery of Native American human remains pursuant to HSC subdivision (c) of Section 7050.5, it shall immediately notify those persons that are the most likely descendants. The descendants may inspect the site and make recommendations to the landowner as to the treatment of the human remains. The landowner shall ensure that the immediate vicinity around the remains is not damaged or disturbed by further development activity until coordination has occurred with the descendants regarding their recommendations for treatment, taking into account the possibility of multiple human remains. The descendants shall complete their inspection and make recommendations within 48 hours of being granted access to the site (CA Legislative Info, n.d.).

7. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines Section 15064.5, as follows:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code Section 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be an historical resource, provided the lead agency's determination is supported by substantial evidence considering the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code Section 5024.1, Title 14 CCR, Section 4852) including the following:
  - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - Is associated with the lives of persons important in our past;
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - Has yielded, or may be likely to yield, information important in prehistory or history.

  The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

4.4.3 Basis for Determining Significance

The Project would result in a significant impact to cultural resources if the Project or any Project-related component would:

a. *Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;*

b. *Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5; or*

c. *Disturb any human remains, including those interred outside of formal cemeteries.*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to cultural resources that could result from development projects.

4.4.4 Methodology for Evaluating Cultural Resources Impacts

The analysis of potential impacts to pre/protohistoric and historic archaeological resources is based on a cultural resources records search through Eastern Information Center (EIC) at the University California, Riverside (UCR), historic background research, a review of historic aerial photographs, and a visit to the Project Site.

4.4.5 Impact Analysis

Threshold a: ***Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5***

Implementation of the Project would require the demolition of all structures and improvements that are located on the Project Site under existing conditions. As disclosed earlier in this section, the Project Site contains eight (8) historic period cultural resources: seven residences and one detached garage.

BFSA evaluated all structures on the Project Site against the criteria for the National Register and the California Register of Historic Resources (CRHR). None of the structures on the Project Site were found to be representative of any known or identifiable trend in the development of Moreno Valley, does not associate with any important historic figure or event, and has little potential to yield important archaeological information on local historical development. Although the structures were found to retain some level of historic integrity, the structures were not found to be significant or representative examples of their respective architectural styles (BFSA, 2024a, pp. 5.0-64 to 5.0-75). Based on the foregoing information, the structures on the Project Site do not qualify as historically or architecturally significant pursuant to CEQA Guidelines Section 15064.5.

Notwithstanding, because the Project Site was used for agriculture by the 1930s, there is a reasonable possibility that historic resources – buried over decades of disking and tilling activities – may be present beneath the Site's subsurface and may be encountered by initial ground-disturbing activities

associated with Project construction. If any historic resources are unearthed during Project construction that meet the definition of historical resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to those historic cultural resources would be significant.

Threshold b: ***Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?***

BFSA conducted a cultural resources inventory of the Project Site, which included a records search through the EIC at UCR and an intensive pedestrian survey of the Site. According to the archival records search, no prehistoric cultural resources have been previously recorded on the Project Site and according to the pedestrian survey, no prehistoric cultural resources were observed on the Project Site (BFSA, 2024a, pp. 5.0-1 to 5.0-2). Therefore, implementation of the Project would not cause a substantial adverse change in the significance of a known archeological resource pursuant to CEQA Guidelines Section 15064.5.

The pedestrian survey indicated that the property was disturbed by disking and previous land modifications resulting from past use of the property. The potential for buried or masked cultural deposits within the Project Site is considered low to moderate based upon the lack of identified resources on the property and previous disturbances to the property (BFSA, 2024a, pp. 5.0-2). Notwithstanding, there is a reasonable possibility that prehistoric cultural resources may be present beneath the Site's subsurface, and may be encountered by ground-disturbing activities associated with Project construction. If any prehistoric cultural resources are unearthed during Project construction that meet the definition of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and are disturbed/damaged by Project construction activities, impacts to those prehistoric cultural resources would be significant.

Threshold c: ***Would the Project disturb any human remains, including those interred outside of formal cemeteries?***

The Project Site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. Field surveys conducted on the Project Site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the site (BFSA, 2024a, pp. 5.0-2). Nevertheless, like any project that involves excavation of the ground, the remote potential exists that human remains may be encountered during grading and excavation activities associated with Project construction.

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code § 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less than significant.

4.4.6 Cumulative Impact Analysis

The potential for implementation of the Project to contribute to cumulative impacts to historical resources was analyzed in conjunction with other projects located in areas that were once similarly influenced by the agriculture industry of western Riverside County. Record searches and field surveys indicate the absence of significant historical sites and resources on the Project Site; therefore, implementation of the Project has no potential to contribute towards a significant cumulative impact to known historical sites and/or resources. Nonetheless, the potential exists for subsurface historic archaeological resources that meet the CCR Section 15064.5 definition of a significant historical resource to be discovered on the Project Site – and other development project sites in the region – during construction activities. Thus, the Project has the potential to contribute to a significant cumulative impact to historic archaeological sites and/or resources, if such resources are encountered during Project construction.

The potential for Project construction to result in cumulatively considerable impacts to pre/protohistoric archaeological resources were also analyzed in conjunction with other projects located in the traditional use areas of Native American tribes that are affiliated to the Project Site. Development activities on the Project Site would not impact any known prehistoric archaeological resources and the likelihood of uncovering previously unknown prehistoric archaeological resources during Project construction are low due to the magnitude of disturbance that has occurred on the Site due to historic agriculture uses. Nonetheless, the potential exists for subsurface prehistoric archaeological resources that meet the CCR Section 15064.5 definition of a significant archaeological resource to be discovered on the Project Site – and other development project sites in the region – during construction activities. Accordingly, the Project has the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Project would potentially result in a cumulatively considerable impact to prehistoric archaeological resources if such resources are unearthed during Project construction.

Mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 *et seq.*, would assure that all future development projects within the region treat human remains that may be uncovered during development activities in accordance with prescribed, respectful and appropriate practices, thereby avoiding significant cumulative impacts.

4.4.7 Significance of Impacts Before Mitigation

Threshold a: Significant Direct and Cumulatively Considerable Impact. No known historical resources are present on the Project Site and the likelihood of uncovering buried historical resources on the Project Site is low due to the magnitude of past ground disturbance on the Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface historical resources should such resources to be discovered during Project-related construction activities.

Threshold b: Significant Direct and Cumulatively Considerable Impact. No known archaeological resources are present on the Project Site and the likelihood of uncovering buried prehistoric cultural resources on the Project Site is low due to the magnitude of past ground disturbance on the Project Site. Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Project-related construction activities.

Threshold c: Less than Significant Impact. In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 *et seq*. Mandatory compliance with State law would ensure that any discovered human remains are appropriately treated and would preclude the potential for significant impacts.

4.4.8 Mitigation

The following mitigation measures address the potential for Project construction activities to impact significant archaeological resources that may be discovered during ground-disturbing construction activities.

MM 4.4-1 Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Pechanga Band of Indians and Morongo Band of Mission Indians, the contractor, and the City, shall develop a CRMP as defined in MM 4.4-1. The Project archaeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker

Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.

MM 4.4-2 Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Indians and Morongo Band of Mission Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.

MM 4.4-3 The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

a) Project description and location;

b) Project grading and development scheduling;

c) Roles and responsibilities of individuals on the Project;

d) The pre-grading meeting and Cultural Resources Worker Sensitivity Training details;

e) The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;

f) The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and

g) Contact information of relevant individuals for the Project.

MM 4.4-4 In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

a) One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:

i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.

ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to MM 4.4-3. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in Mitigation Measure MM 4.4-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.

MM 4.4-5 The City shall verify that the following note is included on the Grading Plan:

"If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."

MM 4.4-6 If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM 4.4-2 before any further work

commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.

MM 4.4-7 If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98).

MM 4.4-8 It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254(r).

MM 4.4-9 Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

4.4.9 Significance of Impacts After Mitigation

Thresholds a and b: Less than Significant Impact with Mitigation. Implementation of Mitigation Measures (MMs) 4.4-1 through 4.4-9 would ensure the proper identification and subsequent treatment of any significant archaeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of the required mitigation, the Project's potential impacts to important historical and archaeological resources would be reduced to less-than-significant. Cumulatively-considerable impacts would likewise be reduced to less than significant.

4.5 ENERGY

The analysis in this Subsection is primarily based on information contained in a technical report prepared by Urban Crossroads, Inc. titled "Bay & Day Commerce Center Energy Analysis, City of Moreno Valley," dated October 2, 2023 (Urban Crossroads, 2023c). The technical report is included as *Technical Appendix F* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

4.5.1 EXISTING CONDITIONS

A. Electricity Consumption

The Project Site is located within the service area of the Moreno Valley Utility (MVU). MVU provides electricity to a population of more than 6,500 customers within their service area. MVU purchases from independent power producers and utilities, including out-of-state suppliers (Urban Crossroads, 2023c, p. 10). Under existing conditions, the demand at the Project Site for electricity is small and only associated with the seven (7) residences on the north-central portion of the property; a majority of the Project Site is vacant and undeveloped and does not consume any electricity.

B. Natural Gas Consumption

The Project Site is located within the service area of the Southern California Gas Company (SoCalGas). SoCalGas provides service to approximately 5.9 million customers. Natural gas from out-of-state production basins is delivered into California via the interstate natural gas pipeline system. The gas transported to California via the interstate pipelines, as well as some of the California-produced gas, is delivered into SoCalGas intrastate natural gas transmission pipeline systems (commonly referred to as California's "backbone" pipeline system). The backbone pipeline system delivers natural gas to the local transmission and distribution pipeline systems or to natural gas storage fields. (Urban Crossroads, 2023c, pp. 11-13) Under existing conditions, the demand at the Project Site for natural gas is relatively small and associated with the seven (7) residences on the north-central portion of the property; a majority of the Project Site is vacant and undeveloped and does not consume any natural gas.

C. Transportation Energy/Fuel Consumption

Gasoline and other vehicle fuels are commercially-provided commodities. The Department of Motor Vehicles (DMV) identified 36.2 million registered vehicles in California, and those vehicles consume an estimated 17.2 billion gallons of fuel each year. Gasoline (and other vehicle fuels) are commercially provided commodities that are sold via commercial outlets. (Urban Crossroads, 2023c, pp. 14-15, p. 15-16). Under existing conditions, the demand for transportation fuels at the Project Site is small and associated with the seven (7) residences on the north-central portion of the property.

4.5.2 Applicable Regulatory requirements

A. *Federal Regulations*

1. *Intermodal Surface Transportation Efficiency Act (ISTEA)*

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. The applicable MPO for the City of Moreno Valley is the Southern California Association of Governments (SCAG). SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is the applicable planning document for the area. (FHWA, n.d.)

B. *State Regulations*

1. *Integrated Energy Policy Report*

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations. The 2021 Integrated Energy Policy Report (2021 IEPR) continues to work towards improving electricity, natural gas, and transportation fuel energy use in California. The 2021 IEPR identifies actions the State and others can take to ensure a clean, affordable, and reliable energy system. California's innovative energy policies strengthen energy resiliency, reduce GHG emissions that cause climate change, improve air quality, and contribute to a more equitable future. (Urban Crossroads, 2023c, pp. 17-18)

2. *State of California Energy Plan*

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled (VMT) and accommodate pedestrian and bicycle access. (Urban Crossroads, 2023c, p. 18)

3. *California Code Title 24, Part 6, Energy Efficiency Standards*

California Code Title 24, Part 6 (also referred to as the California Energy Code) was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy

efficiency standards for residential and nonresidential buildings. California's building efficiency standards are updated on an approximately three-year cycle. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases greenhouse gas (GHG) emissions. The 2022 Standards for building construction, which went into effect on January 1, 2023, improved upon the 2019 Standards for residential and nonresidential buildings. The CEC anticipates that the 2022 energy code will provide $1.5 billion in consumer benefits and reduce GHG emissions by 10 million metric tons. (Urban Crossroads, 2023c, p. 18)

4. Pavley Fuel Efficiency Standards (AB 1493)

In California, AB 1493 establishes fuel efficiency ratings for model year 2009-2016 passenger cars and light trucks. (CARB, n.d.) Under this legislation, CARB adopted regulations to reduce GHG emissions from non-commercial passenger vehicles (cars and light-duty trucks). Although aimed at reducing GHG emissions, specifically, a co-benefit of the Pavley standards is an improvement in fuel efficiency and consequently a reduction in fuel consumption.

5. California Renewable Portfolio Standards (RPS)

The California Energy Commission (CEC) implements and administers portions of California's Renewables Portfolio Standard (RPS). Under the existing RPS, 25% of retail sales are required to be from renewable sources by December 31, 2016, 33% by December 31, 2020, 40% by December 31, 2024, 45% by December 31, 2027, and 50% by December 31, 2030. SB 100 raises California's RPS requirement to 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and California Air Resources Board (CARB) to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal. (CEC, n.d.)

6. Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015

In October 2015, the legislature approved, and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change through its energy usage. Key provisions include an increase in the renewables portfolio standard (RPS), higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.

- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.

- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

4.5.3 Basis for Determining Significance

The thresholds listed below are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse environmental effects that could result from development projects' energy consumption. The Project would result in a significant impact under the topic of energy if the Project or any Project-related component would:

a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

b. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Under Threshold "a," the Project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy if energy consumed by the Project's construction and/or operation cannot be accommodated with existing available resources and energy delivery systems, and requires and/or consumes more energy than industrial uses in California of similar scale and intensity.

Under Threshold "b," the Project would be considered to result in a significant impact if any component of the Project resulted in a substantial effect on the environment due to a conflict with a State or local renewable energy or energy efficiency plan.

4.5.4 Methodology for Calculating Project Energy Demands

Information from the CalEEMod (version 2022.1.1.12) outputs from the Project's Air Quality Impact Analysis (see *Technical Appendix B*) was used to determine Project-related construction equipment energy demands, transportation energy demands, and facility energy demands. These outputs are referenced in Appendices 4.1 and 4.3 of *Technical Appendix B*. Additionally, CARB's EMFAC2021 model was used to calculate emission rates, fuel consumption, and vehicle miles traveled (VMT) for light duty vehicles, light-heavy duty trucks, medium-heavy duty trucks, and heavy-heavy duty trucks traveling to and from the Project Site during construction and operational activities. Data from the EMFAC 2021 model outputs are included in Appendix 4.4 of *Technical Appendix F*.

4.5.5 IMPACT ANALYSIS

At the time the Project's energy analysis was performed, the Project's site plan included 193,745 s.f. of building floor area. After completion of the Project's air quality impact analysis, the proposed site plan was revised to provide 194,775 s.f. of floor area (a 1,030 s.f. increase in total floor area). All Project-related energy use data quantified and disclosed in this section are based on the analysis performed for the original Project Site plan. Although the Project's total building floor area increased by 0.5-percent from the time the analysis was performed, which would incrementally increase the energy usage disclosed herein, this change is not substantive enough to alter the findings of the energy analysis and the conclusions presented herein remain valid (Urban Crossroads, 2023c, p. 3).

Threshold a: ***Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

A. Energy Use During Project Construction

The Project's construction process would consume electrical energy and fuel. Project-related construction would represent a "single-event" electric energy and fuel demand and would not require on-going or permanent commitment of energy or diesel fuel resources for this purpose Project-related construction is estimated to consume approximately 72,250 kilowatt hours (kWh) of electricity, approximately 50,787 gallons of diesel fuel from operation of construction equipment, 39,596 gallons of diesel fuel from construction vendor/hauling trips, and 11,147 gallons of fuel from construction worker trips (Urban Crossroads, 2023c, pp. 25-30). Refer to Subsection 4.1 from *Technical Appendix F* for detailed calculations of all components of the Project's construction energy use.

The equipment used for Project construction would conform to California Air Resources Board (CARB) regulations and State emissions standards. There are no unusual Project characteristics or construction processes that would require the use of equipment that would not conform to current emissions standards (and related fuel efficiencies). Additionally, Project construction activities would be required to comply with State law (Code of Regulations Title 13, Motor Vehicles, Section 2449(d)(3)) and CARB Air Toxic Control Measures that place restrictions on the length of time that diesel-powered equipment and vehicles can idle before powering down (thereby preluding unnecessary and wasteful consumption of fuel due to unproductive idling). Project construction contractors also would be required to comply with applicable CARB regulations regarding retrofitting, repowering, or replacement of older, less-efficient diesel off-road construction equipment. Accordingly, the equipment and vehicles employed in construction of the Project would not result in inefficient wasteful, or unnecessary consumption of fuel (Urban Crossroads, 2023c, p. 31).

Indirectly, the Project would realize construction energy efficiencies and energy conservation through the bulk purchase, transport and use of construction materials. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as the transparent and disposal of construction waste and solid was in general, with corollary reduced demands on area

landfill capacities and energy consumed by waste transport and landfill operations (Urban Crossroads, 2023c, p. 31).

As supported by the preceding discussion, the Project's construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

B. Energy Use During Project Operations

Project operations would include transportation energy demands (energy consumed by employee and patron vehicles accessing the Project Site) and facility energy demands (energy consumed by building operations and site maintenance activities). Project-related traffic and equipment is estimated to consume 236,173 gallons of fuel and the Project's building is estimated to consume 4,055,934 kilo-British thermal units (kBTU) of natural gas per year (if natural gas is used in the building) and 1,779,984 kWh of electricity per year (Urban Crossroads, 2023c, pp. 32-33). Refer to Subsection 4.2 from *Technical Appendix F* for detailed calculations of all components of the Project's operational energy use.

The proposed Project's building is designed to incorporate contemporary, energy-efficient/energy-conserving design and operational programs (including the enhanced building/utility energy efficiencies mandated by the Energy Code and CalGreen. The Project would be subject to compliance with 2022 Energy Code and CalGreen standards, which became effective on January 1, 2023, and mandate energy conservation features that are more stringent (energy-conserving) than prior versions of the respective codes. On this basis, the Project would inherently use less energy than comparable buildings constructed under prior versions of the Energy and CalGreen codes. Project operations would not result in the inefficient, wasteful, or unnecessary consumption of energy due to mandatory Energy Code and CalGreen compliance. Furthermore, the Project Site is within the existing service areas of MVU and SoCalGas, is capable of being served by both energy providers, and implementation of the Project would not cause or result in the need for additional energy facilities or energy delivery systems. From a transportation energy perspective, the Project Site's location proximate to regional and local roadway systems would tend to minimize VMT within the region, acting to reduce regional vehicle energy demands. Furthermore, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption (Urban Crossroads, 2023c, pp. 33-36).

As supported by the preceding discussion, the Project's operational energy consumption would not be considered inefficient, wasteful, otherwise unnecessary.

Threshold b: ***Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

The following section analyzes the Project's consistency with the applicable federal, State, and local regulations related to renewable energy and energy efficiency.

A. Consistency with Federal Energy Regulations

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

Transportation and access to the Project Site is provided by the local and regional roadway systems, inclusive of I-215 which is the nearest regional travel route near the Project Site. Implementation of the Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the ISTEA because SCAG is not planning for intermodal facilities on or through the Project Site.

B. Consistency with State Energy Regulations

Integrated Energy Policy Report (IEPR)

The IEPR provides policy recommendations to be implemented by energy providers in California. Electricity would be provided to the Project by MVU and natural gas would be provided to the Project by SoCalGas. MVU and SoCalGas' 2018 Corporate Sustainability Report builds on existing State programs and policies that support the IEPR goals of improving electricity, natural gas, and transportation fuel energy use in California. MVU and SoCalGas are consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2021 IEPR. Thus, because the Project's energy suppliers are consistent with the 2021 IEPR, the Project would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2021 IEPR.

Additionally, the Project would comply with the applicable Title 24 standards which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the Project would support the goals presented in the 2021 IEPR.

State of California Energy Plan

The Project Site is located just north of Alessandro Boulevard, which provides direct access to the I-215 Freeway. The location of the Project Site facilitates access, minimizes VMT, takes advantage of existing infrastructure systems, and promotes land use compatibilities through the introduction of a light industrial land use on property designated for these types of uses by the Moreno Valley General Plan. Therefore, the Project supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan.

California Code Title 24, Part 6, Energy Efficiency Standards

The Project will design the building shell and building components, such as windows, roof systems, electrical and lighting systems, and heating, ventilating, and air conditioning systems to meet Title 24 Building Energy Standards, including its Energy Efficiency (Part 6) and Green Building (Part 11)

standards, which would be confirmed by the County during the building permit review process. On this basis, the Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the energy efficiency standards within Title 24.

Pavley Fuel Efficiency Standards (AB1493)
AB 1493 is not directly applicable to the Project as it is a statewide measure establishing vehicle emissions standards. No feature of the Project would interfere with implementation of the requirements under AB 1493. Notwithstanding, all model year 2009-2016 passenger cars and light duty truck vehicles traveling to and from the Project Site are required by law to comply with the legislation's fuel efficiency requirements.

California Renewable Portfolio Standards (SB 1078)
California's RPS is not directly applicable to the Project because it is a statewide measure that establishes a renewable energy mix. No feature of the Project would interfere with implementation of the requirements under RPS. Notwithstanding, energy directly or indirectly supplied to the Project Site by electric corporations is required by law to comply with SB 1078.

Clean Energy and Pollution Reduction Act of 2015 (SB 350)
Energy directly or indirectly supplied to the Project Site by electric corporations is required by law to comply with SB 350. No feature of the Project would interfere with implementation of the requirements under SB 350.

C. Consistency with Local Energy Regulations

Moreno Valley Building Code
The City of Moreno Valley requires the Project to be designed, constructed, and operated to meet or exceed all applicable components of the California Building Standards Code (which is adopted as the City's Building Code pursuant to Section 8.20.010 of the Moreno Valley Municipal Code). The City would confirm the Project's compliance with the Building Code as part of the building permit review process. On this basis, the Project is determined to be consistent with, and would not interfere with, nor otherwise obstruct implementation of the California Building Standards Code.

D. Conclusion

As supported by the preceding analysis, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and a less-than-significant impact would occur.

4.5.6 Cumulative Impact Analysis

The Project and other new development projects within the cumulative study area would be required to comply with all of the same applicable federal, State, and local regulatory measures aimed at reducing fossil fuel consumption and the conservation of energy. Accordingly, the Project would not cause or contribute to a significant cumulatively considerable impact related to conflicts with a State or local plan for renewable energy or energy efficiency.

4.5.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.

Threshold b: Less than Significant Impact. The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.

4.5.8 Mitigation

Impacts would be less-than-significant; therefore, mitigation is not required.

4.6 GEOLOGY AND SOILS

The analysis in this Subsection is based primarily on information contained in two site-specific technical reports: 1) "Geotechnical Investigation Proposed Warehouse Building Development Southwest Corner Bay Avenue and Day Street Moreno Valley, California," dated February 1, 2023 and prepared by NorCal Engineering (NorCal Engineering, 2023); and 2) "Paleontological Assessment for the Bay & Day Commerce Center Project," dated February 20, 2024 and prepared by Brian F. Smith and Associates, Inc. ("BFSA") (BFSA, 2024b). These reports are provided as *Technical Appendix G* and *Technical Appendix H* to this EIR, respectively. Additional sources of information used to support the analysis in this Subsection include the Final Environmental Impact Report (EIR) prepared for the City of Moreno Valley General Plan (Moreno Valley, 2006b) and the Moreno Valley Municipal Code (Moreno Valley, 2023). Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

4.6.1 EXISTING CONDITIONS

A. Soils

Two types of soil conditions were encountered on the Project Site during a soils and geotechnical investigation performed by NorCal Engineering: fill/disturbed top soils and native soils (NorCal Engineering, 2023, Appendix A p. 4). The characteristics of the soil conditions encountered on the Project Site are summarized below.

1. Fill/Disturbed Top Soils

Filled/disturbed top soils with minor debris and roots were encountered 1 to 4 feet beneath the ground surface across the Project Site. The filled/disturbed top soils are classified as sandy clay with gravel and were noted to be soft to firm and damp to moist.

2. Native Soils

Native soils were found below the fill/disturbed top soils extending to the maximum depth explored during the filed survey (51.5 feet below current ground elevations). The native soils are classified as sandy clay with sand, silt, and clay content varied with depth of exploration. The native soils were noted to be medium stiff to stiff and damp to moist.

B. Groundwater

NorCal Engineering encountered groundwater at a depth of approximately 25 feet at the Project Site (NorCal Engineering, 2023, Appendix A p. 4).

C. Seismic Hazards

The Project Site is in an area of southern California that is subject to strong ground motions due to seismic events (i.e., earthquakes). The geologic structure of southern California is dominated mainly by northwest-trending faults associated with the San Andreas system. The nearest active fault zone to

the Project Site is the San Jacinto (San Jacinto Valley) Fault zone, located approximately 10 kilometers (6.2 miles) from the Project Site (NorCal Engineering, 2023, Appendix A pp. 2-3). An active fault is defined by the California Geological Survey as a fault that has experienced surface displacement within the Holocene Epoch (roughly the last 11,000 years).

Secondary hazards associated with earthquakes include surface rupture, ground failure, unstable soils and slopes. Each of these hazards is briefly described below.

1. Fault Rupture

Fault rupture can occur along pre-existing, know active fault traces; however, fault ruptures also can splay from known active faults or rupture along unidentified fault traces. The Project Site lies outside of any Alquist Priolo Special Studies Zone and the potential for damage to people or property on the Project Site due to direct fault rupture is considered unlikely (NorCal Engineering, 2023, Appendix A p. 2).

2. Liquefaction

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions, which causes the soil to behave as a viscous liquid. Liquefaction is generally limited to the upper 50 feet of subsurface soils. Liquefaction potential of the underlying Project Site soils was evaluated with findings from NorCal Engineering's deep boring (B-1) which extended to a depth of 51.5 feet below grade. The boring encountered stiff/dense to very stiff/dense clays and sands at 5 feet and below (NorCal Engineering, 2023, Appendix A p. 6). Assuming a conservative historic high groundwater of 20 feet below grade in the area, the stiff/dense soil layers below that level are judged to be non-liquefiable (ibid.).

3. Unstable Soils and Slopes

The Project Site is generally flat under existing conditions and does not contain, nor is it adjacent to any, steep natural or manufactured slopes and there is no evidence of historical landslides or rockfalls on the Site (CGS, 2022; Google Earth Pro, 2023). As such, the Project Site in its present condition is not susceptible to seismically-induced landslides and rockfalls.

D. Slope and Instability Hazards

1. Soil Erosion

Erosion is the process by which the upper layers of the ground surface (such as soils) are worn and removed by the movement of water or wind. Soils with characteristics such as low permeability and/or low cohesive strength are more susceptible to erosion than those soils having higher permeability and cohesive strength. Additionally, the slope gradient on which a given soil is located also contributes to the soil's resistance to erosive forces. Because water can flow faster down steeper gradients, the steeper the slope on which a given soil is located, the more readily it will erode. According to the City of

Moreno Valley General Plan EIR, soils stability on the Project Site and in the surrounding area is considered fair to good with minimal erosion potential (Moreno Valley, 2006b, p. 5.6-3).

Wind erosion can damage land and natural vegetation by removing soil from one place and depositing it in another. It mostly affects dry, sandy soils in flat, bare areas, but wind erosion may occur wherever soil is loose, dry, and finely granulated. According to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), soils on the Project Site and in the surrounding area are moderately resistant to dust propagation (USDA, n.d.). Under existing conditions, the Project Site has the potential to contribute windblown soil and sand because portions of the Project Site are undeveloped with little or no vegetative cover and loose and dry topsoil conditions.

2. Settlement Potential

Settlement refers to unequal compression of a soil foundation, shrinkage, or undue loads being applied to a building after its initial construction that affect the soil foundation. According to NorCal engineering, the soil will experience normal settlements on the order of ¾ inch and differential settlements of less than ¼ inch (NorCal Engineering, 2023, Appendix A p. 12).

3. Shrinkage/Subsidence Potential

Subsidence is a gradual settling or sudden sinking of the ground surface (i.e., loss of elevation). The principal causes of subsidence are aquifer-system compaction, drainage of organic soils, underground mining, and natural compaction. Shrinkage is the reduction in volume in soil as the water content of the soil drops (i.e., loss of volume). Testing conducted by NorCal Engineering on the soil sample reveals that the soil shrinkage on the Project Site would be expected on the order of 4 to 8% due to excavation and recompaction, and subsidence should be expected at 0.08 feet due to earthwork operations (NorCal Engineering, 2023, Appendix A p. 10).

4. Soil Expansion Potential

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. According to NorCal Engineering, the upper soils at the Project Site have low expansion potential (NorCal Engineering, 2023, Appendix A p. 15).

5. Landslide Potential

The Project Site and immediately surrounding properties are generally flat and gently sloping and contain no steep natural or manufactured slopes (Google Earth Pro, 2023); thus, there is no potential for landslides to occur on or immediately adjacent to the site.

E. Paleontological Setting

Paleontological resources are the remains of prehistoric life that have been preserved in geologic strata. These remains are called fossils and include bones, shells, teeth, and plant remains (including their impressions, casts, and molds) in the sedimentary matrix, as well as trace fossils such as footprints and

burrows. Fossils are considered older than 5,000 years of age, but may include younger remains (subfossils) when viewed in the context of local extinction of the organism or habitat, for example. Fossils are considered a nonrenewable resource under State, county, and local guidelines.

According to the Moreno Valley General Plan EIR, the Project Site is located in an area of the City that has a low sensitivity for paleontological resources, and, from records collected by the Western Science Center, no fossil localities have been discovered within one mile of the Project Site (BFSA, 2024b, pp. 4, 6-7; Moreno Valley, 2006b, Figure 5.10-3). However, a specific evaluation of the Project Site found that the Site is underlain by lower Pleistocene, very old, sandy alluvial fan deposits (ibid.). In western Riverside County, Pleistocene alluvial and alluvial fan deposits often yield important Ice Age terrestrial vertebrate fossils, and thus accorded a High paleontological resource sensitivity (ibid.).

4.6.2 Applicable Regulatory Requirements

The following is a brief description of the federal, state, and local environmental laws and regulations related to geology and soils hazards and that also are applicable to the Project and/or Project Site.

A. Federal Plans, Policies, and Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters (EPA, 2020). The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man- made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.

B. State Plans, Policies, and Regulations

1. Alquist-Priolo Earthquake Fault Zoning Act (A-P Act)

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults (CA Legislative Info, n.d.). The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps

are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires.

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).

There are no active faults on the Project Site and the Project Site is not located within any Alquist-Priolo Earthquake Fault Zone (NorCal Engineering, 2023, Appendix A pp. 2-3).

2. Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards (CDC, n.d.).

Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake–induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes. The SHMA requires Site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy. The Project Site is not located within a ZORI (NorCal Engineering, 2023, Appendix A pp. 2-3).

3. Natural Hazards Disclosure Act

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone (CA Legislative Info, n.d.).

The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family frame dwellings up to two stories not part of a development of four or

more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires.

Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers.

4. California Building Standards Code (Title 24)

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment (CBSC, 2010, p. 6). These regulations are also known as building standards (reference California Health and Safety Code Section 18909). Health and Safety Code (state law) Section 18902 gives CCR Title 24 the name California Building Standards Code (CBSC).

The CBSC in CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies (see Health and Safety Code Sections 18908 and 18938) throughout the State of California. Cities and counties are required by state law to enforce CCR Title 24 (see Health and Safety Code Sections 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (see Health and Safety Code Sections 17958.7 and 18941.5) (CBSC, 2010, pp. 6-7).

5. Porter-Cologne Water Control Act

The Porter-Cologne Act is the principal law governing water quality regulation in California (SWRCB, 2014). It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code Section 13000 *et seq.*), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In

addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The Storm Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. (SWRCB, 2014) The Project site is located in the Santa Ana River Watershed, which is within the purview of the Santa Ana RWQCB. The Santa Ana's RWQCB's *Santa Ana River Basin Water Quality Control Plan* is the governing water quality plan for the region.

6. California Public Resources Code

Public Resources Code Section 5097.5 states that "A person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands" (CA Legislative Info, 1965).

Public Resources Code Section 30244 states that, "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required" (CA Legislative Info, 1976).

C. *Local Plans, Policies, and Regulations*

1. *City of Moreno Valley General Plan*

The Safety Element of the City of Moreno Valley General Plan provides information about natural and human-made hazards in Moreno Valley and establishes goals, objectives, and policies to prepare and protect the community from such risks. The Safety Element states that the City shall reduce the risk of geologic hazards to the community by enforcing building codes, requiring the preparation of soils and geologic reports, and using the most current and comprehensive geological hazard mapping available to assist in the evaluation go potential seismic hazards to proposed new development (Moreno Valley, 2006a, p. 9-30).

2. *City of Moreno Valley Building Code*

The City of Moreno Valley Building Code is based on the CBSC and is supplemented with local amendments (Moreno Valley, 2023). The Building Code regulates the construction, alteration, repair, moving, demolition, conversion, occupancy, use, and maintenance of all buildings and structures in the City of Moreno Valley. The Building Code is included in Chapter 8.20 of the City of Moreno Valley Municipal Code.

3. *City of Moreno Valley Municipal Code*

The City of Moreno Valley Municipal Code Chapter 8.21, Grading Regulations, requires development projects to prepare geologic engineering reports to identify site-specific geologic and seismic conditions and provide site-specific recommendations to preclude adverse impacts from unstable soils and strong seismic ground-shaking (refer to Section 8.21.050). These reports shall recommend corrective action to preclude any structural damage/hazards that may be caused by geological hazards or unstable soils which the City will require to be incorporated into the project via conditions of approval. In addition, this chapter of the Municipal Code required the implementation of an erosion control plan during grading activities (refer to Section 8.21.160).

Moreno Valley Municipal Code Chapter 8.10, Stormwater/Urban Runoff Management and Discharge Controls, requires the City to participate in the improvement of water quality and comply with federal requirements for the control of urban pollutants, including sediment, in stormwater runoff.

4. *SCAQMD Rule 403 (Fugitive Dust)*

SCAQMD Rule 403 (Fugitive Dust) requires the implementation of best available dust control measures during active operations capable of generating fugitive dust. The purpose of this Rule is to minimize the amount of particulate matter in the ambient air as a result of anthropogenic fugitive dust sources (SCAQMD, 2005).

4.6.3 Basis for Determining Significance

The thresholds listed below are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to geology and soils that could result from development projects.

The Project would result in a significant impact related to geology and soils if the Project or any Project-related component would:

a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

   i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

   ii. *Strong seismic ground shaking*

   iii. *Seismic-related ground failure, including liquefaction*

   iv. *Landslides*

b. *Result in substantial soil erosion or the loss of topsoil;*

c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;*

d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;*

e. *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water*;

f. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;*

4.6.4 Methodology for Evaluating Geology, Soils, and Paleontological Resources Impacts

The analysis of potential geology, soils, and paleontological resources-related impacts is based upon investigations prepared specifically for the Project Site. The investigations included site reconnaissance, review of published reports, maps and aerial photographs, field exploration, laboratory testing, engineering analysis, and soil borings. The City's General Plan and information sources from State and Federal agencies also were reviewed to establish the Project Site's existing conditions and likelihood of environmental effects.

4.6.5 IMPACT ANALYSIS

Threshold a: ***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?***

A. Rupture of Known Earthquake Fault

There are no known active or potentially active faults on or trending towards the Project Site and the Project Site is located outside of any Alquist Priolo Special Studies Zone and approximately 10 kilometers (6.2 miles) away from the San Jacinto (San Jacinto Valley) Fault Zone (NorCal Engineering, 2023, Appendix A pp. 2-3). Because there are no known faults located on or trending towards the Project Site, the Project would not directly or indirectly expose people or structures to substantial adverse effects related to ground rupture. No impact would occur.

B. Strong Seismic Ground Shaking

The Project Site is in a seismically active area of southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. The Project Applicant would be required to construct the proposed building in accordance with the California Building Standards Commission (CBSC) and the City of Moreno Valley Building Code (Moreno Valley Municipal Code, Chapter 8.20). The CBSC and City of Moreno Valley Building Code (Chapter 8.20) provide standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures, and have been specifically tailored for California earthquake conditions. In addition, the CBSC (Chapter 18) and the City of Moreno Valley Municipal Code, Grading Regulations (Chapter 8.21), require development projects to prepare geologic engineering reports to identify site-specific geologic and seismic conditions and implement the site-specific recommendations contained therein to preclude adverse effects involving unstable soils and strong seismic ground-shaking, including, but not limited to, recommendations related to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems.

The Project Applicant retained a professional geotechnical firm, NorCal Engineering, to prepare geotechnical report for the Project; this report is included as *Technical Appendix E* to this EIR. The geotechnical report includes recommendations for design, construction, and grading considerations based on the Site-specific geological conditions and the Project's specific design. The recommendations included seismic design considerations, geotechnical design considerations, site grading recommendations, construction considerations, foundation design and construction, floor slab design and construction, retaining wall design and construction, and pavement design parameters. This

geotechnical report is considered "Preliminary" and is subject to review by the City prior to issuance of grading and building permits to ensure the requirements of CBSC and City Municipal Code are met and property addressed by the Project's construction plans. The City will condition the Project to comply with the Site-specific ground preparation and construction recommendations contained in the reviewed geotechnical report. With mandatory compliance with these standard and Site-specific design and construction measures, implementation of the Project would not directly or indirectly expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Impacts would be less than significant.

C. Seismic-Related Ground Failure

According to an evaluation of the soil and groundwater conditions on the Project Site, NorCal Engineering determined that the Project Site is not expected to be subjected to a significant risk from seismic-related ground failure, including liquefaction (NorCal Engineering, 2023, Appendix A p. 6). Regardless, the Project would be required to be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the CBSC and City Building Code, as noted above. Furthermore, and pursuant to the requirements of City of Moreno Valley Municipal Code Chapter 8.21, Grading Regulations, the Project would be required (via conditions of approval) to comply with the grading and construction recommendations contained within the geotechnical report for the Project Site to further reduce the risk of seismic-related ground failure due to liquefaction. Therefore, implementation of the Project would not directly or indirectly expose people or structures to substantial hazards associated with seismic-related ground failure and/or liquefaction hazards. Impacts would be less than significant.

D. Landslides

The Project Site is relatively flat and there are no steep slopes or recorded landslides in the immediate vicinity of the Project Site (CGS, 2022; Google Earth Pro, 2023). Accordingly, the Project would not be exposed to substantial landslide risks, and implementation of the Project would not pose a substantial direct or indirect landslide risk to surrounding properties. No impact would occur.

Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?

A. Construction-Related Erosion Impacts

Development of the Project would result in grading and construction activities that would expose and disturb soils that are currently covered with vegetation. Disturbed soils would be subject to potential erosion during rainfall events or high winds due to the removal of stabilizing vegetation.

Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects – like the Project – that include construction activities, such as clearing, grading, and/or excavation that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Program*. Compliance with

the NPDES permit and the *Santa Ana River Basin Water Quality Control Program* involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the BMPs that the Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, the Project would be required to implement an erosion and dust control plan pursuant to Moreno Valley Municipal Code Section 8.21.160, Erosion Control, (and to ensure compliance with SCAQMD Rule 403) to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project's implementation does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

B. Post-Development Erosion Impacts

Implementation of the proposed Project would result in the Project Site being developed with one light industrial warehouse building, landscaping, and impervious surfaces including a surface parking lot. Stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants (including sediment), and conveyed off-site via a storm drain system. Accordingly, the amount of erosion that occurs on the Project Site would be minimized upon build out of the Project and would be reduced relative to existing conditions.

To meet the requirements of the City's Municipal Storm Water Permit, and in accordance with Moreno Valley Municipal Code Section 8.10.050 (Reduction in Pollutants in Stormwater Runoff), the Project Applicant would be required to prepare and implement a Water Quality Management Plan (WQMP), which is a site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants. The WQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The WQMP also is required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. The preliminary WQMP for the Project is provided as *Technical Appendix L* to this EIR. Compliance with the WQMP will be required as a condition of approval for the Project, as will the long-term maintenance of erosion and sediment control features. Because the Project would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, the Project would result in less-than-significant impacts related to soil erosion.

Threshold c: ***Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

The Project Site is relatively flat and gently sloping; no substantial natural or man-made slopes are located on or adjacent to the Project Site (Google Earth Pro, 2023). The retaining walls proposed as part of the Project's design would be engineered for long-term stability and constructed in accordance with the site-specific recommendations contained within the geotechnical and soil report for the Project Site and included as *Technical Appendix G* to this EIR (as required by the City of Moreno Valley Municipal Code Section 8.21.050). Accordingly, the Project would result in less-than-significant impacts associated with landslide hazards.

NorCal Engineering determined that the Project Site's shrinkage/subsidence and settlement potential can be attenuated through the removal of surface and near surface soils down to competent materials and replacement with properly compacted fill with optimum moisture content (NorCal Engineering, 2023, Appendix A p. 8). The City will condition the Project to comply with the site-specific ground preparation and construction recommendations contained in the Project Site's geotechnical report. Based on the foregoing, potential impacts related to soil shrinkage/subsidence and collapse would be less than significant.

Lateral spreading is primarily associated with liquefaction hazards. Based on the discussion from threshold "a", the Project Site's stiff/dense soil layers below the groundwater are judged to be non-liquefiable (NorCal Engineering, 2023, Appendix A p. 6). Accordingly, impacts associated with lateral spreading would be less than significant.

Threshold d: ***Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

According to subsurface explorations and laboratory testing conducted by NorCal Engineering, the Project Site's surficial soils primarily consist of silty sand with a low expansion potential (NorCal Engineering, 2023, Appendix A p. 15). Accordingly, the Project Site does not contain expansive soils and, as such, would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impacts would occur.

Threshold e: ***Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

The Project is designed to connect to the municipal wastewater disposal and treatment system. The Project does not include septic tanks or alternative wastewater disposal systems. Accordingly, implementation of the Project would result in no impact related to the use or performance of septic tanks and/or alternative wastewater systems.

Threshold f: ***Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

No unique geological or paleontological features are known to occur on the Project Site. The Project Site is underlain by lower Pleistocene, very old, sandy alluvial fan deposits that have a high sensitivity for paleontological resources (BFSA, 2024b, pp. 7-8). If the Project's construction activities encroach into previously undisturbed older alluvium deposits, the Project could result in impacts to important paleontological resources if such resources are unearthed and not properly treated (ibid.). Therefore, the Project's potential to directly or indirectly destroy a unique paleontological resource buried beneath the ground surface is determined to be a significant impact and mitigation is required.

4.6.6 Cumulative Impact Analysis

With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions addressed under Thresholds "a," "c," "d," and "e" are unique to the Project Site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Further, as noted in the foregoing analysis, all potential Project-related direct and indirect impacts related to potential hazardous effects related to geologic and soil conditions would be precluded through mandatory compliance with the CBSC, City of Moreno Valley Municipal Code, other standard regulatory requirements, and the Site-specific geotechnical recommendations contained within the Project's geotechnical report, which will be incorporated into the Project's design via conditions of approval. Because of the Site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

As discussed under Threshold "b," regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project Site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant.

The Project's potential to result in cumulative impacts to paleontological resources (Threshold "f") is like that of other projects located in the region that are underlain by older alluvial soils. Because the older alluvial soils present on the Project Site contain high paleontological sensitivity and because this geologic layer is present throughout the City of Moreno Valley, western Riverside County and the larger southern California region, the potential to impact paleontological resources is a cumulatively-considerable impact for which mitigation is required.

4.6.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project Site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.

Threshold b: Less than Significant Impact. Implementation of the Project would not result in substantial soil erosion or loss of topsoil. The Project Applicant would be required to obtain a NPDES permit for construction activities and adhere to a SWPPP, and prepare an erosion control plan to minimize water and wind erosion. Following completion of development, the Project's owner or operator would be required by law to implement a SWQMP during operation, which would preclude substantial erosion impacts in the long-term.

Threshold c: Less than Significant Impact. There is no potential for the Project's construction or operation to cause, or be impacted by, on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the Site-specific geotechnical report during Project construction.

Threshold d: No Impact. The Project Site contains soils with low susceptibility to expansion; therefore, the Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.

Threshold e: No Impact. No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project Site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.

Threshold f: Significant Direct and Cumulatively-Considerable Impact. The Project would not impact any known paleontological resource or unique geological feature. However, the Project Site is underlain by older alluvium soils with a high sensitivity for paleontological resources. Accordingly, construction activities on the Project Site have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.

4.6.8 Mitigation

The following mitigation measures would address the Project's potential to impact important paleontological resources, as identified under Threshold "f."

MM 4.6-1 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a qualified paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities if suspected paleontological resources are unearthed.

MM 4.6-2 The paleontologist shall conduct full-time monitoring during grading and excavation operations in previously undisturbed late Pleistocene old alluvial fan deposits. The paleontologist shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.

MM 4.6-3 Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the Western Science Museum in Hemet, California, shall be required for discoveries of significance as determined by the paleontological monitor.

MM 4.6-4 A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Moreno Valley prior to final building inspection.

4.6.9 Significance of Impacts After Mitigation

Threshold f: Less than Significant with Mitigation Incorporated. MMs 4.6-1 through 4.6-4 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the proposed Project. Therefore, with implementation of MMs 4.6-1 through 4.6-4, the Project's potential impact to paleontological resources would be reduced to less-than-significant.

4.7 GREENHOUSE GAS EMISSIONS

The analysis provided in this Subsection evaluates the Project's potential to generate greenhouse gas (GHG) emissions that could contribute substantially to Global Climate Change (GCC) and its associated environmental effects. This analysis is based on a report prepared by Urban Crossroads, Inc. titled, "Bay & Day Commerce Center Greenhouse Gas Analysis," dated October 2, 2023 (Urban Crossroads, 2023d). The GHG analysis report (GHGA) is included as *Technical Appendix I* to this EIR. All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.7.1 EXISTING CONDITIONS

A. Introduction to Global Climate Change

GCC is defined as the change in average meteorological conditions on Earth with respect to temperature, precipitation, and storms. The majority of scientists believe that the climate shift taking place since the Industrial Revolution is occurring at a quicker rate and magnitude than climate shifts that were experienced in the past (Urban Crossroads, 2023d, p. 16). Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in planet Earth's atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases (ibid.).

An individual land development project is not capable of generating the magnitude of GHG emissions necessary to cause a discernible effect on global climate (ibid.). However, individual development projects may contribute to GCC by generating GHGs that combine with other regional and global sources of GHGs.

B. Greenhouse Gases

Carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) emissions are the focus of evaluation in this Subsection because these gases are the primary contributors to GCC resulting from land development projects (Urban Crossroads, 2023d, p. 16). Although other substances, such as fluorinated gases, also contribute to GCC, sources of fluorinated gases are not well-defined and no accepted emissions factors or methodology exist to accurately calculate the emissions of these gases (Urban Crossroads, 2023d, p. 17).

A global warming potential (GWP) value represents the effectiveness of a gas to trap heat in the atmosphere. Individual GHGs have varying GWP values, as assigned by the Intergovernmental Panel on Climate Change (IPCC). The atmospheric lifetime and GWP of selected GHGs are summarized in Table 4.7-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in Table 4.7-1, GWP values range from 1 for CO_2 up to 25,200 for Sulfur Hexafluoride (SF_6).

Table 4.7-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	Global Warming Potential (100-year time horizon)
		6th Assessment Report
CO_2	Multiple	1
CH_4	12.4	28
N_2O	121	273
HFC-23	222	14,600
HFC-134a	13.4	1,526
HFC-152a	1.5	164
SF_6	3,200	25,200

Source: (Urban Crossroads, 2023d, p. 23)

Provided below are descriptions of the various gases that contribute to GCC. For more information about these gases and their associated human health effects, refer to Section 2.3 of the Project's GHGA (see *Technical Appendix I*) and the reference sources cited therein.

- **Water Vapor (H_2O)** is the most abundant and variable GHG in the atmosphere. Changes in the concentration of water vapor in the atmosphere are considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity rises (in essence, the air is able to 'hold" more water when it is warmer), leading to more water vapor in the atmosphere. The higher concentration of water vapor in the atmosphere is then able to absorb more indirect thermal energy radiated from the Earth, further warming the atmosphere and causing the evaporation cycle to perpetuate. This is referred to as a "positive feedback loop." The extent to which this positive feedback loop will continue is unknown as there are also dynamics that hold the positive feedback loop in check. As an example, when water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are able to reflect incoming solar radiation and thereby allow less energy to reach the Earth's surface and heat it up. There are no human health effects from water vapor itself; however, certain pollutants can dissolve in water vapor and the water vapor can then act as a pollutant-carrying agent.

- **Carbon Dioxide (CO_2)** is an odorless and colorless GHG that is emitted from natural and man-made sources. Natural CO_2 sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Man-made CO_2 sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, human activities that produce CO_2 have increased dramatically. As an example, prior to the industrial revolution, CO_2 concentrations in the atmosphere were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an

increase of more than 30 percent. Exposure to CO_2 in high concentrations can cause adverse human health effects, but outdoor (atmospheric) levels are not high enough to be detrimental to human health.

- **Methane (CH_4)** absorbs thermal radiation extremely effectively (i.e., retains heat). Over the last 50 years, human activities such as rice cultivation, cattle ranching, natural gas combustion, and coal mining have increased the concentration of methane in the atmosphere. Other man-made sources include fossil-fuel combustion and biomass burning. No human health effects are known to occur from atmospheric exposure to methane; however, methane is an asphyxiant that may displace oxygen in enclosed spaces.

- **Nitrous Oxide (N_2O)** concentrations began to rise in the atmosphere at the beginning of the industrial revolution. N_2O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N_2O is produced by microbial processes in soil and water, including reactions that occur in nitrogen-containing fertilizer. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N_2O also is used as an aerosol spray propellant, as a preservative in potato chip bags, and in rocket engines and in race cars. Also, known as laughing gas, N_2O is a colorless GHG that can cause dizziness, euphoria, and hallucinations. In small doses, it is considered harmless; however, heavy and extended use can cause brain damage.

- **Chlorofluorocarbons (CFCs)** are gases formed synthetically by replacing all hydrogen atoms in CH_4 or ethane (C_2H_6) with chlorine and/or fluorine atoms. CFCs are non-toxic, non-flammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were first synthesized in 1928 and have no natural source. CFCs were used for refrigerants, aerosol propellants and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and has been extremely successful, so much so that levels of CFCs are now remaining steady or declining. However, due to their long atmospheric lifetime, some of the CFCs will remain in the atmosphere for over 100 years.

- **Hydrofluorocarbons (HFCs)** are synthetic, man-made chemicals that are used as a substitute for CFCs and have one of the highest global warming potential ratings. The HFCs with the largest measured atmospheric abundances are (in order largest to smallest), HFC-23 (CHF_3), HFC-134a (CF_3CH_2F), and HFC-152a (CH_3CHF_2). No human health effects are known to result from exposure to HFCs, which are man-made and used for applications such as automobile air conditioners and refrigerants.

- **Perfluorocarbons (**PFCs**)** are primarily produced for aluminum production and semiconductor manufacture. PFCs have stable molecular structures and do not break down through chemical processes in the lower atmosphere. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). No human health effects are known to result from exposure to PFCs.

- **Sulfur Hexafluoride (SF_6)** is an inorganic, odorless, colorless, nontoxic, nonflammable gas. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing.
- **Nitrogen Trifluoride (NF_3)** is a colorless gas with a distinctly moldy odor. The World Resources Institute (WRI) indicates that NF_3 has a 100-year GWP of 17,200. NF_3 is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display (LCD) panels, types of solar panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis.

C. Greenhouse Gas Emissions Inventory

1. Global and National

Worldwide, man-made GHG emissions are tracked by the IPCC. Man-made GHG emissions data is available through 2020 for industrialized nations (referred to as Annex I). Based on the latest available data, total GHG emissions from Annex I nations were approximately 28,026,743 gigagrams (Gg) of carbon dioxide equivalent (CO_2e) (Urban Crossroads, 2023d, p. 23). The United States is the world's second-largest emitter of GHGs, producing 5,981,354 Gg CO_2e in 2020 (Urban Crossroads, 2023d, p. 24).

2. State of California

Based on the most recent GHG inventory data compiled by the CARB, California emitted an average of approximately 369.2 million metric tons (MMT) CO_2e per year between 2000-2020; this total represents approximately six (6) percent of the GHGs generated by the United States (Urban Crossroads, 2023d, p. 24).

3. Project Site

The Project Site generates minimal GHG emissions under existing conditions, primarily from automobile trips associated with on-site residences.

D. Potential Effects of Climate Change in California

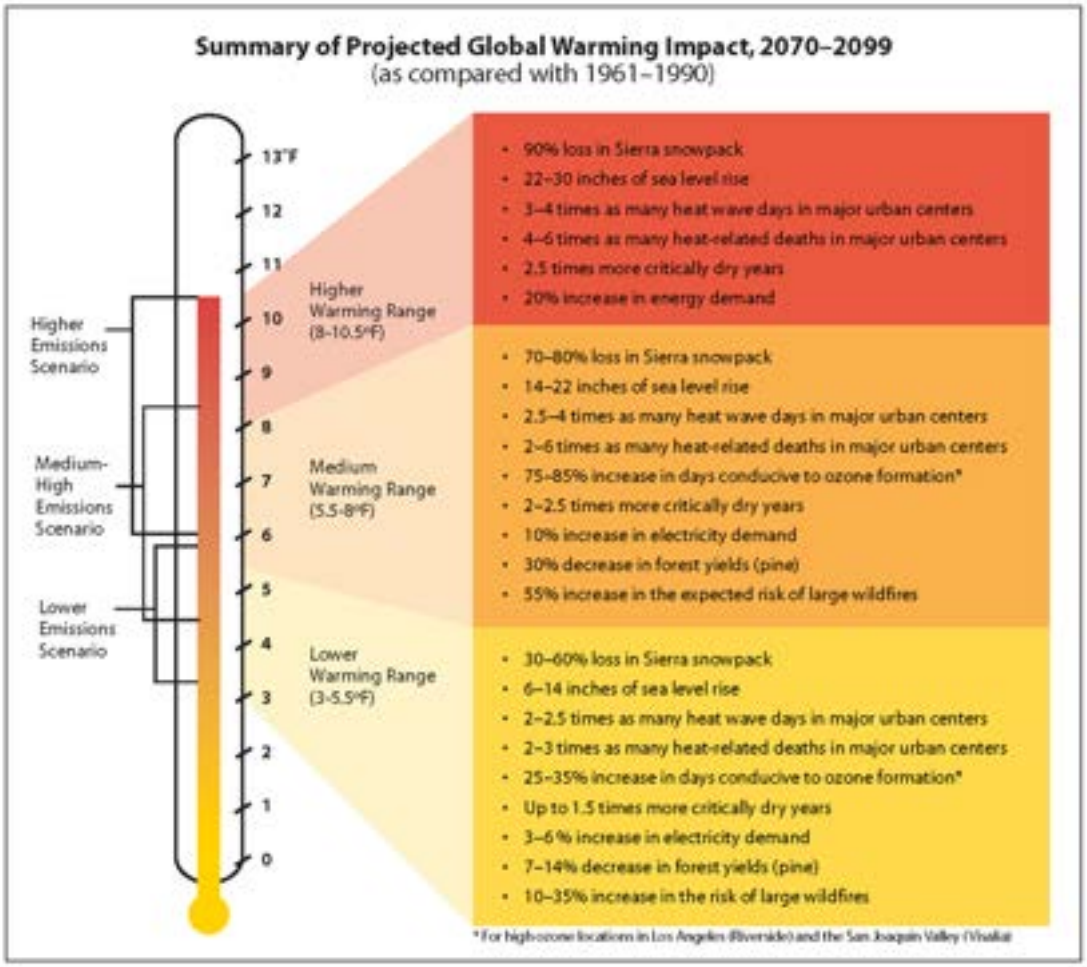
In 2006, the California Climate Change Center (CCCC) published a report titled "Scenarios of Climate Change in California: An Overview" (the "Climate Scenarios report") that is generally instructive about effects of climate change in California. The Climate Scenarios report used a range of emissions scenarios developed by the IPCC to project a series of potential warming ranges (i.e., temperature increases) that may occur in California during the 21st century: lower warming range (3.0-5.4°F); medium warming range (5.5-7.8°F); and higher warming range (8.0-10.4°F). (CCCC, 2006, p. 7)

In 2009, the California Natural Resources Agency adopted the "California Climate Adaptation Strategy." This report details many vulnerabilities arising from climate change with respect to matters

such as temperature extremes, sea level rise, wildfires, floods and droughts and precipitation changes, and responds to the Governor's Executive Order (EO) S-13-2008 that called on state agencies to develop California's strategy to identify and prepare for expected climate impacts (CNRA, 2021, p. 3).

Table 4.7-2, *Summary of Projected Global Warming Impact, 2070-2099*, illustrates potential impacts of GCC within California based on the estimated scenarios presented in the Climate Scenario and California Climate Adaption Strategy reports.

Table 4.7-2 Summary of Projected Global Warming Impact, 2070-2099



Source: Barbara H. Allen-Diaz. "Climate change affects us all." *University of California, Agriculture and Natural Resources*, 2009 from Urban Crossroads, 2022d, p. 22

Additionally, the potential effects of climate change in California are summarized below and include, but are not limited to:

- **Human Health Effects.** Climate change can affect the health of Californians by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation, oppressive heat, and wildfires. The primary concern is not the change in average climate, but rather the

projected increase in extreme conditions that are responsible for the most serious health consequences. In addition, climate change has the potential to influence asthma symptoms and the incidence of infectious disease. (CCCC, 2006, p. 26)

- **Water Resource/Supply Effects.** Although most climate model simulations predict relatively moderate changes in precipitation over the 21st century, rising temperatures are expected to lead to diminishing snow accumulation in mountainous watersheds, including the Sierra Nevada. Warmer conditions during the last few decades across the western United States have already produced a shift toward more precipitation falling as rain instead of snow, and snowpacks over the region have been melting earlier in the spring. Delays in snow accumulation and earlier snowmelt can have cascading effects on water supplies, natural ecosystems, and winter recreation. (CCCC, 2006, p. 14)

- **Agriculture Effects.** Agriculture, along with forestry, is the sector of the California economy that is most likely to be affected by a change in climate. California agriculture is a $68 billion industry. California is the largest agricultural producer in the nation and accounts for 13% of all U.S. agricultural sales, including half of the nation's total fruits and vegetables. Regional analyses of climate trends over agricultural regions of California suggest that climate change is already affecting the agriculture industry. Over the period 1951 to 2000, the growing season has lengthened by about a day per decade, and warming temperatures resulted in an increase of 30 to 70 growing degree days per decade, with much of the increase occurring in the spring. Climate change affects agriculture directly through increasing temperatures and rising CO_2 concentrations, and indirectly through changes in water availability and pests. (CCCC, 2006, p. 19)

- **Forest and Landscape Effects.** Climate changes and increased CO_2 concentrations are expected to alter the extent and character of forests and other ecosystems. The distribution of species is expected to shift; the risk of climate-related disturbance such as wildfires, disease, and drought is expected to rise; and forest productivity is projected to increase or decrease – depending on species and region. In California, these ecological changes could have measurable implications for both market (e.g., timber industry, fire suppression and damages costs, public health) and nonmarket (e.g., ecosystem services) values. (CCCC, 2006, p. 22)

- **Sea Level Effects.** Coastal observations and global model projections indicate that California's open coast and estuaries will experience rising sea levels during the next century. Sea level rise already has affected much of the coast in southern California, Central California, and the San Francisco Bay and estuary. These historical trends, quantified from a small set of California tide gages, have approached 0.08 inches per year (in/yr), which are rates very similar to those estimated for global mean sea level. So far, there is little evidence that the rate of rise has accelerated, and indeed the rate of rise at California tide gages has actually flattened since about 1980. However, projections indicate that substantial sea level rise, even faster than the historical rates, could occur during the next century. Sea level rise projections range from 5.1–24.4 inches (in.) higher than the 2000 sea level for simulations under the lower emissions scenario, from 7.1–29.9 in. for the medium-high emission scenario, and from 8.5–35.2 in. for the higher emissions scenario. (CCCC, 2006, p. 10)

4.7.2 Regulatory Setting

The following is a brief description of the federal, state, and local environmental laws and related regulations related to GHG emissions.

A. International Plans, Policies, and Regulations

1. Kyoto Protocol

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its Parties by setting internationally binding emission reduction targets (UNFCCC, n.d.). Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities."

The Kyoto Protocol was adopted in Kyoto, Japan, on December 11, 1997 and entered into force on February 16, 2005. The detailed rules for the implementation of the Protocol were adopted at Conference of the Parties (COP) 7 in Marrakesh, Morocco, in 2001, and are referred to as the "Marrakesh Accords." Its first commitment period started in 2008 and ended in 2012.

On December 8, 2012, in Doha, Qatar, the "Doha Amendment to the Kyoto Protocol" was adopted. The amendment includes:

- New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from January 1, 2013 to December 31, 2020;
- A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and
- Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

During the first commitment period, 37 industrialized countries and the European Community committed to reduce GHG emissions to an average of five percent against 1990 levels. During the second commitment period, Parties committed to reduce GHG emissions by at least 18 percent below 1990 levels in the eight-year period from 2013 to 2020; however, the composition of Parties in the second commitment period is different from the first.

2. The Paris Agreement

The Paris Agreement entered into force on November 4, 2016. The Paris Agreement brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate effort.

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (UNFCCC, n.d.). Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust transparency framework.

The Paris Agreement requires all Parties to put forward their best efforts through "nationally determined contributions" (NDCs) and to strengthen these efforts in the years ahead. This includes requirements that all Parties report regularly on their emissions and on their implementation efforts. On June 1, 2017, President Donald Trump announced he would begin the process of withdrawing the United States from the Paris Agreement. In accordance with articles within the Paris Agreement, the earliest effective date for the United States' withdrawal from the Agreement was November 4, 2020, at which time the withdrawal became official. On January 20, 2021, President Joseph Biden signed the executive order for the United States to rejoin the Paris Agreement, which became official on February 19, 2021.

B. Federal Plans, Policies, and Regulations

1. Clean Air Act

Coinciding with the 2009 meeting of international leaders in Copenhagen, on December 7, 2009, the EPA issued an Endangerment Finding under Section 202(a) of the Clean Air Act (CAA), opening the door to federal regulation of GHGs (EPA, 2021a; DOJ, 2007). The Endangerment Finding notes that GHGs threaten public health and welfare and are subject to regulation under the CAA. To date, the EPA has not promulgated regulations on GHG emissions, but it has begun to develop them.

Previously the EPA had not regulated GHGs under the CAA because it asserted that the Act did not authorize it to issue mandatory regulations to address Global Climate Change (GCC) and that such regulation would be unwise without an unequivocally established causal link between GHGs and the increase in global surface air temperatures in *Massachusetts v. Environmental Protection Agency et al.* (127 S. Ct. 1438 [2007]); however, the U.S. Supreme Court held that GHGs are pollutants under the CAA and directed the EPA to decide whether the gases endangered public health or welfare (DOJ, 2007). The EPA had also not moved aggressively to regulate GHGs because it expected Congress to make progress on GHG legislation, primarily from the standpoint of a cap-and-trade system. However, proposals circulated in both the House of Representative and Senate have been controversial and it may be some time before the U.S. Congress adopts major climate change legislation. The EPA's Endangerment Finding paves the way for federal regulation of GHGs with or without Congress.

C. State Plans, Polices, and Regulations

1. Title 24 Building Energy Standards

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020. The 2019 Building Energy Efficiency Standards are seven (7) percent more efficient than the previous (2016) Building Energy Efficiency Standards for residential construction and 30 percent more efficient than the previous Standards for non-residential construction (CEC, 2018). The 2016 Building Energy Efficiency Standards already were 28 percent more efficient for residential construction and five (5) percent more efficient for nonresidential construction than the 2013 Building Energy Efficiency Standards they replaced.

Part 11 of Title 24 is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality." The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code.

2. California Assembly Bill No. 1493 (AB 1493)

AB 1493 required the CARB to adopt the nation's first GHG emission standards for automobiles (CARB, n.d.). On September 24, 2009, CARB adopted amendments to the "Pavley" regulations that reduce greenhouse gas (GHG) emissions in new passenger vehicles from model year 2009 through 2016. These amendments were part of California's commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016. CARB's September amendments cement California's enforcement of the Pavley rule starting in 2009 while providing vehicle manufacturers with new compliance flexibility. The amendments also prepare California to harmonize its rules with the federal rules for passenger vehicles.

The U.S. EPA granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. The first California request to implement GHG standards for passenger vehicles, known as a waiver request, was made in December 2005, and was denied by the EPA in March 2008. That decision was based on a finding that California's request to reduce GHG emissions from passenger vehicles did not meet the CAA

requirement of showing that the waiver was needed to meet "compelling and extraordinary conditions." With the granting of the waiver, it is estimated that the Pavley regulations reduced GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs.

The CARB has adopted a new approach to passenger vehicles – cars and light trucks – by combining the control of smog-causing pollutants and greenhouse gas emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California.

3. Executive Order S-3-05

Executive Order (EO) S-3-05 documents GHG emission reduction goals, creates the Climate Action Team and directs the Secretary of the California EPA to coordinate efforts with meeting the GHG reduction targets with the heads of other state agencies (CA State Library, 2005). The EO requires the Secretary to report back to the Governor and Legislature biannually to report: progress toward meeting the GHG goals; GHG impacts to California; and applicable Mitigation and Adaptation Plans. EO S-3-05 documents goals for GHG emissions reductions include: reducing GHG emissions to 2000 levels by the year 2010; reducing GHG emissions to 1990 levels by the year 2020; and reducing GHG emissions to 80 percent below 1990 levels by 2050.

4. California Assembly Bill 32 – Global Warming Solutions Act of 2006

In September 2006, Governor Schwarzenegger signed Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020, which represents a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario (CARB, 2018). Pursuant to AB 32, the CARB must adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste.

AB 32 specifically required that CARB do the following:

- Prepare and approve a Scoping Plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources or categories of sources of GHGs by 2020, and update the Scoping Plan every five years.
- Maintain and continue reductions in emissions of GHG beyond 2020.
- Identify the statewide level of GHG emissions in 1990 to serve as the emissions limit to be achieved by 2020.
- Identify and adopt regulations for discrete early actions that could be enforceable on or before January 1, 2010.
- Adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit GHG emissions.

- Convene an Environmental Justice Advisory Committee to advise the Board in developing and updating the Scoping Plan and any other pertinent matter in implementing AB 32.
- Appoint an Economic and Technology Advancement Advisory Committee to provide recommendations for technologies, research, and GHG emission reduction measures.

In December 2008, CARB approved the initial Scoping Plan, which included a suite of measures to sharply cut GHG emissions. CARB's original determination was that to achieve the 1990 emission level in 2020 a reduction in GHG emissions of approximately 28.5 percent would be needed in the absence of new laws and regulations. The Scoping Plan evaluated opportunities for sector-specific reductions, integrates all CARB and Climate Action Team (CAT) early actions and additional GHG reduction measures, identifies additional measures to be pursued as regulations, and outlines the role of the cap-and-trade program (CARB, 2008).

In May 2014, CARB approved the First Update to the Climate Change Scoping Plan (Update), which builds upon the initial Scoping Plan with new strategies and recommendations (CARB, 2014). The Update highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals, highlights the latest climate change science and provides direction on how to achieve long-term emission reduction goal described in Executive Order S-3-05. Based on the revised emissions level projections, achieving the 1990 emissions level in 2020 would require a reduction of approximately 15.3 percent from the "business as usual" condition (down from the original estimate of 28.5 percent).

In December 2017, CARB adopted the Second Update to the Scoping Plan, which identifies the State's post-2020 reduction strategy (CARB, 2017). The Second Update reflects the 2030 target of a 40 percent GHG emissions reduction below 1990 levels set by SB 32. The Second Update builds upon the Cap- and-Trade Regulation; the Low Carbon Fuel Standard; much cleaner cars, trucks and freight movement; cleaner, renewable energy; and strategies to reduce methane emissions from agricultural and other wastes to reduce GHG emissions.

In December 2022, CARB adopted the 2022 Scoping Plan to lay out a path to achieve targets for carbon neutrality and reduce GHG emissions by 85 percent below 1990 levels no later than 2045. The 2022 Scoping Plan focuses on strategies for reducing California's dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.

5. Senate Bill 32

On September 8, 2016, Governor Brown signed the Senate Bill (SB) 32. SB 32 requires the State to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15 (CA Legislative Info, n.d.). The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide greenhouse gas reduction target of 80 percent below 1990 levels by 2050.

6. California Senate Bill No. 1368 (SB 1368)

In 2006, the State Legislature adopted Senate Bill (SB) 1368 (Perata, Chapter 598, Statutes of 2006), which directs the California Public Utilities Commission (CPUC) to adopt a GHG emission performance standard (EPS) for the future power purchases of California utilities (CEC, n.d.). SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed specified emissions criteria. Accordingly, SB 1368 effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. SB 1368 will lead to dramatically lower GHG emissions associated with California energy demand.

7. Executive Order S-01-07

Executive Order (EO) S-01-07 is effectively known as the Low Carbon Fuel Standard (LCFS). The Executive Order seeks to reduce the carbon intensity of California's passenger vehicle fuels by at least 10 percent by 2020 (CA State Library, 2007). The LCFS requires fuel providers in California to ensure that the mix of fuel they sell into the California market meet, on average, a declining standard for GHG emissions measured in CO_2e grams per unit of fuel energy sold.

8. Senate Bill 1078

Senate Bill (SB) 1078 establishes the California Renewables Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20% of their renewable power by December 31, 2017 for the purposes of increasing the diversity, reliability, public health, and environmental benefits of the energy mix (CA Legislative Info, n.d.).

9. Senate Bill 107

SB 107 directed California Public Utilities Commission's Renewable Energy Resources Program to increase the amount of renewable electricity (Renewable Portfolio Standard) generated per year, from 17% to an amount that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2010 (CA Legislative Info, n.d.).

10. Executive Order S-14-08

On November 17, 2008, Governor Schwarzenegger signed Executive Order S-14-08, revising California's existing Renewable Portfolio Standard (RPS) upward to require all retail sellers of electricity to serve 33% of their load from renewable energy sources by 2020 (CA State Library, 2008). In order to meet this new goal, a substantial increase in the development of wind, solar, geothermal, and other "RPS eligible" energy projects will be needed. Executive Order S-14-08 seeks to accelerate such development by streamlining the siting, permitting, and procurement processes for renewable energy generation facilities. To this end, S-14-08 issues two directives: (1) the existing Renewable Energy Transmission Initiative will identify renewable energy zones that can be developed as such with little environmental impact, and (2) the California Energy Commission (CEC) and the California

Department of Fish and Wildlife (CDFW) will collaborate to expedite the review, permitting, and licensing process for proposed RPS-eligible renewable energy projects.

11. Senate Bill 97

By enacting SB 97 in 2007, California's lawmakers expressly recognized the need to analyze GHGs as a part of the CEQA process. SB 97 required the Governor's Office of Planning and Research (OPR) to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions (CA Legislative Info, n.d.). Those CEQA Guidelines amendments clarified several points, including the following:

- Lead agencies must analyze the GHG emissions of proposed projects, and must reach a conclusion regarding the significance of those emissions. (See CEQA Guidelines Section 15064.4.)
- When a project's GHG emissions may be significant, lead agencies must consider a range of potential mitigation measures to reduce those emissions. (See CEQA Guidelines Section 15126.4(c).)
- Lead agencies must analyze potentially significant impacts associated with placing projects in hazardous locations, including locations potentially affected by climate change. (See CEQA Guidelines Section 15126.2(a).)
- Lead agencies may significantly streamline the analysis of GHGs on a project level by using a programmatic GHG emissions reduction plan meeting certain criteria. (See CEQA Guidelines Section 15183.5(b).)
- CEQA mandates analysis of a proposed project's potential energy use (including transportation-related energy), sources of energy supply, and ways to reduce energy demand, including through the use of efficient transportation alternatives. (See CEQA Guidelines, Appendix F.)

The CEQA Guideline amendments do not identify a quantitative threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. Instead, they call for a "good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." The amendments encourage lead agencies to consider many factors in performing a CEQA analysis and preserve lead agencies' discretion to make their own determinations based upon substantial evidence. The amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses. The GHG analysis thresholds incorporated into the CEQA Guidelines' Environmental Checklist (Guidelines Appendix G) are addressed in this EIR. The amendments to the CEQA Guidelines implementing SB 97 became effective on March 18, 2010.

CEQA Guidelines Section 15064.4 was further amended in 2018 to assist agencies in determining the significance of GHG emissions. This Section gives discretion to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. CEQA does

not provide guidance to determine whether the project's estimated GHG emissions are significant or cumulatively considerable.

12. Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act, SB 375, Chapter 728, Statutes of 2008) supports the State's climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities (CARB, n.d.). Under the Sustainable Communities Act, CARB sets regional targets for GHG emissions reductions from passenger vehicle use. In 2010, CARB established these targets for 2020 and 2035 for each region covered by one of the State's metropolitan planning organizations (MPO). CARB will periodically review and update the targets, as needed.

Each of California's MPOs must prepare a "sustainable communities strategy" (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. CARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate "alternative planning strategy" (APS) to meet the targets.

The Sustainable Communities Act also establishes incentives to encourage local governments and developers to implement the SCS or the APS. Developers can get relief from certain environmental review requirements under CEQA if their new residential and mixed-use projects are consistent with a region's SCS (or APS) that meets the targets (see Cal. Public Resources Code Sections 21155, 21155.1, 21155.2, 21159.28).

13. Executive Order B-30-15

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which sets a goal to reduce GHG emissions in California to 40 percent below 1990 levels by 2030 (CA State Library, 2015). The 2030 target serves as a benchmark goal on the way to achieving the GHG reductions goal set by former Governor Schwarzenegger via Executive Order S-3-05 (i.e., 80 percent below 1990 greenhouse gas emissions levels by 2050).

D. Local Plans, Policies, and Regulations

1. City of Moreno Valley Climate Action Strategy

On October 9, 2012, the Moreno Valley City Council approved an Energy Efficiency and Climate Action Strategy and related GHG analysis. The Energy Efficiency and Climate Action Strategy document identifies potential programs and policies to reduce overall City energy consumption and increase the use of renewable energy. The majority of the policies are directed at municipal operations of the City, but the document also contains recommended policies for the community at large

(including private development projects). These recommended policies include but are not limited to: energy efficiency, water use reduction, trip reduction, solid waste diversion, and educational policies. The overall goal of the Energy Efficiency and Climate Action Strategy is to ensure that the City is consistent with and would not otherwise conflict with the provisions of AB 32 (Moreno Valley, 2012).

2. Moreno Valley Bicycle Master Plan

Adopted in 2015, the Moreno Valley Bicycle Master Plan recommends programs and policies designed to make the Moreno Valley a more bicycle friendly place and to encourage more residents to ride rather than drive in an effort to reduce local vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions (Moreno Valley, 2015).

3. City of Moreno Valley General Plan

The City of Moreno Valley General Plan does not identify specific GHG or climate change policies or goals; however, the Air Quality Element of the City's General Plan contains a number of measures (i.e., Objective 6.6, Objective 6.7, Policy 6.7.5, and Policy 6.7.6) that reduce or control criteria pollutant emissions and peripherally reduce GHG emissions.

4.7.3 Basis for Determining Significance

The proposed Project would result in a significant impact to greenhouse gas emissions if the Project or any Project-related component would:

a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or*

b. *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address a development project's potential to result in significant impacts due to GHG emissions. Neither the CEQA Statute nor the CEQA Guidelines prescribe specific methodologies and significance criteria for determining the significance of GHG emissions impacts. The CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate thresholds consistent with the manner in which other impact categories are handled in CEQA. CEQA case law has upheld local agencies' discretion to determine the significance of GHG emissions impacts.

As part of the November, 30, 2015, decision in *Center for Biological Diversity v. California Department of Fish and Wildlife ("Newhall Ranch")*, the California Supreme Court outlined four potential pathways that CEQA compliance documents could use to determine if GHG emissions from a specific project would be significant under Threshold "a":

- Substantiation of Project Reductions from "Business as Usual" (BAU). A lead agency may use a BAU comparison based on the CARB Scoping Plan's methodology if it also substantiates the reduction a particular project must achieve to comply with statewide goals. The Court suggested a lead agency could examine the "data behind the Scoping Plan's business-as-usual model" to determine the necessary project level reductions from new land use development at the proposed location;

- Compliance with Regulatory Programs or Performance-based Standards. A lead agency "might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities";

- Compliance with GHG Reduction Plans or Climate Action Plans (CAPs). A lead agency may utilize "geographically specific GHG emission reduction plans" such as climate action plans or greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis; or

- Compliance with Local Air District Thresholds. A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts.

Based on the foregoing guidance from the California Supreme Court, the City of Moreno Valley has selected Option #4 listed above and has elected to rely on compliance with a local air district threshold in the determination of significance of Project-related GHG emissions. Specifically, the City has selected the interim 3,000 $MTCO_2e$ per year threshold recommended by SCAQMD staff for residential and commercial sector projects against which to compare Project-related GHG emissions.

The 3,000 $MTCO_2e$ per year threshold is based on a 90 percent emission "capture" rate methodology. Prior to its use by the SCAQMD, the 90 percent emissions capture approach was one of the options suggested by the California Air Pollution Control Officers Association (CAPCOA) in their *CEQA & Climate Change* white paper (2008). A 90 percent emission capture rate means that unmitigated GHG emissions from the top 90 percent of all GHG-producing projects within a geographic area – the SCAB in this instance – would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while the bottom 10 percent of all GHG-producing projects would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State's GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission threshold high enough to exclude small projects that will, in aggregate, contribute approximate 1 percent of projected statewide GHG emissions in the Year 2050 (SCAQMD, 2008, p. 4).

In setting the threshold at 3,000 $MTCO_2e$ per year, SCAQMD researched a database of projects kept by the Governor's Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 $MTCO_2e$ per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 $MTCO_2e$ per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 $MTCO_2e$ per year threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 $MTCO_2e$ per year threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the *Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold* (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold "uses the Executive Order S-3-05 goal [80 percent below 1990 levels by 2050] as the basis for deriving the screening level" and, thus, remains valid for use in 2022 (SCAQMD, 2008, pp. 3-4). Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction.

Thus, for purposes of analysis in this EIR, if Project-related GHG emissions do not exceed the 3,000 $MTCO_2e$ per year threshold, then Project-related GHG emissions would clearly have a less-than-significant impact pursuant to Threshold "a." On the other hand, if Project-related GHG emissions exceed 3,000 $MTCO_2e$ per year, the Project would be considered a substantial source of GHG emissions.

4.7.4 Methodology for Estimating Greenhouse Gas Emissions

The California Emission Estimator Model (CalEEMod, v2022.1.12, released on May 2023), developed by the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the SCAQMD and air pollution control districts across the State, was used to quantify GHG emissions from Project-related construction and operational activities (Urban Crossroads, 2023d, p. 52).

CalEEMod is the software analysis tool recommended by SCAQMD for the quantification of GHG emissions associated with the construction and operation of land development projects because it is the only software model maintained by CAPCOA and incorporates locally-approved emission factors and methodologies for estimating pollutant emissions. Inputs and outputs from the model runs for both Project-related construction and operational activities are provided Appendices 3.1 through 3.3 of the Project's GHGA (see *Technical Appendix I*).

Although CalEEMod is a comprehensive analysis tool, CalEEMod is limited to quantifying GHG emissions that are known as of the date of release of the model; therefore, there may be sources of GHG emissions that are not known (or not quantifiable) at this time but may be measurable by the time the Project is constructed and operational. Furthermore, CalEEMod relies on data published by the CARB and other data sources to be representative of local/regional averages which may not be completely representative of the Project's construction and/or operational characteristics (and may slightly underestimate or overestimate the Project's emissions). Lastly, not all of the CalEEMod calculation data files are known or publicly available for review, although it is reasonable to assume that the data contained in CalEEMod is accurate and grounded in science because CalEEMod is developed by CAPCOA in collaboration with 35 local air pollution control districts.

A life-cycle analysis (LCA), which assesses economy-wide GHG emissions from construction (i.e., the processes in manufacturing and transporting all raw materials used in the project development and infrastructure) and operation, was not conducted for the Project due to the lack of scientific consensus on LCA methodology (Urban Crossroads, 2023d, pp. 52-53). A LCA depends on emission factors or econometric factors that are not well established for all processes as of the date the NOP for this EIR was published (ibid.). Additionally, SCAQMD recommends analyzing a project's direct and indirect GHG emissions generated within California in-lieu of an LCA because a project's life-cycle effects could extend beyond California and these effects might not be well understood or well documented and/or infeasible to mitigate (ibid.).

A. Methodology for Estimating Project-Related Construction Emissions

The Project's construction-related GHG emissions were calculated using the same methodology, construction schedule information, and equipment fleet information that were used to calculate construction-related criteria air pollutant emissions, and as previously described in detail in EIR Subsection 4.2, *Air Quality*. Refer to EIR Subsection 4.2 and the Project's GHGA (see *Technical Appendix I*) for a detailed description of the methodology used to calculate the Project's construction GHG emissions.

In accordance with the SCAQMD recommendations, the Project's construction-related GHG emissions were quantified, amortized over a 30-year period, and then added to the sum of the Project's annual operational GHG emissions (Urban Crossroads, 2023d, p. 54).

B. Methodology for Estimating Project-Related Operational Emissions

The Project's operational GHG emissions were calculated using the same methodology that was used to calculate operational criteria air pollutant emissions, and as previously described in detail in EIR Subsection 4.2, *Air Quality*. Refer to EIR Subsection 4.2 and the Project's GHGA (see *Technical Appendix I*) for a detailed description of the methodology used to calculate the Project's operational GHG emissions.

4.7.5 IMPACT ANALYSIS

At the time the Project's GHG impact analysis was performed, the Project's site plan included 193,745 s.f. of building floor area. After completion of the Project's air quality impact analysis, the proposed site plan was revised to provide 194,775 s.f. of floor area (a 1,030 s.f. increase in total floor area). All Project-related GHG emissions quantified and disclosed in this section are based on the analysis performed for the original Project Site plan. Although the Project's total building floor area increased by 0.5-percent from the time the analysis was performed, which would incrementally increase the GHG emissions disclosed herein, this change is not substantive enough to alter the findings of the GHG analysis and the conclusions presented herein remain valid (Urban Crossroads, 2023a, p. 5; Urban Crossroads, 2023b, p. 7).

Threshold a: ***Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

Project operations, including amortized emissions from construction activities, would generate 2,595.19 $MTCO_2e$ per year, as presented in Table 4.7-3. Project-related GHG emissions would not exceed the significance threshold of 3,000 $MTCO_2e$ per year and, thus, are considered a less than significant impact on the environment.

Table 4.7-3 Annual Project GHG Emissions

Emission Source	Emissions (MT/yr)				
	CO_2	CH_4	N_2O	Refrigerants	Total CO_2e
Annual construction-related emissions amortized over 30 years	28.61	0.00	0.00	0.02	29.32
Mobile Source	1,553.65	0.03	0.20	2.19	1,617.11
Area Source	3.93	0.00	0.00	0.00	3.94
Energy Source	496.68	0.05	0.00	0.00	498.90
Water Usage	62.45	1.46	0.04	0.00	109.48
Waste	16.25	1.62	0.00	0.00	56.85
A/C and Refrigeration Equipment	0.00	0.00	0.00	8.17	8.17
TRUs					271.42
Total CO_2e (All Sources)	**2,595.19**				

Source: (Urban Crossroads, 2023d; Table 3-6)

Threshold b: ***Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

As demonstrated by the following analysis, the Project would not conflict with applicable State and local plans, policies, and/or regulations adopted with the intent to reduce GHG emissions, including the 2022 Scoping Plan, Title 24 CBSC, AB 32, SB 32, the City of Moreno Valley Energy Efficiency and Climate Action Strategy, the City of Moreno Valley General Plan's Air Quality Element, and the City of Moreno Valley Bicycle Master Plan, which are particularly applicable to the Project.

The 2022 Scoping Plan identifies potential strategies for reducing GHG emissions across the State of California but does not establish any policy or regulation to reduce GHG emissions; any emissions reductions would occur as a result of future State actions (by the State Legislature) or local actions (by regional regulatory authorities or the City). The Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan. Specifically, no component of the Project would conflict with transportation sector policies aimed at reducing GHG emissions, including but not limited to: Advanced Clean Cars II, Advanced Clean Trucks, Advanced Clean Fleets, Zero Emission Forklifts, the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, Amendments to the Inuse Off-Road Diesel-Fueled Fleets Regulation, carbon pricing through the Cap-and-Trade Program, and the Low Carbon Fuel Standard. Additionally, mandatory compliance with applicable building and zoning requirements would ensure the Project includes features to reduce energy and water use that will further reduce Project GHG emissions (e.g., compliance with the State's CalGreen and Energy Codes, the City's requirement that the Project be designed and constructed equivalent to LEED Silver standards, requirements for water efficient irrigation systems and low water demanding plants) (Urban Crossroads, 2023d, p. 63).

The Project provides for the construction and operation of a warehouse building that would include contemporary, energy-efficient/energy-conserving design features and operational procedures. Warehouse land uses are not inherently energy intensive and the total Project energy demands would be comparable to, or less than, other goods movement projects of similar scale and configuration due to the Project's modern construction and requirement to be constructed in accordance with the most recent CBSC. The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled The Energy Efficiency Standards for Residential and Nonresidential Buildings. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by allowing incorporation of new energy efficiency technologies and methods. The Project would be required to comply with all applicable provisions of the CBSC. As such, the Project's energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Project energy efficiencies would comply with – or exceed – incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption.

In April 2015, Governor Edmund Brown Jr. signed EO B-30-15, which advocated for a statewide GHG-reduction target of 40 percent below year 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In September 2016, Governor Brown signed the SB 32. SB 32 formally established a statewide goal to reduce GHG emissions to 40 percent below year 1990 levels by 2030. To date, no statutes or regulations have been adopted to translate the year 2050 GHG reduction goal into comparable, scientifically-based statewide emission reduction targets. Rendering a significance determination for year 2050 GHG emissions relative to EO B-30-15 would be speculative because EO B-30-15 establishes a goal more than three decades into the future; no agency with GHG subject matter expertise has adopted regulations to achieve these statewide goals at the project-level; and, available analytical models cannot presently quantify all project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2050.

Additionally, the City of Moreno Valley approved an Energy Efficiency and Climate Action Strategy and related GHG analysis in 2012. The Energy Efficiency and Climate Action Strategy document identifies potential programs and policies to reduce overall City energy consumption and increase the use of renewable energy. The majority of the policies are directed at municipal operations of the City, but the document also contains recommended policies for the community at large (including private development projects). These recommended policies include but are not limited to: energy efficiency, water use reduction, trip reduction, solid waste diversion, and educational policies. The overall goal of the Energy Efficiency and Climate Action Strategy is to ensure that the City is consistent with and would not otherwise conflict with the provisions of AB 32. As demonstrated by the analysis above, the Project would not conflict with the provisions of SB 32, which as a successor to AB 32 requires more stringent GHG emissions reductions than AB 32, and, therefore, would not obstruct implementation of the components of the City's Energy Efficiency and Climate Action Strategy that are applicable to the Project.

The City of Moreno Valley's General Plan does not identify specific GHG or climate change policies or goals; however, the City's General Plan Air Quality Element contains measures that act to reduce or control criteria pollutant emissions and peripherally reduce GHG emissions. These measures include promotion of land use patterns to reduce daily trips and travel distance (Objective 6.6), reduction of air pollutant emissions from mobile and stationary sources (Objective 6.7), compliance with SCAQMD Rule 403 regarding fugitive dust (Policy 6.7.5), and compliance with California Administrative Code (CCR) Title 24 (Policy 6.7.6). The Project would be required to comply with SCAQMD Rule 403 and applicable CCR Title 24 requirements. In addition, the Project reduces daily trips and travel distance by providing employment opportunities to the surrounding area, and it reduces emissions through its proximate location to major roadways, reduction of commuter VMT, and compliance with CCR Title 24. As summarized above, implementation of the Project for warehouse distribution/logistics use would not conflict with the applicable measures of the City's General Plan Air Quality Element.

Lastly, the Project would not conflict with the City's Bicycle Master Plan and no component of the Project, including proposed improvements within the public right-of-way abutting the Project Site,

would preclude the City from implementing the Bicycle Master Plan, which recommends a Class III bicycle route along Day Street and a shared lane facility ("bicycle boulevard") along Bay Avenue. Accordingly, the Project would not hinder the City's ability to reduce local GHG emissions through the creation of an integrated bicycle travel network.

As described on the preceding pages, implementation of the Project would not conflict with the State's ability to achieve the State-wide GHG reduction mandates and would be consistent with applicable policies and plans related to GHG emissions reductions. Implementation of the Project would not actively interfere with any future federally-, State-, or locally-mandated retrofit obligations (such as requirements to use new technologies such as diesel particulate filters, emissions upgrades to a higher tier equipment, etc.) enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets, including those established under EO S-3-05, EO B-30-15, or SB 32. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a less than significant impact.

4.7.6 Cumulative Impact Analysis

GCC occurs as the result of global emissions of GHGs. An individual development project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (See CEQA Guidelines Section 15130(f)). Accordingly, the analysis provided in Subsection 4.7.5 reflects a cumulative impact analysis of the effects related to the Project's GHG emissions, which concludes that the Project would not exceed the applicable threshold of significance and that the Project would not conflict with an applicable GHG-reduction plans, policies, or regulations.

4.7.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would not exceed the City's significance threshold of 3,000 $MTCO_2e$ per year. As such, the Project would generate a less-than-significant volume of GHG emissions and would not have a significant impact on the environment.

Threshold b: Less than Significant Impact. The Project would be consistent with or otherwise would not conflict with, applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.

4.7.8 Mitigation

Impacts related to the Project's GHG emissions would be less than significant; therefore, mitigation measures are not required.

4.8 HAZARDS AND HAZARDOUS MATERIALS

The information and analysis presented in this Subsection is based in part on a technical study that was prepared to determine the presence or absence of hazardous materials on the Project Site. The report is titled "Phase I Environmental Site Assessment Edgemont Assemblage Southwest of Bay Avenue and Day Street" prepared by V3 Companies (hereinafter "V3"), and dated January 22, 2021 (V3, 2021). This report is included as *Technical Appendix J* to this EIR. This Subsection also is based on information contained in the City's General Plan(Moreno Valley, 2006a); the certified Final Program EIR prepared for the City's General Plan (SCH No. 2000091075)(Moreno Valley, 2006b), and the City of Moreno Valley Municipal Code (Moreno Valley, 2023); Cal Fire – Fire Hazard Severity Zone Map (Cal Fire, 2007); and Google Earth Pro (Google Earth Pro, 2023). Refer to Section 7.0, *References*, for a complete list of reference sources used in this analysis.

In this EIR, the term "toxic substance" is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

In this EIR, the term "hazardous material" is defined as a substance that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness.

Hazardous waste is defined in the California Code of Regulations, Title 22, Section 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the U.S. Environmental Protection Agency [EPA] as capable of inducing systemic damage to humans or animals). Certain wastes are called "Listed Wastes" and are found in the California Code of Regulations, Title 22, Sections 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures) (Westlaw, n.d.).

4.8.1 EXISTING CONDITIONS

A. Historical Review

V3 researched federal, State, and local environmental records databases to identify properties within or adjacent to the Project Site with reported environmental issues. A summary of the research results is provided below; detailed information is provided in the Project's Phase I ESA (refer to *Technical Appendix J*).

The Project Site was vacant land prior to 1901 and an unnamed dirt road traversed the eastern portion of the Site in a northwest/southeast direction. By 1938, the unnamed road was removed from the Project Site and Day Street and Bay Avenue were constructed; also, two structures (suspected residences) were constructed on the northwest and north-central portions of the Project Site, respectively. By 1949, a structure was present on the northeast corner of the Project Site and mounds of construction debris were visible, indicative of further development on this portion of the Project Site. Between 1959 and 1976, new residential structures are constructed on the north-central portions of the Project Site. Between 1978 to 1994, the structures at the northwest corner of the Project Site and the structures on the northeast corner of the Project Site were razed. By 1994, the only remaining structures on the Project Site were found on APN 263-230-003, which occupies the central portion of the Project Site; seven dwelling units and a detached garage are located on the northern portion of this parcel – adjacent to Bay Avenue. All other portions of the Project Site were vacant and undeveloped and only covered with scattered trees. The condition of the Project Site has remained substantially unchanged since 1994. (V3, 2021, pp. 1, 12-14)

B. Regulatory Records Review

1. Regulatory Records Review

V3 researched federal, State, and local environmental records databases to identify properties within or adjacent to the Project Site with reported environmental issues. None of the parcels within or adjacent to the Project Site are listed on federal, State, or local databases for hazardous materials or wastes (V3, 2021, pp. 8-9). Within the general Project area, the March Air Reserve Base, located approximately 0.7-mile south of the Project Site, is listed on several environmental databases due to soil and groundwater contamination due to historic use, storage, and disposal of hazardous wastes such as petroleum, oil and lubricants, and solvents. Because the Project Site is located upstream of March Air Reserve Base (and groundwater flows to the south/southeast), there is no potential for contamination at the Base to affect the Project Site or adjacent properties (ibid.). A detailed summary of the regulatory records review conducted by V3 is provided in the Project's Phase I ESA (*Technical Appendix J*).

C. Field Reconnaissance

V3 observed the Project Site to be mostly vacant land, except for the dwelling units and residential outbuildings present on APN 263-230-003. V3 did not observe evidence of potential environmental concerns on the Project Site, including but not limited to: hazardous substances and petroleum products, storage tanks or hazardous product containers, stained soils, stressed vegetation, odors, wells, or pits, ponds or pools of liquid. The most notable observation were small amounts of domestic garbage and waste that had been dumped in multiple locations across the Project Site. V3 did not observe evidence of potential environmental concerns on the properties adjoining the Project Site. Based on the field reconnaissance, V3 did not identify recognized environmental conditions associated with the Project Site or that could affect the Site. (V3, 2021, pp. 14-17)

D. Airport Hazards

The Project Site is located approximately 0.7-mile northwest of the March Air Reserve Base / Inland Port Airport (MARB/IPA).

The Project Site is not located within an air crash hazard zone as determined by the March Air Reserve Base Compatible Use Zone Study commissioned by the United States Air Force and as depicted on Figure 6-5, *Air Crash Hazards*, of the Moreno Valley General Plan.

According to the MARB/IPA Airport Land Use Compatibility Plan (ALUCP), the Project Site is in Compatibility Zone C1 (RCALUC, 2014, Map MA-1). Properties located in Zone C1 are not subject to safety hazards from airport operations but could be experienced to relatively high noise levels associated with aircraft operations. Noise-sensitive land uses such as schools, hospitals, and congregate care facilities are prohibited in Zone C1; however, uses not sensitive to airport-related noise – like the light industrial warehouse use proposed by the Project – are permitted within Zone C1 (RCALUC, 2014, Table MA-1).

E. Wildland Fire Hazards

The Project Site is in a portion of the City of Moreno Valley that is not located adjacent to any wildlands. According to the California Department of Forestry and Fire Protection (Cal Fire), the Project Site is not located within a very high fire hazard severity zone (Cal Fire, 2007).

4.8.2 Applicable Regulatory Requirements

Hazardous materials and hazardous wastes are regulated by various federal, State, and local regulations to protect public health and the environment. This section summarizes the overall regulatory framework governing hazardous materials management that is applicable to the Project and/or the Project Site.

A. Federal Plans, Policies, and Regulations

1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment (EPA, 2021c). Through CERCLA, the Environmental Protection Agency (EPA) was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies.

The Superfund Amendments and Reauthorization Act (SARA) reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

2. Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave" (EPA, 2021d). This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

3. Hazardous Materials Transportation Act (HMTA)

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property" (OSHA, n.d.).

Hazardous materials regulations are subdivided by function into four basic areas:

- Procedures and/or Policies 49 CFR Parts 101, 106, and 107
- Material Designations 49 CFR Part 172
- Packaging Requirements 49 CFR Parts 173, 178, 179, and 180
- Operational Rules 49 CFR Parts 171, 173, 174, 175, 176, and 177

The HMTA is enforced by use of compliance orders [49 U.S.C. 1808(a)], civil penalties [49 U.S.C. 1809(b)], and injunctive relief (49 U.S.C. 1810). The HMTA (Section 112, 40 U.S.C. 1811) preempts state and local governmental requirements that are inconsistent with the statute, unless that requirement affords an equal or greater level of protection to the public than the HMTA requirement.

4. Hazardous Materials Transportation Uniform Safety Act of 1990

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce (OSHA, n.d.). The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property.

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

5. Occupational Safety and Health Act (OSHA)

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions (EPA, 2021e). In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states.

6. Toxic Substances Control Act

The Toxic Substances Control Act of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures (EPA, 2021f). Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.

- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all TSCA b§8(e) submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons.

B. State Plans, Policies, and Regulations

1. Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace.

Pursuant to 29 CFR 1952.172, the California State Plan applies to all public and private sector places of employment in the State, with the exception of federal employees, the United States Postal Service, private sector employers on Native American lands, maritime activities on the navigable waterways of the United States, private contractors working on land designated as exclusively under federal jurisdiction and employers that require federal security clearances. Cal/OSHA is the only agency in the State authorized to adopt, amend, or repeal occupational safety and health standards or orders. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses.

2. California Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Article 2, Section 25100, et seq.) is the primary hazardous waste statute in California. The HWCL implements RCRA as a "cradle-to-grave" waste management system in the State. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It

also regulates a number of waste types and waste management activities not covered by federal law (CDTFA, n.d.).

3. California Code of Regulations (CCR), Titles 17, 22, 24 and 26

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste. Title 24, Part 5 contains the California Plumbing Code which, in Appendix H, establishes detailed standards for the capping, removal, fill, and disposal of cesspools, septic tanks, and seepage pits (IAPMO, 2022). Title 17, Division 1, Chapter 8, defines and regulates handling and disposal of lead-based paint. Any detectable amount of lead is regulated (Westlaw, n.d.). Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal (Westlaw, n.d.). Because California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, *et seq.*) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics) (Westlaw, n.d.).

4. Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

California's Unified Program, overseen by the California Environmental Protection Agency (CalEPA), protects Californians from hazardous waste and hazardous materials by ensuring local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. The Unified Program is a consolidation of multiple environmental and emergency management programs, including the following:

- Aboveground Petroleum Storage Act (APSA) Program;
- Area Plans for Hazardous Materials Emergencies;
- California Accidental Release Prevention (CalARP) Program;
- Hazardous Materials Release Response Plans and Inventories (Business Plans);
- Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS) (California Code)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs; and
- Underground Storage Tank Program.

State agency partners involved in the implementation of the Unified Program are responsible for setting program element standards, working with CalEPA to ensure program consistency, and providing technical assistance to the California Unified Program Agencies (CUPAs) and Program Agencies

(PAs). The state agencies involved with the Unified Program include CalEPA, Department of Toxic Substances Control (DTSC), the Governor's Office of Emergency Services (Cal OES), CAL FIRE – Office of the State Fire Marshall (CAL FIRE-OSFM), and the State Water Resources Control Board (CalEPA, n.d.).

5. License to Transport Hazardous Materials

Caltrans regulates hazardous materials transportation on all interstate roads (CA Legislative Info, n.d.). Within California, the State agencies with primary responsibility for enforcing federal and State regulations and for responding to transportation emergencies are the California Highway Patrol and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications for vehicles transporting hazardous materials.

6. California Hazardous Materials Release Response Plan and Inventory Law of 1985

The Business Plan Act requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures for businesses that handle, store, or transport hazardous materials in amounts exceeding specified minimums (CA Legislative Info, n.d.). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State. Local agencies are responsible for administering these regulations.

Several state agencies regulate the transportation and use of hazardous materials to minimize potential risks to public health and safety, including CalEPA and the California Emergency Management Agency. The California Highway Patrol and California Department of Transportation (Caltrans) enforce regulations specifically related to the transport of hazardous materials. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roadways.

7. California Government Code (CGC) Section 51178

This section specifies that the Director of CalFire, in cooperation with local fire authorities, shall identify areas that are Very High Fire Hazard Severity Zones (VHFHSZ) in Local Responsibility Areas (LRAs), based on consistent statewide criteria, and the expected severity of fire hazard. Per CGC Section 51178, a local agency may, at its discretion, exclude an area within its jurisdiction that has been identified as a VHFHSZ, if certain conditions are met and/or specific findings can be made regarding the availability of effective fire protection services within the affected area (CA Legislative Info, n.d.).

C. *Local Plans, Policies, and Regulations*

1. *Local Permitting Requirements*

The aforementioned federal and State hazardous materials regulations require all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials to obtain a hazardous materials permit and submit a business plan to its local Certified Unified Program Agency (CUPA). The CUPA also ensures local compliance with all applicable hazardous materials regulations. The CUPA with responsibility for the City of Moreno Valley is the Riverside County Department of Environmental Health (DEH). The Riverside County DEH manages and oversees 25 other programs related to hazardous materials/waste, including programs related to the handling and storage of hazardous materials, hazardous materials remediation, petroleum storage tanks, green waste, solid waste, liquid waste, universal waste and environmental cleanup (RCDEH, 2020). The Riverside County DEH also manages and oversees programs related to emergency response and enforcement, vector control and water quality (ibid.).

4.8.3 Basis for Determining Significance

The Project would result in a significant impact to hazards and hazardous materials if the Project or any Project-related component would:

a. *Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;*

b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*

c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*

d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment;*

e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;*

f. *Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or*

g. *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to hazards and hazardous materials that could result from development projects.

4.8.4 Methodology for Evaluating Hazards & Hazardous Materials Impacts

The analysis of potential hazards and hazardous materials-related impacts is based upon hazardous materials investigations prepared specifically for the Project Site. The investigations included a site reconnaissance, review of published reports, maps, and aerial photographs, and soil testing. The analysis also included a review of the City's General Plan, information sources from State and Federal agencies, a review of applicable airport land use plans, hazardous materials mapping, fire hazard mapping, and other resource databases.

4.8.5 Impact Analysis

Threshold a:	***Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***
Threshold b:	***Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

Implementation of the Project would require grading across the entire Project Site and construction and long-term operation of an industrial warehouse building on the Site. In the event any hazards or hazardous materials were to be present on the Project Site or any hazardous materials were to be used or stored on the Project Site during construction or long-term operation, the Project would have the potential to expose workers on-site, the public, and/or the environment to a substantial hazard. The analysis below evaluates the potential for the Project to result in a substantial hazard to people or the environment during any stage of the Project.

A. Impact for Analysis for Existing Site Conditions

As described earlier in this Subsection, no evidence of potential environmental concerns was observed on the Project Site, including but not limited to: hazardous substances and petroleum products, storage tanks or hazardous product containers, stained soils, stressed vegetation, odors, wells, or pits, ponds or pools of liquid.

Notwithstanding the visual observations collected by V3, the Project Site contains multiple structures constructed between 1959 and 1976. The use of ACMs (a known carcinogen) and lead paint (a known toxin) was common in building construction prior to 1978. Because the Project Site contains structures known to be constructed before 1978, there is potential for ACMs and surfaces covered with lead paint to be present on the Project Site.

Asbestos is a carcinogen and is categorized as a hazardous air pollutant by the federal EPA. Federal asbestos requirements are found in National Emission Standards for Hazardous Air Pollutants (NESHAP) within the CFR Title 40, Part 61, Subpart M, and are enforced in the Project area by the SCAQMD via Rule 1403. Rule 1403 establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities (SCAQMD, 2007). Because ACMs are present in the existing construction debris and/or

structures located on the property, then Rule 1403 requires notification of the SCAQMD prior to commencing any demolition or renovation activities. Rule 1403 also sets forth specific procedures for the removal of asbestos, and requires that an on-site representative trained in the requirements of Rule 1403 be present during the stripping, removing, handling, or disturbing of ACM. Mandatory compliance with the provisions of Rule 1403 would ensure that construction-related grading, clearing and demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. Because the Project's demolition and construction contractors would be required to comply with AQMD Rule 1403 during demolition activities, impacts due to asbestos would be less than significant.

During demolition of the existing buildings on-site, there also is a potential to expose construction workers to health hazards associated with lead-based paint (LBP). The Project's demolition and construction contractors would be required to comply with CCR Title 17, Division 1, Chapter 8, which includes requirements such as employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. Mandatory compliance with the requirements of CCR Title 17, Division 1, Chapter 8 would ensure that construction workers and the public are not exposed to significant LBP health hazards during demolition and/or during transport of demolition waste to an appropriate disposal facility, and would ensure that impacts related to LBP remain less than significant.

B. Impact Analysis for Temporary Construction-Related Activities

Heavy equipment (e.g., dozers, excavators, tractor) would operate on the subject property during construction of the Project. Heavy equipment is typically fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which is considered hazardous if improperly stored or handled. Also, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project Site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the proposed Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the Environmental Protection Agency (EPA), US Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; California Department of Toxic Substances Control (DTSC), SCAQMD, Santa Ana Regional Water Quality Control Board (RWQCB), and the California Department of Industrial Relations Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA. With mandatory compliance to applicable hazardous materials regulations, the Project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. Impacts would be less than significant.

C. *Impact for Long-Term Operation*

The Project Site would be developed with an industrial warehouse building; the future building user(s) are not yet identified. Hazardous materials storage is not expected to occur within the building or on the Project Site; however, the future user(s) of the Project could use hazardous chemicals and/or materials could be utilized during routine Project operations and maintenance, including but not limited to aerosols, cleaners, fertilizers, lubricants, paints or stains, solvents, and fuels (e.g., gasoline, propane). State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that occupies the warehouse building on the Project Site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will require a permit from the Riverside County Fire Department, Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Riverside County Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan (HMBEP). An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material.

Because the building user(s) is/are unknown at this time, this EIR conservatively assumes that a portion of the proposed building could be used for cold storage (chilled, cooled, or freezer space). The typical refrigeration system for cold storage warehouse space is a closed-circuit ammonia-based system. Anhydrous ammonia is a colorless gas or liquid and is a regulated substance that can result in hazards to human health and the environment if mishandled. The ammonia refrigeration system would be required to comply with all federal, State, and local standards. This would include all codes and standards established by the American National Standards Institute (ANSI) and International Institute of Ammonia Refrigeration (IIAR), which include, but are not limited to, standards for the safe design of closed-circuit ammonia refrigeration systems, safety protocols and procedures for the startup of such systems, and standards for inspections, testing, and maintenance of such systems. These standards also include general system design requirements, system design pressures, requirements and standards for construction of machinery rooms and machinery room ventilation systems, and required installation of ammonia detection systems and alarms and emergency control switches. Ammonia refrigeration systems are subject to U.S. Occupational Safety and Health Administration (OSHA) General Industry standards including the 29 Code of Federal Regulations (CFR) Section 1910 which includes, but is not limited to, Subpart E, which requires employers to have an emergency action plan and procedures for emergency evacuation, Subpart H, which includes requirements for preventing and minimizing the consequences of catastrophic releases of hazardous chemicals and establishes emergency response requires, and Subpart I, which details required personal protective equipment to be used when transporting and/or handling ammonia.

With mandatory regulatory compliance, the Project would not pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. Based on the foregoing information, potential hazardous materials impacts associated with long-term operation of the Project are regarded as less-than-significant and no mitigation is required.

Threshold c: ***Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

No existing or proposed schools are located within one-quarter mile of the Project Site. The nearest school to the Project Site is Towngate Elementary, located at 22480 Dracaea Avenue, approximately 0.75-mile northeast of the Project Site (Google Earth Pro, 2023). Accordingly, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, and/or wastes within one-quarter mile of an existing or proposed school. No impact would occur.

Threshold d: ***Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

Government Code Section 65962.5 requires DTSC, the State Department of Health Services, State Water Resources Control Board, and the State Department of Resources Recycling and Recovery to maintain a list of hazardous materials sites that fall within specific, defined categories. The Project Site is not included on any hazardous materials sites database regulated by Government Code Section 65962.5 (V3, 2021, pp. 8-11). No impact would occur.

Threshold e: ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?***

The Project Site is located of approximately 0.7-mile northwest of MARB/IPA. According to the MARB/IPA Airport Land Use Compatibility Plan (ALUCP), the Project Site is located within the Primary Approach/Departure Zone (Compatibility Zone C1) (RCALUC, 2014, Map A-1). Properties within Compatibility Zone C1 are subject to relatively high noise levels associated with aircraft operations, and sensitive land uses such as schools, hospitals, and congregate care facilities are prohibited; however, uses non-sensitive uses – like the light industrial use proposed by the Project – are allowed within Zone. The Riverside County Airport Land Use Commission reviewed the Project at a public hearing on January 11, 2024, and determined the Project would be consistent with the applicable development regulations and design standards of the ALUCP and would not result in safety hazards for people residing or working in the Project area (RCALUCP, 2024). Impacts would be less than significant.

Threshold f: ***Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

The Project Site does not contain any emergency facilities under existing conditions, nor does it serve as an emergency evacuation route (Moreno Valley, 2017, p. 97); there is no potential for the Project to adversely affect an existing emergency response or evacuation plan. During construction and at Project buildout, the Project would be required to maintain adequate emergency access for emergency vehicles as required by the City. As part of the City's discretionary review process, the City of Moreno Valley reviewed the Project to ensure that appropriate emergency ingress and egress would be available to-and-from the proposed warehouse building for public safety and determined that the Project would not substantially impede emergency response times in the local area. Accordingly, implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.

Threshold g: ***Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.***

The Project Site is not located adjacent to wildlands nor is the Project Site located within or adjacent to a very high fire hazard severity zone (Cal Fire, 2007; Google Earth Pro, 2023). Accordingly, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur.

4.8.6 Cumulative Impact Analysis

Because the issue of hazards and hazardous materials tend to be site-specific in nature, the cumulative study area includes existing and planned developments within a one-mile radius of each Project Site. A one-mile radius is appropriate because that is the standard distance used in regulatory database searches of properties that may generate or store toxic materials.

As discussed above under the responses to Thresholds "a" and "b," the Project's construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Such uses also would be subject to additional review and permitting requirements by the Riverside County Fire Department. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, the potential for release of toxic substances or hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials, would not be cumulatively considerable.

The Project Site is not located within one-quarter mile of a school; therefore, the Project has no potential effect on students in relation to the use, handling, and transport of hazardous materials and would have no impact.

The Project Site is not located on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, 2020); therefore, the Project has no potential to contribute to substantial, cumulative effects related to the development or re-development of contaminated property.

As discussed above under the response to Threshold "e," the Project is not a noise-sensitive land use and would not be adversely affected by noise from operations at the MARB/IP Airport. In addition, the Project would not introduce any land use to the Project Site that would conflict with the MARB/IP ALUCP. Therefore, the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area and would not contribute to a cumulatively-considerable impact associated with airport hazards.

The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route; thus, there is no potential for the Project to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

As discussed above under Threshold "g," the Project Site is not located within or near areas identified as being subject to wildland fire hazards and would have no potential to contribute to adverse, cumulative wildland fire hazards.

4.8.7 Significance of Impacts Before Mitigation

Threshold a and b: Less than Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Threshold c: Less than Significant Impact. The Project Site is not located within one-quarter mile of any existing or proposed school. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts to schools located more than one-quarter mile of the Project Site would be less-than-significant.

Threshold d: No Impact. The Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5.

Threshold e: Less than Significant Impact. The Project is consistent with the restrictions and requirements of the MARB/IP ALUCP. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.

Threshold f: Less than Significant Impact. The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the

Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Threshold g: No Impact. The Project Site is not located near wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.

4.8.8 MITIGATION

The Project would result in less-than-significant impacts related to hazards and hazardous waste and no mitigation is required.

4.9 HYDROLOGY AND WATER QUALITY

The information presented in this Subsection primarily relies on two technical reports prepared by Thienes Engineering, Inc. (hereinafter, "Thienes"): 1) "Preliminary Hydrology Calculations for Bay & Day Industrial Building," dated October 5, 2023 (revised May 2, 2024) (Thienes Engineering, 2023a) and 2) "Project Specific Preliminary Water Quality Management Plan," dated October 11, 2023 (Thienes Engineering, 2023b). These reports are provided as *Technical Appendices K* and *L* to this EIR, respectively.

The Project Site is located within the Santa Ana River watershed and is under the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB). As such, information for this Subsection also was obtained from the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Plan* (Basin Plan, updated June 2019) (RWQCB, 2019) and the *Integrated Regional Water Management Plan* (IRWMP) for the Santa Ana River watershed (also referred to as "One Water One Watershed Plan Update 2018," (February 19, 2019) prepared by the Santa Ana Watershed Project Authority (SAWPA) (SAWPA, 2019). These documents are herein incorporated by reference and are available for public review at the physical locations and website addresses given in EIR Section 7.0.

4.9.1 EXISTING CONDITIONS

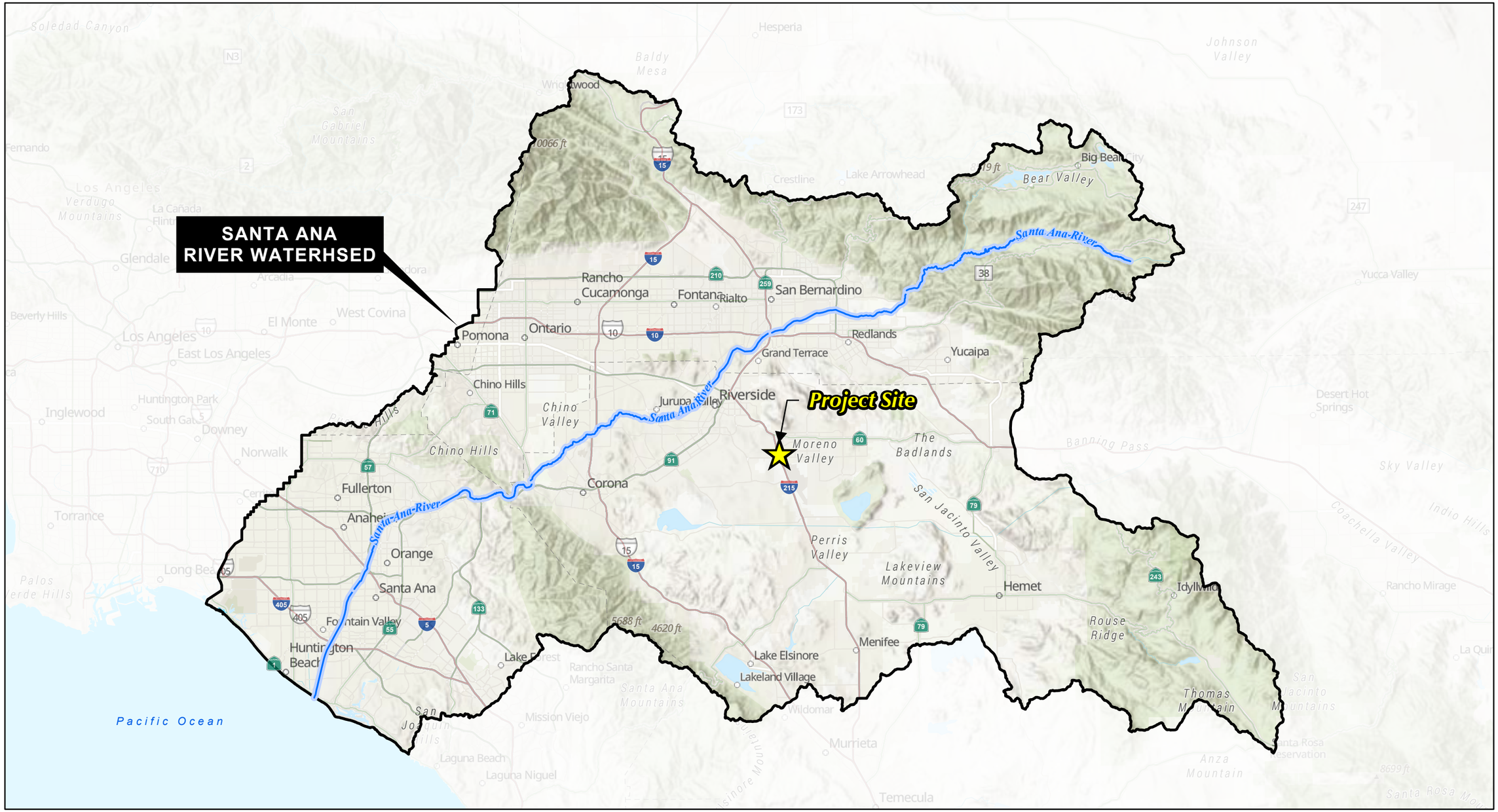
A. Regional Hydrology

The Project Site is located within the 2,650-acre Santa Ana River watershed. Within the Santa Ana River watershed, the Santa Ana River is the principal surface flow water body within the region. The Santa Ana River rises in Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The total length of the Santa Ana River and its major tributaries is approximately 700 miles. The location of the Project Site within the Santa Ana River watershed is illustrated on Figure 4.9-1, *Santa Ana River Watershed Map*.

B. Site Hydrology

Under existing conditions, stormwater runoff drains across the Project Site in a southwesterly direction as sheet flow. Beyond the Project Site, stormwater runoff continues in a southerly direction toward Alessandro Boulevard. Under 100-year storm conditions, the peak runoff flow rate across the Project Site is 10.7 cubic feet per second (cfs). (Thienes Engineering, 2023a)

The Project Site also receives stormwater run-on from an existing 24-inch storm drain beneath Day Street. This storm drain collects stormwater runoff from residential lots on the east side of Day Street and discharges onto the surface of the Project Site via an existing headwall. Off-site run-on confluences with surface runoff on the Project Site and drains to the southwest as surface sheet flow, before heading south to Alessandro Boulevard. Under 100-year storm conditions, the peak run-on flow rate across the Project Site is 8.1 cfs. (ibid.)



Source(s): ESRI, SAWPA (2023)

Figure 4.9-1

Santa Ana River Watershed Map

C. Flooding and Dam Inundation

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06065C0745G, the Project Site is located within "Zone X (unshaded)" (FEMA, 2008)/ Zone X (unshaded) is defined as an area with a 0.2% chance of annual flood (i.e., 500-year flood zone). The Zone X (unshaded) designation is classified as an area of minimal flood hazard and is not considered a special flood hazard area.

According to the City of Moreno Valley General Plan, the Project Site is not located within any mapped dam inundation area (Moreno Valley, 2006a, Figure 6-4).

D. Water Quality

The Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act, CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards (EPA, 2020). Water bodies that do not meet water quality standards due to excessive concentrations of pollutants are placed on a list of impaired waters pursuant to Section 303(d) of the CWA. The Project Site's receiving waters and their water quality impairments, if any, are listed in Table 4.9-1, *Downstream Receiving Waters.*

Table 4.9-1 Downstream Receiving Waters

Receiving Waters	303(d) List Impairments
Perris Valley Storm Drain	None
Santa Ana River, Reach 3	Copper, Indicator Bacteria, Lead
The Prado Basin Management Zone	pH
Santa Ana River, Reaches 2-1	None
Tidal Prism of Santa Ana River and Newport Slough	Indicator Bacteria
Pacific Ocean Nearshore and Offshore Zones	None

Source: (Thienes Engineering, 2023b)

E. Groundwater

The City of Moreno Valley is underlain by groundwater resources associated with the Perris North and San Jacinto Groundwater Basins. Water service in the City of Moreno Valley is provided by two agencies: the Eastern Municipal Water District (EMWD) which supplies the majority of the City, and the Box Springs Mutual Water Company (BSMWC) (Moreno Valley, 2006b, p. 5.13-19). The Project Site is located in the western portion of the City that is served by BSMWC. BSMWC water supply is primarily from a groundwater well located in the area, although supplemental water is necessary and supplied by the Western Municipal Water District (WMWD).

Beneath the Project Site, groundwater is present at a depth of approximately 25 feet (NorCal, 2022, p. 4).

4.9.2 Applicable Regulatory Requirements

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hydrology and water quality.

A. Federal Plans, Policies, and Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the EPA has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man- made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2020)

B. State Regulations

1. Porter-Cologne Water Control Act

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water (SWRCB, 2014). The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code Section 13000 *et seq*.), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine RWQCBs (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and RWQCBs have numerous non-point source (NPS)

related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The RWQCBs regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The SWRCB and the RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and are updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. The Project Site is located in the Santa Ana River Watershed, which is within the purview of the Santa Ana RWQCB. The Santa Ana's RWQCB's *Santa Ana River Basin Water Quality Control Plan* is the governing water quality plan for the region.

2. California Water Code

The California Water Code is the principal state law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies (CA Legislative Info, n.d.). The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (Sections 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.

Surface water quality is the responsibility of the RWQCB, water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water.

3. *California Toxics Rule (CTR)*

The California Toxics Rule (CTR) fills the gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses (SWRCB, 2016, pp. 14-15). The CTR criteria are similar to those published in the National Recommended Water Quality Criteria. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters.

4. *Watershed Management Initiative (WMI)*

The State and Regional Water Boards are currently focused on looking at entire watersheds when addressing water pollution. The Water Boards adopted the Watershed Management Initiative (WMI) to further their goals. The WMI establishes a broad framework overlying the numerous federal and State mandated priorities. As such, the WMI helps the Water Boards achieve water resource protection, enhancement and restoration while balancing economic and environmental impacts. (SWRCB, 2017) The integrated approach of the WMI involves three main ideas:

- Use water quality to identify and prioritize water resource problems within individual watersheds. Involve stakeholders to develop solutions.
- Better coordinate point source and nonpoint source regulatory efforts. Establish working relationships between staff from different programs.
- Better coordinate local, state, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups. (SWRCB, 2017)

5. *Sustainable Groundwater Management Act (SGMA)*

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge (DWR, n.d.). Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The DWR categorizes the priority of groundwater basins (DWR, 2020). For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability.

C. *Local Plans, Policies, and Regulations*

1. *City of Moreno Valley Municipal Code*

Moreno Valley Municipal Code Chapter 8.10 (Stormwater/Urban Runoff Management and Discharge Controls) requires the City to participate in the improvement of water quality and comply with federal requirements for the control of urban pollutants, including sediment, in stormwater runoff (Moreno Valley, 2023a).

2. *SCAQMD Rule 403 (Fugitive Dust)*

SCAQMD Rule 403 (Fugitive Dust) requires the implementation of best available dust control measures during active operations capable of generating fugitive dust. The purpose of this Rule is to minimize the amount of particulate matter in the ambient air as a result of anthropogenic fugitive dust sources (SCAQMD, 2005).

4.9.3 Basis for Determining Significance

The Project would result in a significant impact to hydrology and water quality if the Project or any Project-related component would:

a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;*

b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;*

c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:*

   i. *Result in substantial erosion or siltation on- or off-site*

   ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site*

   iii. *Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;*

   iv. *Impede or redirect flood flows;*

d. *Result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or*

e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to hydrology and water quality that could result from development projects.

4.9.4 Methodology for Evaluating Hydrology & Water Quality Impacts

The analysis of potential hydrology and water quality-related impacts is based upon the hydrology calculations and preliminary water quality management plan prepared specifically for the Project Site. The hydrology calculations were prepared using the Riverside County Rational Method program (AES software). The preliminary water quality management plan for the Project was prepared based on the technical guidance document for water quality management plans within the Santa Ana River Watershed and utilizes the water quality management plan template for the Santa Ana River Watershed, both published by Riverside County. The Moreno Valley General Plan and information sources from State and Federal agencies were researched to establish the Project Site's existing conditions and likelihood of environmental effects.

4.9.5 Impact Analysis

Threshold a: ***Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?***

The Project Applicant would be required to comply with Section 402 of the Clean Water Act, which authorizes the NPDES permit program that covers point sources of pollution discharging to a water body. The NPDES program would require the Project Applicant and/or construction contractor to prepare a SWPPP and obtain authorization to discharge stormwater under an NPDES construction stormwater permit because the Project would result in construction on a site that is larger than one acre. The Project Applicant also would be required to comply with regional and local requirements to implement the California Porter-Cologne Water Quality Control Act (Section 13000 *et seq.*, of the California Water Code), which requires that comprehensive regional water quality control plans be developed for all waters within the State of California (such as the Basin Plan and the IRWMP for the Santa Ana River Watershed) (CA Legislative Info, n.d.). The Project Site is located within the jurisdiction of the Santa Ana RWQCB.

A. Construction-Related Impacts

Construction of the proposed Project would involve clearing and demolition, grading, paving, utility installation, building construction, and landscaping activities. Construction activities would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and solvents, and other chemicals with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana RWQCB and the City of Moreno Valley (Municipal Code Chapter 8.10 et seq., Stormwater/Urban Runoff Management and Discharge Controls, and Section 8.21.170, National Pollutant Discharge Elimination System), the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit (NPDES Permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, that disturb at least one (1) acre of total land area. Compliance with the NPDES permit program involves the preparation and implementation of a

Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the Best Management Practices (BMPs) that the Project's construction contractors would be required to implement during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Mandatory compliance with the SWPPP would ensure that the Project's construction does not violate any water quality standards or waste discharge requirements. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

B. Post-Development Water Quality Impacts

Stormwater pollutants commonly associated with the land use proposed by the Project include bacterial indicators, metals, and toxic organic compounds (Thienes Engineering, 2023b, Table E.1).

Pursuant to the Moreno Valley Municipal Code (Chapter 8.10 *et seq.* and Section 8.21.170), the Project Applicant would be required to implement a Water Quality Management Plan (WQMP) to demonstrate compliance with the City's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. The WQMP is a site-specific post-construction water quality management program designed to address the pollutants of concern of a development project via BMPs, implementation of which ensures the on-going protection of the watershed basin. The Project's Preliminary WQMP, prepared by Thienes Engineering, is included as *Technical Appendix L* appended to this IS/MND. As identified in Project's Preliminary WQMP, the proposed Project is designed to include on-site, structural source control BMPs (including underground detention chambers) as well as operational source controls (including but not limited to: drainage system maintenance, storm drain system stenciling and signage, and implementation of minimal pesticide use) to minimize, prevent, and/or otherwise appropriately treat stormwater runoff flows before they are discharged from the site. Compliance with the WQMP would be required as a condition of Project approval pursuant to Municipal Code Chapter 8.10 and Municipal Code Section 8.21.170, and long-term maintenance of on-site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

Additionally, the NPDES program requires certain land uses, including the industrial land uses proposed by the Project, to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. On April 1, 2014, the California State Water Resources Control Board adopted a new NPDES permit for storm water discharge associated with industrial activities (referred to as the "Industrial General Permit"). This permit was amended in 2015 and 2018 and is effective as of as of July 1, 2020 (SWRCB, 2020). Under this currently effective NPDES Industrial General Permit, the Project would be required to prepare a SWPPP for operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. Because the permit is dependent upon a detailed

accounting of all operational activities and procedures, and the Project's building users and their operational characteristics are not known at this time, details of the operational SWPPP (including BMPs) or potential exemption to the SWPPP operational activities requirement cannot be determined with certainty at this time. However, based on the performance requirements of the NPDES Industrial General Permit, the Project's mandatory compliance with all applicable water quality regulations would further reduce potential water quality impacts during long-term operation.

Based on the foregoing analysis, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during long-term operation. Impacts would be less than significant.

Threshold b:	***Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

The Project would connect to the BSMWC water system and the Project Applicant does not propose the use of any wells or other groundwater extraction activities. Implementation of the Project has no potential to substantially deplete or decrease groundwater supplies and the Project's impact to groundwater supplies would be less than significant.

Development of the Project would increase impervious surface coverage on the property, which would reduce the amount of water percolating down into the groundwater basin that underlies the Project Site and a majority of the City. However, and as noted in the City's General Plan EIR, the introduction of new impervious surfaces in the City and the resulting "impact of an incremental reduction in groundwater would not be significant as domestic water supplies are not reliant on groundwater as a primary source" (Moreno Valley, 2006b, p. 5.7-12). The Project would implement the General Plan land use plan and development of the Project Site was anticipated by the General Plan EIR. With buildout of the Project, the local groundwater levels would not be substantially adversely affected. Accordingly, buildout of the Project would not interfere substantially with groundwater recharge.

For the reasons stated above, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin. Impacts would be less than significant.

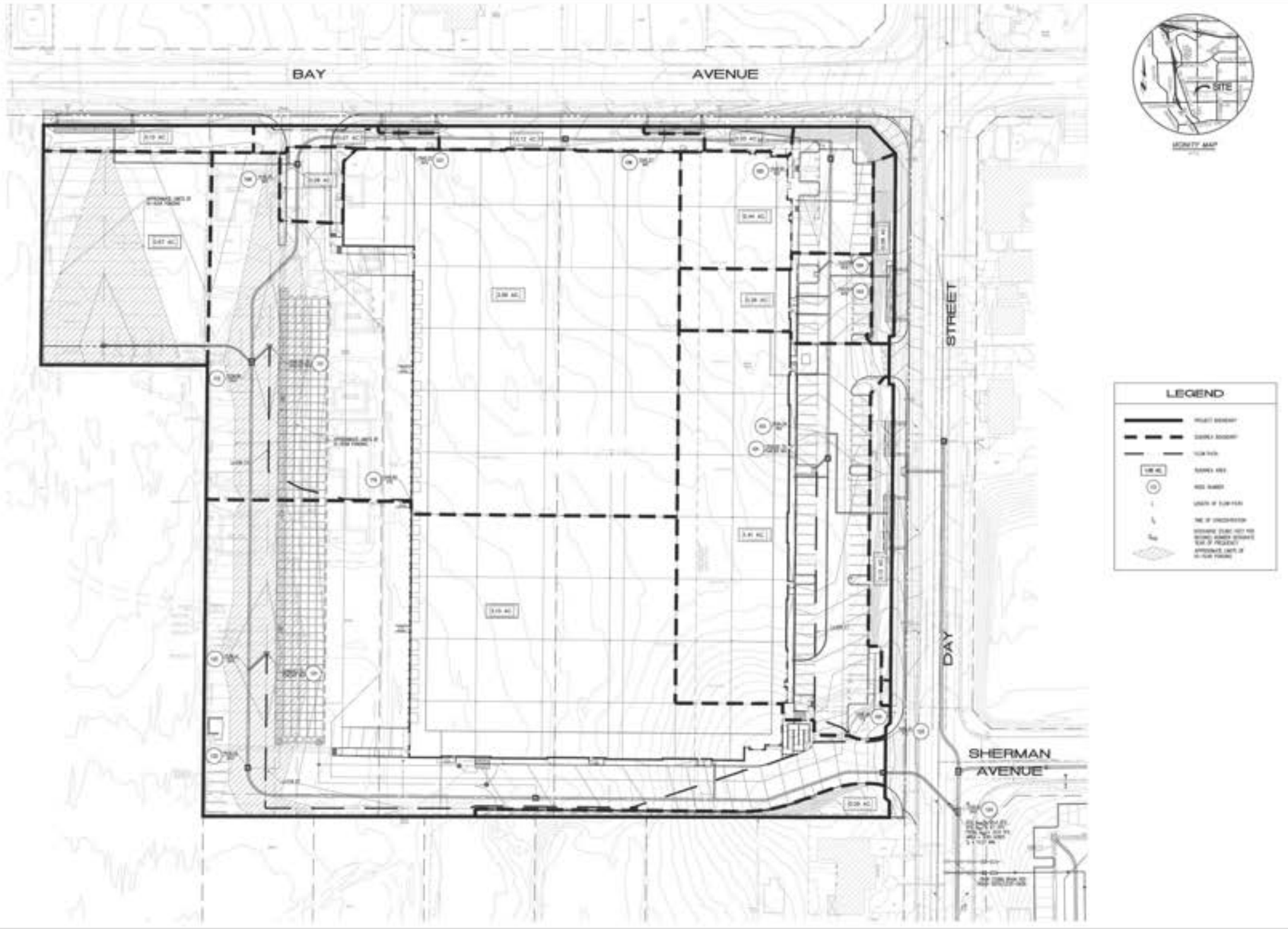
Threshold c:	***Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?***

The Project would include the installation of an integrated system of underground storm drain pipes, catch basins, and an underground infiltration system on the Project Site. The proposed storm drain system is intended to capture and convey stormwater runoff across the Project Site, and treat the runoff to minimize water-borne pollutants carried from the Site (the Project's stormwater drainage concept is described in detail in EIR Section 3.0, *Project Description*). Figure 4.9-2, *Post-Development Hydrology Map*, illustrates the post-development drainage conditions on the Project Site, while EIR Figure 3-11 (previously presented) depicts the location of the proposed catch basins, on-site storm drain pipes, and the underground detention system. Upon development of the Project, all stormwater from the Project Site would be discharged to a storm drain pipe beneath Day Street.

The following analysis evaluates the potential for Project-related development activities to adversely affect water quality or cause or exacerbate local flooding.

A. Erosion or Siltation On- or Off-Site

Although the grading proposed by the Project would alter the Project Site's existing ground contours and the drainage patterns within the Project Site boundaries, such changes would not result in substantial erosion or siltation on- or off-site. Pursuant to the requirements of the State Water Resources Control Board, the Project Applicant would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). The NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one (1) acre of total land area. Compliance with the NPDES permit program involves the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction-related activities. The SWPPP will specify the BMPs that the Project Applicant will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Lastly, the Project would be required to implement an erosion and dust control plan pursuant to Moreno Valley Municipal Code Section 8.21.160 (Erosion Control) and to ensure compliance with SCAQMD Rule 403 to minimize water- and windborne erosion. Mandatory compliance with the SWPPP and the erosion control plan would ensure that the Project's implementation does not violate any water quality standards or waste discharge requirements during construction activities. Based on the foregoing



Source(s): Thienes Engineering, Inc. (05-02-2024)

Figure 4.9-2

Not to Scale

Post-Development Hydrology Map

information, water quality impacts associated with Project construction activities would be less than significant.

During operation of the Project, the Project Applicant would be required to prepare and implement a WQMP, which is a Project Site-specific post-construction water quality management program that will be implemented to minimize erosion and siltation, pursuant to the City's Municipal Storm Water Permit, and in accordance with Moreno Valley Municipal Code Section 8.10.050 (Reduction of Pollutants in Stormwater Runoff). The WQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The WQMP also is required to establish a post-construction implementation and maintenance plan to ensure on-going, long-term erosion protection. Compliance with the WQMP is required as a condition of approval for the Project, as is the long-term maintenance of erosion and sediment control features. The preliminary WQMP for the Project is provided as *Technical Appendix L* to this EIR. Because the Project Applicant would be required to utilize erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil, Project operation would result in less than significant impacts related to soil erosion and sedimentation.

B. Runoff and Flooding On- or Off-Site

The Project's storm drain system is designed to capture all stormwater runoff originating on the Project Site and convey these flows to a storm drain beneath Day Street. A catch basin will be constructed within Day Street to divert off-site run-on to the storm drain beneath Day Street.

Upon Project buildout, approximately 8.1 cfs of stormwater runoff would be discharged from the Project Site during peak storm conditions which represents an approximately 24 percent decrease in peak runoff flows from the subject property (Thienes Engineering, 2023a). Accordingly, implementation of the Project would not substantially increase the rate or amount of surface water runoff discharged from the site in a manner that would result in flooding on- or off-site or that would exceed the capacity of the existing stormwater drainage system servicing the Project Site. Impacts would be less than significant.

C. Storm Drain Systems and Polluted Runoff

The Project's storm drain system would be sized to adequately accommodate runoff from the Project Site and would connect to a municipal storm drain within Day Street that has been designed in accordance with the area's master drainage plan to ensure that peak storm runoff flows are captured and conveyed at a volume and rate that can be accommodated by existing and planned downstream storm drain facilities (Thienes Engineering, 2023a).

As discussed in detail under Threshold "a" and earlier under this Threshold (refer to sub-item "A"), the Project's construction contractors would be required to comply with a SWPPP and the Project's owner or operator would be required to comply with a SWQMP to ensure that Project-related construction activities and operational activities do not result in substantial amounts of polluted runoff.

The Project would not result in substantial additional sources of polluted runoff and impacts would be less than significant.

D. Flood Flows

According to the FEMA FIRM No. 06065C0745G, the Project Site is not located in a special flood hazard area, rather the Site is in an area outside of the 500-year (0.2% annual chance) floodplain (FEMA, 2008). Accordingly, the Project Site is not expected to be inundated by flood flows during the lifetime of the Project and the Project would not impede flood flows. No impact would occur.

Threshold d: ***Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

The Pacific Ocean is located approximately 40 miles southwest of the Project Site (Google Earth Pro, 2021); consequently, there is no potential for the Project Site to be impacted by a tsunami as tsunamis typically only reach up to a few miles inland. The Project Site also is not subject to flooding hazards associated with a seiche because the nearest enclosed large body of surface water (Lake Perris) is located more than 6 miles southeast of the Site. Additionally, according to City of Moreno Valley General Plan FEIR Figure 5.5-2, *Floodplains, and High Fire Hazard Areas*, the Project Site is not located in a mapped dam inundation area (Moreno Valley, 2006b). Because the Project Site cannot be affected by a tsunami, seiche, or dam inundation, there is no potential for such hazards to inundate the Project Site and cause a release of waterborne pollutants. No impact would occur.

Threshold e: ***Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

As discussed in Threshold "a" above, the Project Site is located within the Santa Ana River Basin and Project-related construction and operational activities would be required to comply with the Santa Ana RWQCB's regulations by preparing and adhering to a SWPPP and WQMP. As also discussed in Threshold "a" above, implementation of the Project would not conflict with or obstruct the *Santa Ana River Basin Water Quality Control Plan* and impacts would be less than significant.

The Project Site is underlain by the San Bernardino – Riverside Groundwater Basin – South, which is an adjudicated groundwater basin (DWR, n.d.). Adjudicated basins are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) requirement to develop Groundwater Sustainability Plan because such basins already operate under a court-ordered water management plan to ensure their long-term sustainability. No component of the Project would obstruct with or prevent implementation of the management plan for the San Bernardino – Riverside Groundwater Basin – South. As such, the Project's construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

4.9.6 CUMULATIVE IMPACTS

The cumulative impact analysis considers construction and operation of the Project in conjunction with other development projects in the vicinity of the Project Site and projects located in the Santa Ana River Basin.

A. Water Quality

Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the Santa Ana River Watershed. Pursuant to the requirements of the State Water Resources Control Board and the Santa Ana RWQCB, all construction projects that disturb one (1) or more acres of land area are required to obtain coverage for construction activities under the State's General Construction NPDES Permit. In order to obtain coverage, an effective Site-specific SWPPP is required to be developed and implemented for all development projects over one acre. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Project Applicant and all cumulative developments in the Santa Ana River Basin would be required to comply with the RWQCB-established water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements, would ensure that development projects within the Santa Ana River watershed, including the proposed Project, would not contribute substantially to water quality impairments during construction.

Operational activities on the Project Site would be required to comply with the Project's WQMP to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the Site. Other development projects within the watershed would similarly be required by law to prepare and implement Site-specific WQMPs to ensure that runoff does not substantially contribute to water quality violations. Accordingly, operation of the Project would not contribute to cumulatively considerable water quality effects.

B. Groundwater Supplies and Management

Although the Project would increase impervious surface coverage on the site, the Project incorporates design features that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by applicable lead agencies to incorporate design features that facilitate percolation (e.g., through minimum landscaped/permeable area requirements, water quality/detention basins, infiltration basins). Also, as previously noted, the City's General Plan EIR evaluated potential impacts to the groundwater basins beneath the City and concluded that the incremental reduction in groundwater from cumulative development would not significantly affect domestic water supplies are not reliant on groundwater as a primary source (Moreno Valley, 2006b, p. 5.7-12). No component of the Project would obstruct with or prevent implementation of the applicable groundwater management plan (West San Jacinto Groundwater Basin Management Plan) and other development projects within the San Jacinto Groundwater Basin would be prohibited from any activity that would endanger the health and sustainability of the groundwater basin. Based on the lack of

impacts to groundwater, the provision of design measures that would facilitate percolation, and compliance with applicable San Jacinto Groundwater Basin management plans, cumulative development would not result in a considerable, adverse effect to local groundwater supplies.

C. Flooding

Construction of the Project and other development projects within the Santa Ana River Basin would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the Santa Ana River Basin would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold "c," the Project is designed to ensure that runoff from the Project Site during peak storm events would be unchanged compared to existing conditions. Because the Project and all other developments throughout the Santa Ana River Basin, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur.

Additionally, the Project Site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Project Site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur.

4.9.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and WQMP is required as part of the Project's implementation to address construction- and operational-related water quality.

Threshold b: Less than Significant Impact. The Project would not physically impact any of the major groundwater recharge facilities. The Project would decrease groundwater supplies by introducing impervious surfaces. However, the reduction of groundwater recharge is not anticipated to have a significant effect to domestic water supplies. Further, water captured in the proposed Project's infiltration chambers and landscaped areas would have the opportunity to percolate to the ground.

Threshold c: Less than Significant Impact. The Project Applicant would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute to increased flooding risks due to insufficient capacity of existing or

planned stormwater drainage systems or and would not provide substantial additional sources of polluted runoff.

Threshold d: No Impact. The Project Site would not be subject to inundation from tsunamis, seiches, or other hazards.

Threshold e: Less than Significant Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.9.8 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

4.10 LAND USE AND PLANNING

This Subsection discusses the Project's consistency with applicable land use and planning policies adopted by the City of Moreno Valley and other governing agencies for the purpose of reducing adverse effects on the environment. Information used to support the analysis in this Subsection was obtained primarily from the City of Moreno Valley General Plan (Moreno Valley, 2006a), City of Moreno Valley Zoning Ordinance (Moreno Valley, 2023), and Southern California Association of Governments (SCAG) *2024-2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* (hereafter, "Connect SoCal") (SCAG, 2024). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.10.1 EXISTING CONDITIONS

A. Existing Land Use and Development

Three of the four parcels comprising the Project Site are vacant, undeveloped, and fenced. There are no existing structures on the vacant, undeveloped parcels and these parcels are regularly disced for weed abatement and contain a mixture of disturbed land and non-native grassland, with a few scattered non-native trees. The one developed parcel within the Project Site, which comprises approximately 2.3 acres in the north-central portion of the Site, contains seven legal non-conforming single-family dwelling units and multiple outbuildings.

North of the Project Site is Bay Avenue and north of Bay Avenue are non-conforming residential uses and vacant, undeveloped land. The area north of the Project Site is designated by the City's General Plan as "Business Park/Light Industrial," with a few scattered properties north of Cottonwood Avenue designated as "Residential/Office" and "Commercial."

South of the Project Site and north of Alessandro Boulevard are vacant lots, non-conforming residential structures, and commercial businesses. This area is designated by the City's General Plan for "Commercial" land uses.

West of the Project Site is property under construction as a business center for light industrial and warehouse land uses (Old 215 Industrial Park). The Old 215 Industrial Park development is approved for the construction of six (6) buildings with a combined, total building floor area of approximately 197,000 s.f. The land use transitions to the west to commercial uses along Old 215 Frontage Road, including but not limited to a motel, automotive supply stores, and American Legions Post 574. The area west of the Project Site is designated by the City's General Plan as "Business Park/Light Industrial." Further west is the I-215 Freeway, beyond which are industrial, commercial, and business uses in the City of Riverside.

Day Street abuts the Project Site on the east. East of Day Street are residential land uses and vacant, undeveloped lots. The area east of the Project Site is designated by the General Plan for "Residential/Office" land uses. Southeast of the Project Site (south of Sherman Avenue), is vacant

property that is approved for development with a light industrial/warehouse building with approximately 165,000 s.f. of building floor area (Moreno Valley Business Center).

4.10.2 Applicable Regulatory Requirements

The following is a brief description of the federal, state, and local environmental laws and related regulations related to land use and planning.

A. State Plans, Policies, and Regulations

1. California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, §§ 65000 - 66499.58. Under State of California planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

2. Office of Planning and Research (OPR) General Plan Guidelines

Each city and county in California must prepare a comprehensive, long term general plan to guide its future. To assist local governments in meeting this responsibility, the Governor's Office of Planning and Research (OPR) is required to adopt and periodically revise guidelines for the preparation and content of local general plans pursuant to Government Code § 65040.2 (OPR, 2017a, p. 1). The General Plan Guidelines is advisory, not mandatory. Nevertheless, it is the State's only official document explaining California's legal requirements for general plans. Planners, decision-making bodies, and the public depend upon the General Plan Guidelines for help when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adheres to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice.

B. Local Plans, Policies, and Regulations

1. City of Moreno Valley General Plan

The City of Moreno Valley General Plan (adopted July 11, 2006) is a policy document that reflects the City's vision for the future of Moreno Valley. The General Plan is organized into seven (7) separate elements that contain a series of policies to guide the City's vision for future development. Each of the elements from the City of Moreno Valley 2006 General Plan are summarized below:

❑ Community Development

The Community Development Element functions as a land use guide for future development in the City. The Element identifies the general distribution, general location, and extent of land uses, such as housing, business, industry, open space, recreation, floodplains, and public facilities. These designations are reflected on the General Plan Land Use Map, which are applied on a parcel-by-parcel basis throughout the City. The Community Development Element also provides standards for residential density and non-residential intensity. It governs how land is to be used; therefore, many of the issues and policies contained in other elements of the General Plan are linked in some degree to this Element.

❑ Economic Development

The Economic Development Element identifies redevelopment project areas within the City of Moreno Valley.

❑ Parks, Recreation, and Open Space

The Parks, Recreation and Open Space Element includes specific policies related to open space preservation, outdoor recreation and recreation facilities, and trails.

❑ Circulation

The Circulation Element identifies major thoroughfares, transportation routes for vehicles, transit, bicycles, and pedestrians, and also military airports. The element includes policies for "complete streets," which provide a balanced, multimodal transportation network serving all users and abilities.

❑ Safety

The Safety Element addresses the topics of safety and community protection from wildfires, flooding, seismic events, landslides, and dam inundation. This element includes background information, policies, and standards for community protection from natural and human-made disasters, including promoting safety and compatibility with the March Air Reserve Base adjacent to city limits.

❑ Conservation

The Conservation Element is intended to achieve the wise use of natural resources within the City and immediate environs. Issues addressed by the Conservation Element include erosion, water quality and supply, biological resources and associated habitat, energy conservation, historical/archaeological resources, visual quality, and solid waste and recycling.

❑ Housing

The Housing Element identifies and establishes the City's policies with respect to meeting the needs of existing and future residents of the City. Specific components of the Housing Element, which also are requirements of State law, include the following: an assessment of housing needs and inventory; an analysis and program for preserving assisted housing developments; a statement of community

goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and a program which sets forth a five-year schedule of actions that the City is undertaking, or intends to undertake, to implement the policies set forth in the Housing Element.

2. City of Moreno Valley Zoning Ordinance

Development of the Project site is regulated by the development regulations and design standards contained within the City's Zoning Ordinance. The City of Moreno Valley's Zoning Ordinance is contained as Chapter 9 of the City of Moreno Valley Municipal Code. Under existing conditions, the entire Project site is zoned "Business Park (BP)." According to the City of Moreno Valley Municipal Code, the primary purpose of the "BP" zoning district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses, and limits building sizes to less than 50,000 s.f. (Moreno Valley, 2023)

3. City of Moreno Valley Bicycle Master Plan

The City of Moreno Valley Bicycle Master Plan, adopted in January 2015, identifies deficiencies and opportunities in the City's existing bicycle facility system and presents a long-range plan for the provision of a safe, convenient and efficient environment for bicycle travel in Moreno Valley. Surrounding the Project Site, there is an existing Class 2: Bike Lane south of the Project Site along Alessandro Avenue (Moreno Valley, 2015, Figure 15). The Bicycle Master Plan recommends a Class 3 Bike Route east of the Project Site along Day Avenue and a Bicycle Boulevard north of the Project Site along Bay Avenue. Refer to EIR Subsection 4.12, *Transportation*, for an analysis of the Project's consistency with the City of Moreno Valley Bicycle Master Plan.

4. SCAG Regional Transportation Plan and Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project site is within SCAG's regional authority. In April 2024, SCAG adopted the *2024-2050 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS)* ("RTP/SCS"); also referred to herein as "Connect SoCal" with goals to: 1) build and maintain an integrated multimodal transportation network; 2) develop, connect and sustain communities that are livable and thriving; 3) create a healthy region for the people of today and tomorrow; and 4) support a sustainable, efficient and productive regional economic environment that provides opportunities for all residents. Performance measures and funding strategies also are included to ensure that the adopted goals are achieved through implementation of the RTP.

Connect SoCal includes long-range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and other plans for the region. Connect SoCal also

provides objectives for meeting emissions reduction targets set forth by the California Air Resources Board (CARB); these objectives were provided in a direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing, and environmental planning. Connect SoCal is updated periodically to allow for the consideration and inclusion of new transportation strategies and methods.

5. SCAQMD Air Quality Management Plan

An AQMP is a plan for the regional improvement of air quality. The SCAQMD *2022 AQMP* is the applicable AQMP for the South Coast Air Basin and was approved by the SCAQMD Governing Board in December 2022 (SCAQMD, 2022a). The Project's consistency with the *2022 AQMP* was analyzed in detail in EIR Subsection 4.2, *Air Quality*, and as such is not further evaluated in this Subsection 4.10.

6. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

The Western Riverside County MSHCP is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on conservation of species and their habitats in Western Riverside County. The Western Riverside County MSHCP was adopted on June 17, 2003, and an Implementing Agreement (IA) was executed between the USFWS, CDFW, and participating entities (including the City of Moreno Valley). Rather than focusing on one species at a time, implementation of the Western Riverside County MSHCP Section 10 Permit preserves native vegetation and meet the habitat needs of multiple species.

The Project site is located within the Reche Canyon Area Plan of the Western Riverside County MSHCP but is not located within a Cell Group, Criteria Cell, or Sub-Unit and is not targeted for conservation. The Project site is located within the MSHCP Burrowing Owl Survey Area but is not located within the Narrow Endemic Plan Species Survey Area (NEPSSA), the Criteria Area Plant Species Survey Area (CAPSSA), or the MSHCP Mammal and Amphibian Survey Areas (RCA, n.d.). The proposed Project's consistency with the Western Riverside County MSHCP is discussed in detail in EIR Section 4.3, *Biological Resources*, and as such is not further evaluated in this Subsection 4.10.

7. Airport Land Use Compatibility Plan

The March Air Reserve Base/ Inland Port (MARB/IP) Airport Land Use Compatibility Plan (ALUCP) identifies land use standards and design criteria for new development located in the proximity of the MARB/IP Airport to ensure compatibility between the airport and surrounding land uses and to maximize public safety. The Project site is approximately 1.2 miles northwest of the MARB/IP and is within the MARB/IP influence area and subject to the MARB/IP ALUCP (ALUC, 2014, Map MA-1).

4.10.3 Basis for Determining Significance

The Project would result in a significant impact related to land use and planning if the Project or any Project-related component would:

a. *Physically divide an established community; or*

b. *Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to cultural resources that could result from development projects.

4.10.4 Impact Analysis

The analysis provided on the following pages addresses the potential land use and planning impacts that could result from implementation of the proposed light industrial warehouse described in EIR Section 3.0, *Project Description*.

Threshold a: ***Would the Project physically divide an established community?***

The Project would connect to the existing roadway system and other infrastructure and would not involve the reconfiguration of streets that could have the potential to alter the surrounding pattern of future development, or that would affect the connectivity of existing residential uses in the vicinity of the Project Site.

North of the Project Site is Bay Avenue and north of Bay Avenue are non-conforming residential uses and vacant, undeveloped land. This area is designated by the City's General Plan for "Business Park/Light Industrial" land uses, and therefore is expected to eventually convert to non-residential uses. Development of the Project as proposed would not divide the non-conforming residential homes to the north from an established community to the south, because the existing homes are already separated by Bay Avenue and are not physically integrated with an established community to the south such that the Project would form a new physical division.

South of the Project Site and north of Alessandro Boulevard are vacant lots, non-conforming residential structures, and commercial businesses. This area is designated by the City's General Plan as "Business Park/Light Industrial" and "Commercial" land uses. As such, this area is expected to eventually convert to non-residential uses. Development of the Project as proposed would not divide the non-conforming residential homes to the south from an established community to the north, because the existing homes are already separated by the vacant Project Site, which is fenced, and are not physically integrated with an established community to the north such that the Project would form a new physical division.

The area to the west of the Project Site is under development as an industrial park and, further west, transitions to commercial and business uses along Old 215 Frontage Road. The areas west of the Project

Site are designated by the City's General Plan for "Business Park/Light Industrial." The Project would represent a continuation of existing development patterns to the west and would not physically separate these areas from other parts of the local community or the larger City.

East of the Project Site is Day Street and east of Day Street is a residential community and vacant, undeveloped lots. The area east of the Project Site is designated by the General Plan for "Residential/Office" land uses. Development of the Project as proposed would not divide the established community to the east from an established community to the west, because the existing homes are already separated by Day Street and the vacant, fenced Project Site, and are not physically integrated with each other such that the Project would form a new physical division.

Threshold b: ***Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

A. City of Moreno Valley General Plan

The City of Moreno Valley's prevailing planning document is its General Plan, adopted July 11, 2006. The City's General Plan designates the Project site for "Business Park/Light Industrial" land uses. The "Business Park/Light Industrial" land use designation is intended to provide for manufacturing, research and development, warehousing and distribution, as well as office and commercial activities. Development intensity should not exceed a floor area ratio (FAR) of 1.00 and the average floor area ratio should be significantly less. (Moreno Valley, 2006a, p. 9-7)

The Project would not conflict with any specific objectives, policies, or actions in the General Plan's Community Development; Economic Development; Parks, Recreation, and Open Spaces; Circulation; Safety; Conservation; and Housing Elements that were adopted for the purpose of avoiding or mitigating an environmental effect. The Project would not result in any land use or planning conflicts with the General Plan. Impacts would be less than significant.

B. City of Moreno Valley Zoning Ordinance

The Project includes a Change of Zone to amend the City of Moreno Valley Zoning Map to change the zoning classification of the Project Site from "Business Park (BP)" to "Light Industrial (LI)" in order to allow the construction of a building larger than 50,000 s.f. on the eastern portion of the Project Site. Approval of the requested Change of Zone would eliminate any potential inconsistency between the proposed Project and the subject property's underlying zoning classifications. The construction of one larger building compared to the construction of several smaller buildings would not result in any greater environmental effects. Refer to Section 6.0, *Project Alternatives,* for a discussion of the No Project Alternative that evaluates developing multiple, smaller buildings on the Project Site 50,000 s.f. compared to the one larger building proposed by the Project Applicant. The Project's design would not conflict with any development regulations or design standards in the Zoning Ordinance applicable to the proposed LI zone that were adopted to mitigate an environmental effect. The City of Moreno Valley is obligated to ensure that projects are code compliant. There are no components of the Project's

proposed Change of Zone that would result in impacts not already evaluated and disclosed by this EIR. Impacts would be less than significant.

C. SCAG Regional Transportation Plan and Sustainable Communities Strategy

As summarized in the table below, the Project would not conflict with the adopted goals of the RTP/SCS and, therefore, would not result in a significant environmental impact due to a land use and planning conflict.

Table 4.10-1 SCAG's RTP/SCS Goal Consistency Analysis

RTP/SCS Goals	Goal Statement	Project Consistency Discussion
1	Mobility: Build and maintain an integrated multimodal transportation network.	No conflict identified. As part of the Project, the Project Applicant would improve the segments of Bay Avenue and Day Street that front the Project Site to include landscaped parkways with curb-separated sidewalk, which would promote non-vehicular modes of transportation in the local area. Additionally, the Project Applicant would contribute required development impact fees, including TUMF, to fund the improvement and maintenance of the local and regional transportation network.
2	Communities: Develop, connect and sustain livable and thriving communities.	No conflict identified. The Project would develop a 194,775 s.f. light industrial building, that would increase employment opportunities in the local area and would contribute toward the establishment of local development patterns and intensities that could support future transit opportunities in the local area.
3	Environment: Create a healthy region for the people of today and tomorrow.	No conflict identified. As presented throughout this EIR, the Project's impacts to the environment would be less than significant. Additionally, the analysis presented in EIR Subsection 4.5, *Energy*, with mandatory compliance with applicable federal and State regulations and requirements, including the provisions of the Title 24 Building Energy Standards, Project construction and operation would not result in the inefficient, wasteful, or unnecessary consumption of energy.
4	Economy: Support a sustainable, efficient and productive regional economic environment that provides opportunities for all people in the region.	No conflict identified. The policies provided under this goal provide direction to the City, County, and regional agency staff, and are not applicable to the proposed Project.

Source: (SCAG, 2024, p. 85)

4.10.5 Cumulative Impact Analysis

This cumulative impact analysis considers development of the proposed Project in conjunction with buildout of the City of Moreno Valley as called for by the City's General Plan. As discussed under Threshold "a," the Project would not physically divide an established community in any direction, north, south, east, or west. Further, the area west of Day Street is gradually transitioning from the historic – but non-conforming – land use for the area (residential) to employment land uses that are planned by the City's General Plan. The Project would represent a continuation of this ongoing trend of implementing the City's land use vision for the Edgemont community. The Project as designed would not conflict with any development regulations or design standards in the Zoning Ordinance applicable to the proposed LI zone that were adopted to mitigate an environmental effect. The City of Moreno Valley is obligated to ensure that projects are code compliant. Similarly, other projects would be required to be code compliant as development occurs elsewhere throughout the City of Moreno Valley and adjacent cities and unincorporated communities. As such, the Project would not result in any cumulatively-considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.

4.10.6 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would not physically divide an established residential community.

Threshold b: Less than Significant Impact. The Project is consistent with the property's existing "Business Park/Light Industrial" General Plan land use designation. Although the Project Applicant proposes a Change of Zone to allow a building over 50,000 s.f., the larger building would not in and of itself result in significant environmental effects. The Project would not result in significant land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.

4.10.7 Mitigation

Impacts are less-than-significant and no mitigation is required.

4.11 NOISE

This Subsection addresses the environmental issue of noise, including existing noise levels in the Project area and the Project's potential to introduce new or elevated sources of noise. The analysis contained herein incorporates information contained in two (2) technical reports prepared by Urban Crossroads, Inc.: 1) "Bay & Day Commerce Center Noise Impact Analysis, City of Moreno Valley," dated February 19, 2024 (Urban Crossroads, 2024a); and 2) "Bay & Day Commerce Center Cumulative Noise Assessment," dated May 2, 2024 (Urban Crossroads, 2024d). These reports are included as *Technical Appendices M* and *N* to this EIR, respectively. Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

4.11.1 ACOUSTICS FUNDAMENTALS

The concepts presented below are summarized from the Project's Noise Impact Analysis (see *Technical Appendix M*). Refer to Chapter 2 from the Noise Impact Analysis (Pages 7-12) for a detailed discussion of noise and vibration concepts.

A. Noise Definitions

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes physical harm, or when it has adverse effects on health. Because the range of sound that the human ear can detect is large, the scale used to measure sound intensity is based on multiples of 10, the logarithmic scale. The unit of measure to describe sound intensity is the decibel (dB). A sound increase of 10 dB represents a ten-fold increase in sound energy and is perceived by the human ear as being roughly twice as loud. A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise sources by discriminating against very low and very high frequencies of the audible spectrum (i.e., frequencies that are not audible to the human ear). The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at three feet is roughly 60 dBA, while a jet engine is 110 dBA at approximately 1,000 feet.

B. Noise Descriptors

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used noise descriptor is the equivalent level (L_{eq}). L_{eq} represents a steady-state sound level and is not measured directly but is calculated from sound pressure levels typically measured in dBA. Consequently, L_{eq} can vary depending on the time of day.

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may cause a disturbance if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of five (5) decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA Leq sound levels

at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and night hours when sound appears louder. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City of Moreno Valley relies on the 24-hour CNEL level to assess land use compatibility with transportation-related noise sources.

C. Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The way noise reduces with distance depends on geometric spreading, ground absorption, atmospheric effects, and shielding.

1. Geometric Spreading

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

2. Ground Absorption Noise

The path of travel for noise to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source.

3. Atmospheric Effects

Receptors located downwind from a noise source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Other factors that may affect noise levels include air temperature, humidity, and turbulence.

4. Shielding

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Solid objects or barriers are most effective at attenuating noise levels. Effective noise barriers can reduce noise levels by 10 to 15 dBA. Noise

barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the path of the noise source. Shielding by trees and other such vegetation that blocks the line-of-sight typically provides the perception of reduction noise levels; however, for vegetation to provide a noticeable noise reduction (up to 5 dBA of noise reduction), the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of sight between the source and the receiver.

5. *Reflection*

Reflection from barriers and buildings does not substantially increase noise levels. If all the noise striking a structure was reflected back to a given receiving point, the increase would be theoretically limited to 3 dBA. Further, not all the acoustical energy is reflected back to same point. Some of the energy would go over the structure, some is reflected to points other than the given receiving point, some is scattered by ground coverings (e.g., grass and other plants), and some is blocked by intervening structures and/or obstacles (e.g., the noise source itself).

D. Response to Noise

Approximately 15 percent of the population has a very low tolerance for noise and will object to any noise not of their own making, even in the quietest environment, while approximately 20 to 30 percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to noise in any given environment. Despite this variability in behavior on an individual level, the population as a whole can be expected to exhibit the following responses to changes in noise levels: an increase of 1 dBA cannot be perceived except in carefully controlled laboratory experiments; a change of 3 dBA is considered "barely perceptible;" and a change of 5 dBA is considered "readily perceptible."

E. Vibration

Vibration is the periodic oscillation of a medium or object. Sources of groundborne vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration is often described in units of velocity (inches per second) and decibels (dB) and is denoted as VdB.

The background vibration-velocity level in residential areas is generally 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

4.11.2 Existing Noise Conditions

A. Existing Study Area Ambient Noise Conditions

Urban Crossroads recorded 24-hours noise readings at four (4) locations near the Project Site. The noise measurement locations are identified in Figure 4.11-1, *Noise Measurement Locations*, and the data collected at the noise measurement locations is summarized below. Refer to Appendix G of *Technical Appendix M* for the noise measurement worksheets used by Urban Crossroads to calculate the noise levels, including a summary of the hourly noise levels and the minimum and maximum observed noise levels at each measurement location. In general, the existing background ambient noise levels in the Project area are primarily from traffic noise associated with automobiles and truck traffic on the local arterial roadway network and periodic flight operations at the March Air Reserve Base.

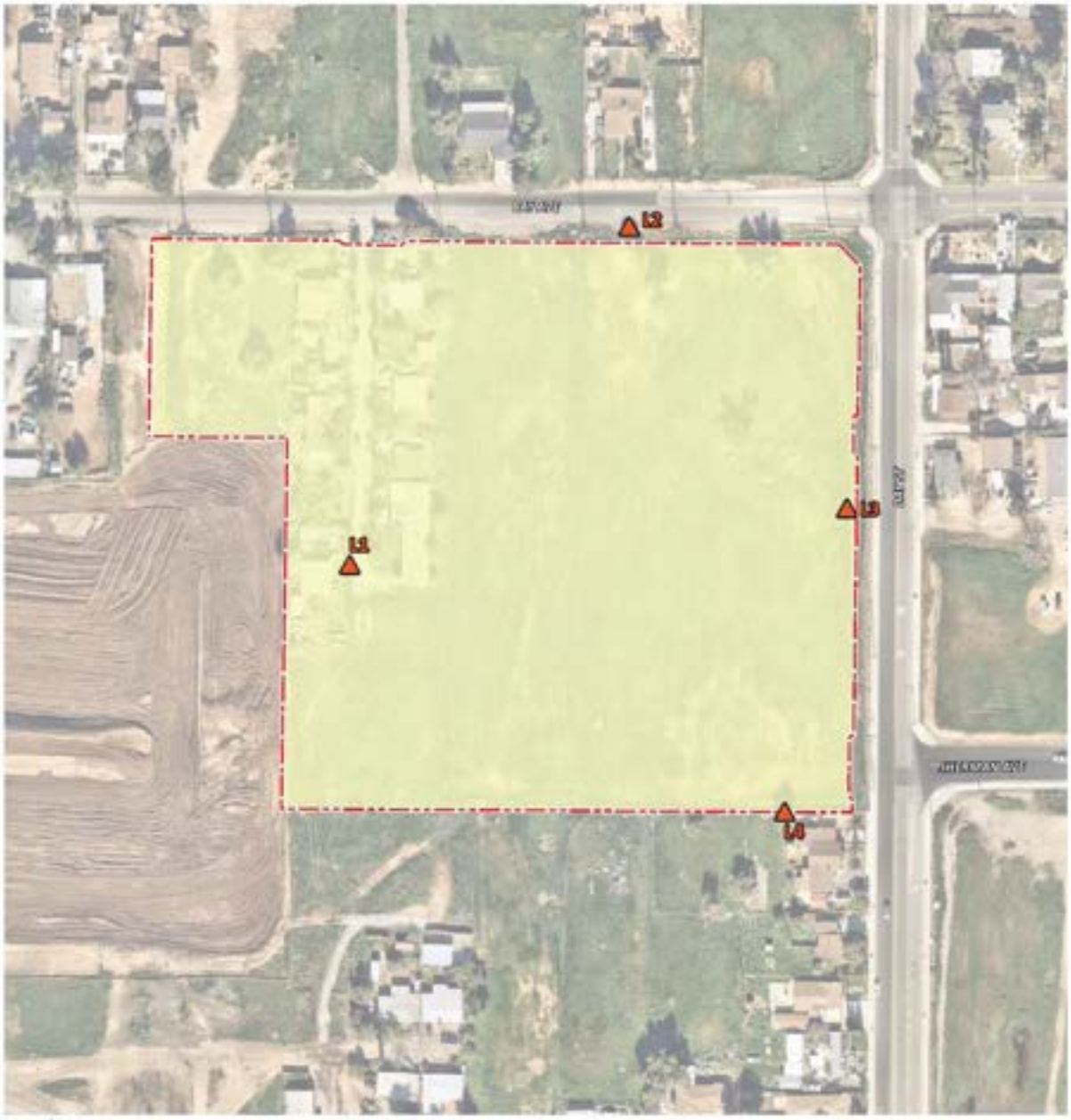
- Location L1 represents noise levels interior to the Project Site, near the existing single-family residence at 21891 Bay Avenue. Noise measurements collected at Location L1 show an average daytime noise level of 50.9 dBA L_{eq} and average nighttime noise level of 50.0 dBA L_{eq} (Urban Crossroads, 2024a, p. 26).
- Location L2 represents the noise levels near the single-family residence at 21948 Bay Avenue, which is located north of the Project Site abutting Bay Avenue. Noise measurements collected at Location L2 show an average daytime noise level of 61.4 dBA L_{eq} and average nighttime noise level of 59.4 dBA L_{eq} (ibid.).
- Location L3 represents the noise levels along the eastern Project Site boundary with Day Street. Noise measurements collected at Location L3 show an average daytime noise level of 53.4 dBA L_{eq} and average nighttime noise level of 49.8 dBA L_{eq} (ibid.).
- Location L4 represents the noise levels located at the southern Project Site boundary on Day Street near the single-family residence at 13881 Day Street. Noise measurements collected at Location L4 show an average daytime noise level of 53.8 dBA L_{eq} and average nighttime noise level of 50.2 dBA L_{eq} (ibid.).

B. Existing Groundborne Vibration

Due to the relatively low intensity of the existing land uses on the Project Site and the lack of heavy impact machinery on or adjacent to the Project Site, there is no perceptible groundborne vibration on the Project Site.

C. Existing Airport Noise

The Project Site is located approximately 0.7-mile northwest of the March Air Reserve Base and is in Land Use Compatibility Zone C1, per the *March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan* (ALUCP) (RCALUC, 2014, Map MA-1). Zone C1 is classified as a Primary Approach/Departure Zone; noise levels in this area are moderate to high and are within or near the 60-CNEL contours (RCALUC, 2014, Table MA-1).



Source(s): Urban Crossroads (06-01-2023)

Figure 4.11-1

Not to Scale

Noise Measurement Locations

4.11.3 Applicable Regulatory Requirements

The following is a brief description of the federal, State, and local environmental laws and regulations related to noise that are applicable to the Project, the Project Site, and/or the surrounding area.

A. Federal Plans, Policies, and Regulations

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare (EPA, 2021g). The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products.

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control.

2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a *Noise and Vibration Impact Assessment* manual, which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents (FTA, 2006, p. 1-1). The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact.

The *Noise and Vibration Impact Assessment* manual also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.11-1, *Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use.

Table 4.11-1 Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment

Land Use Category	GBV Impact Levels (VdB re 1 micro-inch /sec)			GBN Impact Levels (dB re 20 micro Pascals)		
	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB[4]	65 VdB[4]	65 VdB[4]	N/A[4]	N/A[4]	N/A[4]
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB	35 dBA	38 dBA	43 dBA
Category 3: Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB	40 dBA	43 dBA	48 dBA

Notes:

1. "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.
2. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.
3. "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
4. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels. Ensuring lower vibration levels in a building often requires special design of the HVAC systems and stiffened floors.
5. Vibration-sensitive equipment is generally not sensitive to ground-borne noise.

Source: (FTA, 2006, Table 8-1)

3. *Federal Highway Administration*

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project (FHWA, 2017). The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design.

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772.

The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway.

4. Construction-Related Hearing Conservation

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels (OSHA, 2002).

Note: Consistent with the CEQA Guidelines, this analysis does not evaluate the noise exposure of construction workers within the Project Site, and instead, evaluates the Project-related construction noise levels at the nearby sensitive receiver locations in the Project study area. Further, periodic exposure to high noise levels in short duration, such as Project construction, is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.

B. State Regulations

1. State of California Noise Requirements

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city in the State of California adopt a General Plan that includes a Noise Element, which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research.

2. OPR General Plan Guidelines

Though not adopted by law, the 2017 California General Plan Guidelines, published by the California Governor's OPR, provides guidance for local agencies in preparing or updating General Plans. The Guidelines provide direction on the required Noise Element portion of the General Plans. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The OPR Guidelines state that General Plan policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements, and directly correlate to the Land Use, Circulation, and Housing Elements. The Guidelines also state that the Noise Element must be used to guide decisions concerning land use and the location of new roads and transit facilities since these are common sources of excessive noise levels. (OPR, 2017a, pp. 131-132) The Moreno Valley General Plan addresses the topic of noise in the City's General Plan Safety Element. Refer below for a discussion of the City of Moreno Valley's General Plan.

3. Building Standards Code

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code (CBSC, 2020). These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources.

C. Local Plans, Policies, and Regulations

1. City of Moreno Valley General Plan

The Moreno Valley General Plan addresses the topic of Noise in General Plan Chapter 6 (Safety Element), and in Chapter 9 (Goals and Objectives) (Moreno Valley, 2006a, pp. 9-30 through 9-35). In particular, noise is addressed by Objectives 6.3, 6.4 and 6.5 and associated policies and Program 6-3. For example, Policy 6.3.1 requires noise mitigation for sensitive uses where the projected noise level would exceed 65 CNEL. Policy 6.5.1 requires new commercial and industrial activities to mitigate noise impacts on adjacent uses. Policy 6.5.2 requires construction activities to limit noise impacts on surrounding uses. Program 6-3 calls for the City to reevaluate designated truck routes in terms of noise impact to determine if those routes should be adjusted to minimize exposure to truck noise.

2. Moreno Valley Municipal Code

The Noise Ordinance included in Chapter 11.80 (Noise Regulation) of the Moreno Valley Municipal Code provides performance standards and noise control guidelines for activities within the City limits, as described below (Moreno Valley, 2023).

❑ Construction Noise Standards

The Moreno Valley Municipal Code has established restrictions on the time of day that noisy construction activities can occur. Moreno Valley Municipal Code Section 11.80.030(D)(7), *Construction and Demolition*, states:

> *No person shall operate or cause operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 8:00 p.m. and 7:00 a.m. the following day such that the sound there from creates a noise disturbance, except for emergency work by public service utilities or for other work approved by the city manager or designee.*

A noise disturbance is defined by the Moreno Valley Municipal Code as any sound which: a) disturbs a reasonable person of normal sensitivities; b) exceeds the sound level limits set forth in Municipal Code Table 11.80.030-2; or c) is plainly audible as defined in Municipal Code Section 11.80.030. Where no specific distance is set forth for the determination of audibility, references to noise disturbance are deemed to mean plainly audible at a distance of 200 feet from the real property line of the source of the sound on private property or from the source of the sound on roads or other publicly owned property (ibid.). For this analysis, the stationary-source noise level limits of 65 dBA Leq during

the daytime hours and 60 dBA Leq during the nighttime hours are used as appropriate construction thresholds for the nearby sensitive land uses (e.g. residential homes) in the Project study area.

In addition, grading operations are limited to the hours identified in Section 8.21.050 (O) of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 4:00 p.m. on weekends and holidays or as approved by the City Engineer.

❑ Operational Noise Standards

Moreno Valley Municipal Code Section 11.80.030(C), *Nonimpulsive Sound Decibel Limits*, provides the following restriction:

> *No person shall maintain, create, operate or cause to be operated on private property any source of sound in such a manner as to create any nonimpulsive sound which exceeds the limits set forth for the source land use category (as defined in Section 11.80.020) in Table 11.80.030-2 when measured at a distance of two hundred (200) feet or more from the real property line of the source of the sound, if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right-of-way, public space or other publicly owned property. Any source of sound in violation of this subsection shall be deemed prima facie to be a noise disturbance.*

For industrial land uses, the operational noise level limits are 65 dBA Leq during the daytime hours (8:00 a.m. to 10:00 p.m.) and 60 dBA Leq during the nighttime hours (10:01 p.m. to 7:59 a.m.). Therefore, at a distance of 200 feet from the property line, operational noise from industrial buildings is not permitted to exceed 65 dBA Leq during the day and 60 dBA Leq during the night.

Additionally, Moreno Valley Municipal Code Section 9.10.140 (Noise and Sound) prohibits the use of loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices on industrial properties that exceed 55 dBA at any one time beyond the boundaries of the subject property.

❑ Vibration

Moreno Valley Municipal Code Section 9.10.170 (Vibration) prohibits vibration that "can be felt at or beyond the property line."

4.11.4 Basis for Determining Significance

The thresholds listed below are derived directly from Appendix G to the CEQA Guidelines and address the typical, adverse effects related to hazards and hazardous materials that could result from development projects. The Project would result in a significant noise impact if the Project or any Project-related component would result in:

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

b. Generation of excessive groundborne vibration or groundborne noise levels; or

c. For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

In relation to Threshold "a," City of Moreno Valley Noise Ordinance (Moreno Valley Municipal Code Chapter 11.80 and Section 8.21.050) is the only relevant, established construction noise standards for the Project Site. Pursuant to the Moreno Valley Municipal Code, the Project would result in a significant temporary noise impact relevant to Threshold "a" if any of the following were to occur:

- If Project-related construction activities create noise levels at 200 feet from the property line of the noise source that exceed 65 dBA L_{eq} during the daytime hours (7:00 a.m. to 8:00 p.m. for general construction activities on week days; 7:00 a.m. to 6:00 p.m. for grading activities on week days; and 8:00 a.m. to 4:00 p.m. for grading activities on weekends and holidays), or 60 dBA L_{eq} during the nighttime hours (between 10:01 p.m. to 7:59 a.m.).

In relation to Threshold "a," the Project would result in a significant noise impact during operation if any of the following conditions occur:

- If stationary-source noise levels exceed 65 dBA L_{eq} during the daytime hours (8:00 a.m. to 10:00 p.m.) and/or 60 dBA L_{eq} during the nighttime hours (10:01 p.m. to 7:59 a.m.) when measured at a distance of 200 feet from the Project Site's property line; or
- If Project-related operations exposes noise-sensitive receptors to:
  - A 5 dBA or greater noise level increase at noise-sensitive receptors when the existing ambient noise level is less than 60 dBA L_{eq};
  - A 3 dBA or greater noise level increase at noise-sensitive receptors when the existing ambient noise level is between 60.1 and 65 dBA L_{eq}; or
  - A 1.5 dBA or greater noise level increase at noise-sensitive receptors when the existing ambient noise levels exceeds 65.1 dBA L_{eq}.

In relation to Threshold "b," the Moreno Valley Municipal Codes does not define the numeric level at which a development project's vibration levels are considered "excessive." For purposes of this EIR, the metric used to evaluate whether the Project's vibration levels are considered "excessive" during either construction or operation is adapted from FTA, *Transit Noise and Vibration Impact Assessment Manual*. Accordingly, in consideration of the Municipal Code and FTA criteria, for evaluation under Threshold "b," vibration levels are considered significant if Project-related activities would create or cause to be created any vibration activity that would exceed 0.3 in/sec PPV at an adjacent land use.

4.11.5 Methodology for Calculating Project-Related Noise Impacts

A. Construction Noise Analysis Methodology

For the construction noise analysis, reference noise level measurements published in the FHWA Roadway Construction Noise Model (RCNM) were utilized. Based on guidance from the FTA *Noise and Vibration Impact Assessment* manual, all pieces of construction equipment used in each phase of construction were assumed to operate at the same time and a combined noise level for each construction phase was created using the CadnaA (Computer Aided Noise Abatement) noise prediction model and usage factors from the RCNM. Table 4.11-2, *Reference Construction Noise Levels*, provides a summary of the reference noise levels used for each stage of Project construction. Refer to Subsection 8.2 from the Project's Noise Impact Analysis (see *Technical Appendix M*) for a detailed discussion of the derivation of assumed construction noise levels.

Table 4.11-2 Reference Construction Noise Levels

Construction Stage	Reference Construction Activity	Reference Noise Level @ 50 Feet (dBA L_{eq})[1]	Combined Noise Level (dBA L_{eq})[2]	Combined Sound Power Level (PWL)[3]
Site Preparation	Crawler Tractors	78	80	112
	Hauling Trucks	72		
	Rubber Tired Dozers	75		
Grading	Graders	81	83	115
	Excavators	77		
	Compactors	76		
Building Construction	Cranes	73	81	113
	Tractors	80		
	Welders	70		
Paving	Pavers	74	83	115
	Paving Equipment	82		
	Rollers	73		
Architectural Coating	Cranes	73	77	109
	Air Compressors	74		
	Generator Sets	70		

[1] FHWA Roadway Construction Noise Model (RCNM).
[2] Represents the combined noise level for all equipment assuming they operate at the same time consistent with FTA Transit Noise and Vibration Impact Assessment guidance.
[3] Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calibrated using the CadnaA noise model at the reference distance to the noise source.
Source: (Urban Crossroads, 2024a, p. 43)

The construction noise analysis evaluates Project construction-related noise levels at the closest nearby receiver locations in the Project study area. Five (5) representative receiver locations were considered in the construction noise analysis, including existing dwelling units located along Bay Avenue and Day Street. The receiver locations used in the construction noise analysis are shown on Figure 4.11-2, *Noise Receiver Locations*. The modeled noise-sensitive receiver locations are representative of existing receptors nearest the Project Site. It is important to note that it is not necessary to calculate noise levels at every receiver location in proximity to the Project Site because receivers located at a similar distance from Project construction activities with similar ground elevations, orientation, and intervening physical conditions as the modeled receptor locations would experience the same or very similar noise effects as those presented herein, while receptors at a greater distance would experience lesser noise effects.

B. Stationary Noise Analysis Methodology

To estimate the Project operational noise impacts, reference noise level measurements were collected from active industrial and warehousing facilities in southern California with similar operational characteristics as expected for the Project. While sound pressure levels (e.g., L_{eq}) quantify in decibels the intensity of given sound sources at a reference distance, sound power levels (Lw) are connected to the sound source and are independent of distance. Sound pressure levels vary substantially with distance from the source and diminish because of intervening obstacles and barriers, air absorption, wind, and other factors. Sound power is the acoustical energy emitted by the sound source and is an absolute value that is not affected by the environment. The reference Project operational noise and sound power levels are summarized in Table 4.11-3, *Operational Reference Noise Levels.*

Table 4.11-3 Operational Reference Noise Levels

Noise Source[1]	Noise Source Height (Feet)	Min./ Hour[2]		Reference Noise Level (dBA L_{eq}) @ 50 Feet	Sound Power Level (dBA)[3]
		Day	Night		
Loading Dock Activity	8'	60	60	65.7	111.5
Roof-Top Air Conditioning Units	5'	39	28	57.2	88.9
Trash Enclosure Activity	5'	10	10	57.3	89.0
Parking Lot Vehicle Movements	5'	60	60	56.1	79.0
Truck Movements	8'	60	60	59.8	93.2

[1] As measured by Urban Crossroads, Inc.
[2] Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project Site. "Daytime" = 8:00 a.m. - 10:00 p.m.; "Nighttime" = 10:01 p.m. - 7:59 a.m.
[3] Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source.
Source: (Urban Crossroads, 2024a, p. 33)

Source(s): Urban Crossroads (06-01-2023)

Figure 4.11-2

Not to Scale

Noise Receiver Locations

To fully describe the exterior operational noise levels from the Project, Urban Crossroads developed a noise prediction model using the CadnaA computer program. CadnaA can analyze multiple types of noise sources, including the spatially accurate development site plan, georeferenced aerial imagery, topography, and three-dimensional buildings and barriers, in its calculations to predict outdoor noise levels. Noise levels were calculated at the receiver locations shown in Figure 4.11-2. As discussed earlier in this Subsection, it is not necessary to study every single receiver location surrounding Project orientation, and intervening physical conditions (e.g., walls, landscaping) as the modeled receptor locations would experience noise levels the same or very similar to those locations modeled in the Noise Impact Analysis. Refer to Subsections 7.2 and 7.3 from the Project's Noise Impact Analysis (see *Technical Appendix M*) for a detailed discussion of the derivation of assumed operational noise levels.

C. Vibration

Vibration levels were predicted using reference vibration levels and logarithmic equations contained in the FTA *Noise and Vibration Impact Assessment* manual. The vibration source levels for Project construction equipment are summarized in Table 4.11-4, *Vibration Source Levels for Construction Equipment*.

Table 4.11-4 Vibration Source Levels for Construction Equipment

Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual
Source: (Urban Crossroads, 2024a, p. 47)

4.11.6 Impact Analysis

Threshold a: ***Would the Project generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

The analysis presented on the following pages summarizes the Project's potential construction noise levels and operational noise levels. The detailed noise calculations for the analysis presented here are provided in Appendices 7.1 and 8.2 of *Technical Appendix M*.

A. Construction Noise Impact Analysis

Construction activities on the Project Site would proceed in five (5) stages: 1) site preparation; 2) grading; 3) building construction; 4) paving; and 5) application of architectural coatings. Project construction activities would occur primarily during daytime hours but there is the potential that some

or all concrete pouring required for the building's foundation and/or wall panels could occur during nighttime hours (and should authorization for nighttime work be granted by the City of Moreno Valley). These activities would create temporary periods of noise when pieces of heavy construction equipment are in operation and would cause a short-term increase in ambient noise levels. Project construction noise levels at nearby sensitive receiver locations and at 200 feet from the Project Site are summarized in Table 4.11-5 and Table 4.11-6.

Table 4.11-5 Daytime Project Construction Noise Level Summary

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels[2]
R1	65.8	68.8	66.8	68.8	62.8	68.8
R2	65.6	68.6	66.6	68.6	62.6	68.6
R3	69.6	72.6	70.6	72.6	66.6	72.6
R4	61.5	64.5	62.5	64.5	58.5	64.5
R5	64.8	67.8	65.8	67.8	61.8	67.8
at 200'	60.6	63.6	61.6	63.6	57.6	63.6

[1] Noise receiver locations are shown on Figure 4.11-2
[2] Construction noise level calculations based on distance from the construction activity, which is measured from the Project site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 8.1 of the Project's Noise Impact Analysis.
Source: (Urban Crossroads, 2024a, p. 44)

Table 4.11-6 Nighttime Concrete Pouring Noise Level Summary

Receiver Location[1]	Concrete Pour Noise Levels (dBA L_{eq})
	Exterior Noise Levels[2]
R1	54.9
R2	52.8
R3	54.7
R4	48.5
R5	49.3
at 200'	46.9

[1] Noise receiver locations are shown on Figure 4.11-2.
[2] Construction noise level calculations based on distance from the concrete pour activity, which is measured from the Project building to the nearest receiver locations. CadnaA concrete pour noise model inputs are included in Appendix 8.2 of the Project's Noise Impact Analysis .
Source: (Urban Crossroads, 2024a, p. 47)

As shown in Table 4.11-5 and Table 4.11-6, Project-related daytime construction activities and potential nighttime construction activities would not conflict with or exceed the standards established by the Municipal Code. Notwithstanding, noise from construction activities is evaluated against a secondary standard, established by the FTA, to ensure that construction noise does not result in a substantial adverse effect to nearby receptor locations. The FTA standard of 80 dBA L_{eq} (daytime) and 70 dBA L_{eq} (nighttime) is consistent with safety standards adopted by the National Institute for

Occupational Safety and Health (NIOSH) and construction noise at or below these levels have been demonstrated to result in insignificant health effects to exposed receptors during prolonged exposure (more than 8 hours per day) (Urban Crossroads, 2024a, p. 17). Accordingly, Project construction activities would not expose nearby receptors to substantial adverse effects and impacts would be less than significant.

B. Operational Noise Impact Analysis

Noise sources associated with long-term Project operation are expected to include idling trucks, delivery truck and automobile parking, delivery truck backup alarms, roof-top air conditioning units, loading and unloading of delivery trailers, and parking lot vehicle movements. The daytime and nighttime stationary noise levels from Project operations are summarized in Table 4.11-7 and Table 4.11-8. The noise levels presented below take into account all Project design features described in EIR Section 3.0, including the proposed screen wall along the southern boundary of the Project Site.

Table 4.11-7 Daytime Operational Noise Level Summary

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA L_{eq})					
	R1	R2	R3	R4	R5	at 200'
Loading Dock Activity	47.5	31.3	43.8	52.1	52.3	52.3
Roof-Top Air Conditioning Units	33.6	39.0	42.8	32.5	29.3	30.7
Trash Enclosure Activity	11.3	7.8	28.9	33.4	23.8	35.3
Parking Lot Vehicle Movements	21.9	40.3	40.6	18.1	11.7	16.5
Truck Movements	44.5	31.8	50.6	41.0	37.8	38.5
Total (All Noise Sources)	**49.4**	**43.3**	**52.3**	**52.5**	**52.5**	**52.6**

[1] See Figure 4.11-2 for the noise source locations. CadnaA noise model calculations are included in Appendix 7.1 of the Project's Noise Impact Analysis.
Source: (Urban Crossroads, 2024a, p. 35)

Table 4.11-8 Nighttime Operational Noise Level Summary

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA L_{eq})					
	R1	R2	R3	R4	R5	at 200'
Loading Dock Activity	47.5	31.3	43.8	52.1	52.3	52.3
Roof-Top Air Conditioning Units	31.2	36.6	40.4	30.1	26.9	28.3
Trash Enclosure Activity	7.4	3.8	24.9	29.4	19.8	31.3
Parking Lot Vehicle Movements	21.9	40.3	40.6	18.1	11.7	16.5
Truck Movements	44.5	31.8	50.6	41.0	37.8	38.5
Total (All Noise Sources)	**49.3**	**42.6**	**52.1**	**52.5**	**52.5**	**52.5**

[1] See Figure 4.11-2 for the noise source locations. CadnaA noise model calculations are included in Appendix 7.1 of the Project's Noise Impact Analysis.
Source: (Urban Crossroads, 2024a, p. 36)

Table 4.11-7 and Table 4.11-8 demonstrate that Project operations will satisfy the City of Moreno Valley 65 dBA L_{eq} daytime and 60 dBA L_{eq} nighttime exterior noise level standards at 200 feet from the Project Site. The Project's operational noise would contribute between 0.3 dBA L_{eq} and 3.9 dBA L_{eq} to the existing daytime and nighttime ambient noise environment in the Project area, which is not considered to be a substantial increase based on the existing ambient noise levels and the applicable

thresholds of significance (Urban Crossroads, 2024a, p. 38). Based on the foregoing analysis, operation of the Project would not result in a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of applicable City of Moreno Valley standards. Impacts would be less than significant.

Threshold b: ***Would the Project generate excessive groundborne vibration or groundborne noise levels?***

A. Construction Analysis

Construction activities on the Project Site would utilize equipment that has the potential to generate vibration. Vibration levels at sensitive receptors near the Project Site during Project construction are summarized on Table 4.11-9, *Construction Equipment Vibration Summary*. As shown, none of the receiver locations in the vicinity of the Project Site would be exposed to vibration levels that exceed the applicable significance threshold. Accordingly, Project construction would not generate excessive or substantial temporary groundborne vibration or noise levels and a less-than-significant impact would occur.

Table 4.11-9 Construction Equipment Vibration Summary

Receiver[1]	Distance to Const. Activity (Feet)[2]	Typical Construction Vibration Levels PPV (in/sec)[3]					Thresholds PPV (in/sec)[4]	Thresholds Exceeded?[5]
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	96’	0.000	0.005	0.010	0.012	0.012	0.3	No
R2	88’	0.000	0.005	0.012	0.013	0.013	0.3	No
R3	20’	0.004	0.049	0.106	0.124	0.124	0.3	No
R4	195’	0.000	0.002	0.003	0.004	0.004	0.3	No
R5	77’	0.001	0.006	0.014	0.016	0.016	0.3	No
at 200'	200'	0.000	0.002	0.003	0.004	0.004	0.3	No

[1] Receiver locations are shown on Figure 4.11-2.
[2] Distance from receiver location to Project construction boundary (Project Site boundary).
[3] Based on the Vibration Source Levels of Construction Equipment (Table 4.11-4).
[4] Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.
[5] Does the peak vibration exceed the acceptable vibration thresholds?
"PPV" = Peak Particle Velocity
Source: (Urban Crossroads, 2024a, p. 48)

B. Operational Analysis

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project Site. Trucks would travel to and from the Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not result in the exposure of persons to excessive groundborne vibration or noise levels during long-term operation and a less-than-significant impact would occur.

Threshold c:	***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?***

The Project is located approximately 0.7-mile north of the March Air Reserve Base and is located within Compatibility Zone C1 of the MARB/IP ALUCP. Compatibility Zone C1 is classified as the primary approach/departure zone and the noise impact is considered as "moderate;" however, the ALUCP notes that industrial land uses – like those proposed by the Project – are not sensitive to moderate airport noise (RCALUC, 2014, Table MA-1, Table MA-2). Additionally, the Project Site is located outside of the March Air Reserve Base's 65 dBA CNEL noise contour boundary, and the proposed Project use does not conflict with the noise restrictions within the ALUCP (RCALUC, 2014, Table MA-1, Table MA-2). Lastly, in their public hearing on January 11, 2024, the Riverside County Airport Land Use Commission reviewed the Project and concluded the Project would not conflict with any noise-related standards and policies within the MARB/IP ALUCP (ALUCP, 2024). Accordingly, the Project would not expose people working on the Project Site to excessive noise levels from airport operations. Impacts would be less than significant.

4.11.7 Cumulative Impact Analysis

A. Construction Noise

Although there are several approved and proposed development projects located within an approximately 0.5-mile radius of the Project Site, as noted in Section 4.0, *Environmental Analysis* of this EIR, none of the construction projects are expected to overlap with Project construction activities because the other projects are substantially "ahead" of the proposed Project, having already received discretionary approval and with construction plans under review/permits issued whereas the Project still needs to complete the City's discretionary review process before being considered for approval by the City's decision-makers (and, if approved, would still require the City's review and issuance of construction permits) and/or are not close enough to the Project Site to make a considerable contribution to the existing noise environment in the immediate vicinity of the Project Site, as noise diminishes rapidly over distance.

Notwithstanding, a cumulative construction noise analysis was performed under the assumption that all known cumulative development Projects within an approximately 0.5-mile radius were under construction concurrently with peak noise activities occurring simultaneously. The results of the cumulative construction noise analysis, which is summarized in Table 4.11-10, demonstrates that peak cumulative construction noise levels would not exceed 63.6 dBA L_{eq} and, therefore, would not exceed the applicable significance threshold. Accordingly, construction of the Project would not cumulatively contribute to substantial temporary noise levels in excess of applicable local standards. Cumulative impacts from temporary Project-related construction activities would be less than significant.

Table 4.11-10 Cumulative Construction Noise Summary

Receiver Location[1]	Cumulative Construction Noise Levels (dBA Leq)					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels[2]
R1	65.3	68.3	66.3	68.3	62.3	68.3
R2	65.4	68.4	66.4	68.4	62.4	68.4
R3	68.3	71.3	69.3	71.3	65.3	71.3
R4	63.1	66.1	64.1	66.1	60.1	66.1
R5	64.1	67.1	65.1	67.1	61.1	67.1
at 200'	61.4	64.4	62.4	64.4	58.4	64.4

[1] Noise receiver locations are shown on Figure 4.11-2.
[2] Construction noise level calculations based on distance from the construction activity, which is measured from the Project Site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in *EIR Technical Appendix O*.
Source: (Urban Crossroads, 2024d, p. 3)

B. Operational Noise

A cumulative noise analysis was performed to assess potential peak operational noise levels from proposed and approved development projects in vicinity of the Project Site. The results of the cumulative noise analysis are presented in Table 4.11-11. As shown, cumulative noise levels would comply with the City of Moreno Valley 65 dBA L_{eq} daytime and 60 dBA L_{eq} nighttime exterior noise level standards at a distance of 200 feet from the Project Site. Based on the foregoing analysis, operation of the Project would not contribute to a cumulatively considerable, permanent increase in ambient noise levels in the vicinity of the Project in excess of applicable City of Moreno Valley standards. Cumulative impacts would be less than significant.

Table 4.11-11 Cumulative Operational Noise Summary

Receiver Location[1]	Cumulative + Project Noise Levels (dBA L_{eq})[2]		Noise Level Standards (dBA L_{eq})[3]		Noise Level Standards Exceeded?[4]	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	54.1	53.2	65	60	No	No
R2	52.8	52.7	65	60	No	No
R3	58.4	58.3	65	60	No	No
R4	56.5	56.5	65	60	No	No
R5	57.4	57.4	65	60	No	No
@ 200	55.9	55.9	65	60	No	No

[1]See Figure 4.11-2 for the receiver locations.
[2]Cumulative + Project operational noise level calculations are included in *EIR Technical Appendix O*.
[3]Exterior noise level standards for source (commercial) land use.
[4]Do the estimated Project operational noise source activities exceed the noise level standards? "Daytime" = 8:00 a.m. - 10:00 p.m.; "Nighttime" = 10:01 p.m. - 7:59 a.m.
Source: (Urban Crossroads, 2024d, p. 4)

C. *Groundborne Vibration and Noise*

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project's vibration would be minimal.) Vibration effects diminish very rapidly from the source; therefore, the only reasonable sources of cumulative vibration in the vicinity of the Project Site could occur on properties abutting the same receptors that would be affected by the Project. There are no known active or pending construction projects that abut both the Project Site and the receptors that abut the Project Site and, also, would be utilizing large pieces of off-road construction equipment concurrent to Project construction activities. Accordingly, there is no potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise.

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project Site. Trucks would travel to and from the Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

D. *Airport Noise*

The Project would not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with implementation of the Project that would contribute airport noise or exposure of additional people to unacceptable levels of airport noise. Accordingly, the Project would have no potential to cumulatively contribute to impacts associated with noise from a public airport, public use airport, or private airstrip. Accordingly, there is no potential for cumulative development to expose persons residing or working in the Project area to excessive airport-related noise levels.

4.11.8 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would not generate short-term construction or long-term operational noise levels during construction and operation that exceed the standards established by the Moreno Valley Municipal Code.

Threshold b: Less than Significant Impact. The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.

Threshold c: Less than Significant Impact. The Project Site is located within an area exposed to moderate noise from March Air Reserve Base. The land use proposed by the Project is not sensitive to airport noise. The Project would not expose people to excessive noise levels associated with a public airport or public use airport.

4.11.9 Mitigation Measures

Impacts would be less than significant and no mitigation is required.

4.12 TRANSPORTATION

This Subsection is based, primarily, on a vehicle miles traveled report prepared by Urban Crossroads, titled "Bay & Day Commerce Center Vehicle Miles Traveled (VMT) Screening Evaluation," dated February 27, 2024 (Urban Crossroads, 2024b); and on a trip generation report prepared by Urban Crossroads, titled "Bay & Day Commerce Center Trip Generation Assessment," dated February 27, 2024 (Urban Crossroads, 2024c). These reports are included in this EIR as *Technical Appendix O* and *Technical Appendix P* respectively.

This Subsection assesses transportation impacts that would result from implementation of the Project. In accordance with Senate Bill (SB) 743, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018 that require, starting on July 1, 2020, the use of vehicle miles traveled (VMT) as the metric to evaluate a project's transportation impacts. As of December 2018, when the revised CEQA Guidelines were adopted, automobile delay, as measured by "level of service" (LOS) and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts.

4.12.1 EXISTING CONDITIONS

The Project Site contains seven (7) dwelling units, which generate relatively minimal daily traffic. The Project Site is in an area of Moreno Valley that generates approximately 10.21 vehicle miles traveled per employee (Urban Crossroads, 2024b, p. 3).

A. Existing Roadway System

The Project Site abuts Bay Avenue on the north and Day Street on the east. Along the Project Site frontage, Bay Avenue is paved with one westbound lane and one eastbound lane. There are no paved shoulders, curb, gutters, or sidewalks along the segment of Bay Avenue fronting the Project Site. Along the Project Site frontage, Day Street is paved with one northbound lane and one southbound lane. Both sides of the street have curb, gutter, and sidewalk.

The primary regional vehicular travel route serving the Project area is I-215, which is located approximately 0.44-mile west of the Project Site. The Project Site is located approximately 0.60 roadway mile northeast of the Alessandro Boulevard on/off-ramp to I-215. I-215 provides access to SR-60, which is located approximately 1.53 miles north of the Project Site (Google Earth, 2023).

B. Existing Truck Routes

Truck routes designated by the City of Moreno Valley include but are not limited to Alessandro Boulevard, Cactus Avenue, Elsworth Street, Frederick Street, and Heacock Street (Moreno Valley, 2019). Based on the location and design of the Project, Alessandro Boulevard is the likeliest truck route to serve the Project. Alessandro Boulevard is located approximately 0.25-mile south of the Project Site and provides direct access to Interstate 215 (I-215).

C. Existing Transit Services

The Riverside Transit Agency (RTA) provides public transit service within the City of Moreno Valley and the surrounding cities and unincorporated areas. RTA provides local bus service in the Project area via Route 20 on Alessandro Boulevard, Moreno Beach Drive, and Iris Avenue; and via Route 11 along Frederick Street and Alessandro Boulevard.

The area also is served by Metrolink, a commuter rail service operated by the Southern California Regional Rail Authority (SCRRA). Metrolink train service is available between the counties of Ventura, Los Angeles, San Bernardino, Orange, Riverside, and north San Diego. The City of Moreno Valley is served by the Moreno Valley/March Field Metrolink Station, at 14160 Meridian Parkway and approximately 0.8 mile southwest of the Project Site.

D. Existing Bicycle and Pedestrian Facilities

There is a sidewalk along the western side of Day Street that abuts the Project's eastern boundary. There is also a sidewalk along the eastern side of Day Street, and both sidewalks extend north and south beyond the boundaries of the Project Site. To the east of the Project Site, there is a sidewalk along the southern side and along portions of the northern side of Sherman Avenue. To the south of the Project Site, there are sidewalks on both the northern and southern sides of Alessandro Boulevard between Linda Court and Day Street. There are no existing bike lanes on the segments of Day Street and Bay Avenue that abut the Project Site. However, the City of Moreno Valley Bicycle Master Plan designates Day Street (south of Bay Avenue) for a future Class III bicycle lane and Bay Avenue (west of Day Street) for a bicycle boulevard.

4.12.2 Applicable Regulatory Requirements

A. State Plans, Policies, and Regulations

1. Senate Bill 743

SB 743, which was codified in Public Resources Code Section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to Public Resources Code Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." To that end, in developing the criteria, the OPR proposed, and the CNRA certified and adopted changes to the CEQA Guidelines in December 2018, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation. The updated CEQA Guidelines include the addition of CEQA Guidelines Section 15064.3, of which subsection "b" establishes criteria for evaluating a project's transportation impacts based on project type and using automobile VMT as the metric (OPR, 2019).

B. Local Plans, Policies, and Regulations

1. SCAG Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project Site is within SCAG's regional authority.

On April 4, 2024, SCAG's Regional Council approved and adopted the *2024-2050 Regional Transportation Plan/Sustainable Communities Strategy* ("*Connect SoCal*"). *Connect SoCal* is the applicable Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the Project. *Connect SoCal* embodies a collective vision for the region's future, prepared with input by local governments, county transportation commissions (CTCs), tribal governments, non-profit organizations, businesses, and stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. *Connect SoCal* plans for a large number of transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs, and replacement bridges. These future investments were included in county plans developed by the six CTCs and seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices. The goals of *Connect SoCal* are to: 1) build and maintain an integrated multimodal transportation network; 2) develop, connect and sustain communities that are livable and thriving; 3) create a healthy region for the people of today and tomorrow; and 4) support a sustainable, efficient and productive regional economic environment that provides opportunities for all residents. (SCAG, 2024)

C. Transportation Uniform Mitigation Fee (TUMF) Program

In 2000, the Western Riverside Council of Governments (WRCOG) established the Transportation Uniform Mitigation Fee (TUMF) Program to mitigate the cumulative regional impacts of projected future growth and new development on the region's arterial highway system. The TUMF Program applies a uniform mitigation fee to new development projects that is collected by each WRCOG member agency, including the City of Moreno Valley. The collected funds are pooled and used by WRCOG to fund transportation network improvements, including roads, bridges, interchanges, and railroad grade separations, identified by the public works departments of WRCOG member agencies and listed in the Regional System of Highways and Arterials (RHSA) (WRCOG, 2016, p. 1).

D. City of Moreno Valley Development Impact Fee (DIF) Program

The City of Moreno Valley created its Development Impact Fee (DIF) program to impose and collect fees from new residential, commercial, and industrial development for the purpose of funding local improvements necessary to accommodate City growth as identified in the City's General Plan Circulation Element (Moreno Valley, 2023, Section 3.42.110). The identification of specific roadway and intersection improvement projects and the timing to use the DIF fees is established through periodic capital improvement programs which are overseen by the City's Public Works Department.

E. City of Moreno Valley General Plan Circulation Element

The City of Moreno Valley's General Plan Circulation Element is intended to guide the development of the City's circulation system in a manner that is compatible with the City's General Plan Land Use Element. To help meet traffic demands and achieve balanced growth, the City has adopted specific goals and policies, which serve as the basis for the Circulation Element.

F. City of Moreno Valley Bicycle Master Plan

The City of Moreno Valley Bicycle Master Plan, adopted in January 2015, identifies deficiencies and opportunities in the City's existing bicycle facility system and presents a long-range plan for the provision of a safe, convenient and efficient environment for bicycle travel in Moreno Valley. Surrounding the Project Site, there is an existing Class II Bike Lane south of the Project Site along Alessandro Avenue (Moreno Valley, 2015, Figure 15). The Bicycle Master Plan recommends a Class III Bike Route east of the Project Site along Day Avenue and a Bicycle Boulevard north of the Project Site along Bay Avenue.

4.12.3 Basis for Determining Significance

The Project would result in a significant impact to the transportation system if the Project or any Project-related component would:

a. *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

b. *Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

d. *Result in inadequate emergency access?*

The above-listed thresholds are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse environmental effects related to transportation that could result from development projects.

4.12.4 Transportation Impact Analysis Methodology

This Subsection assesses transportation impacts that would result from implementation of the Project. In accordance with Senate Bill (SB) 743, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018 that require, starting on July 1, 2020, the use of vehicle miles traveled (VMT) as the metric to evaluate a project's transportation impacts. As of December 2018, when the revised CEQA Guidelines were adopted, automobile delay, as measured by "level of service" (LOS) and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts.

The Project's VMT Analysis was prepared in accordance with the City of Moreno Valley's *Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment* ("Traffic Guidelines," June 2020) and relies on the analysis methodologies that are generally summarized below. Refer to the Project's VMT Analysis (*Technical Appendix O*) for a detailed description of the methodology used for calculating VMT and evaluating potential VMT impacts.

The Project's VMT analysis relies on the Riverside Transportation Analysis Model (RivTAM) and Western Riverside Council of Governments VMT Screening Tool (Screening Tool) to conduct an initial screening analysis. If a development project meets at least one of the City's screening thresholds, then the City's Transportation Guidelines conclude that sufficient evidence is available to support a presumption of a less than significant impact. For projects that do not meet the screening thresholds, then project-specific VMT calculations are required to be prepared using the RivTAM; any project found to exceed the City's average baseline VMT (per capita for residential projects or per employee for employment projects) is concluded to have a significant impact.

4.12.5 Impact Analysis

Threshold a: ***Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

This response provides an analysis of the Project's potential to result in a conflict with plans, programs, ordinances, or policies that address the circulation system, including transit, roadway, bicycle, and pedestrian facilities. A project that generally conforms with, and does not obstruct, applicable plans, programs, ordinances, and policies is considered to be consistent. The transportation plans, policies, programs, ordinances, and standards that are relevant to the Project are identified in the analysis below.

❑ Connect SoCal

The fundamental goals of SCAG's *Connect SoCal* are to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income class. As indicated below, implementation of the Project would not conflict with the goals and policies of SCAG's regional planning program that are applicable to the Project and related to vehicular and non-vehicular circulation. Accordingly, the Project would not conflict with the goals of *Connect SoCal* and Project impacts would be less than significant.

Goal 1: Mobility – Build and maintain an integrated multimodal transportation network.

No component of the Project would conflict with the building and maintenance of an integrated multimodal transportation network. As part of the Project, the Project Applicant would improve the segments of Bay Avenue and Day Street that front the Project Site to include landscaped parkways with curb-separated sidewalk, which would promote non-vehicular modes of transportation in the local area. Additionally, the Project Applicant would contribute required development impact fees to fund the improvement and maintenance of the local and regional transportation network.

Goal 2: Communities – Develop, connect, and sustain livable and thriving communities.

No component of the Project would adversely affect the ability to develop, connect, and sustain livable and thriving communities. The Project would develop a 194,775 s.f. light industrial building, that would increase employment opportunities in the local area and would contribute toward the establishment of local development patterns and intensities that could support future transit opportunities in the local area.

Goal 3: Environment – Create a healthy region for the people of today and tomorrow.

No conflict with the above goal identified. As presented throughout this EIR, the Project's impacts to the environment would be less than significant. Additionally, the analysis presented in EIR Subsection 4.5, *Energy*, with mandatory compliance with applicable federal and State regulations and requirements, including the provisions of the Title 24 Building Energy Standards, Project construction and operation would not result in the inefficient, wasteful, or unnecessary consumption of energy.

Goal 4: Economy – Support a sustainable, efficient and productive regional economic environment that provides opportunities for all people in the region.

No component of the Project would conflict with the above goal. The policies provided under this goal provide direction to the City, County, and regional agency staff, and are not applicable to the proposed Project.

❑ City of Moreno Valley General Plan Circulation Element

Provided herein is a discussion of the Project's consistency with the objectives of the City of Moreno Valley's General Plan Circulation Element. The analysis provided below factors all components of the Project, including the entitlement approval process (which includes a requested Change of Zone), construction, and operation.

Objective 5.1 – Create a safe, efficient and neighborhood-friendly street system.

As part of the Project's development, roadway improvements would be constructed along the Project Site's frontages with Day Street and Bay Avenue, which would improve transportation safety and efficiency by providing sidewalks and improved travel ways. The Project will contribute to the development of the City's street system consistent with Circulation Element Policies 5.1.1 and 5.1.3 to 5.1.6. Policy 5.1.2 is not directly applicable to the Project; however, implementation of the Project would not conflict with or prevent the City from implementing this policy. Therefore, the Project would not conflict with or prevent the City from achieving Circulation Element Objective 5.1.

Objective 5.2 – Implement access management policies.

This policy addresses residential street design and the incorporation of traffic calming design into local and collector streets to promote safe vehicle speeds. The proposed Project is not a residential project

and does not abut any collector streets (Moreno Valley, 2006a, Figure 9-1); therefore, the Project would not conflict with implementation of any policies under Circulation Element Objective 5.2.

Objective 5.3 – Maintain Level of Service (LOS) "C" on roadway links, wherever possible, and LOS "D" in the vicinity of SR 60 and high employment centers.

SB 743 and the CEQA Guidelines stipulate that environmental impact conclusions for transportation must be based on VMT (discussed in threshold (b) below) and not LOS. Regardless, as addressed in detail later in this section (see consistency discussion for "City of Moreno Valley Traffic Study Guidelines," below), the Project Applicant has provided the City with a trip generation analysis report that satisfies the analysis requirements from the City's Transportation Guidelines. The report demonstrates that the Project would not prevent the City of achieving their policies related to the design and performance of the local roadway network and would be consistent with Circulation Element Policies 5.3.1 and 5.3.2. In addition, the Project Applicant is required to pay TUMF and DIF, which will contribute to the improvement of the local and regional roadway system (Policy 5.3.5). None of the other policies under Objective 5.3 are directly applicable to the Project; however, implementation of the Project would not conflict with or prevent the City from implementing any of these policies or achieving Objective 5.3.

Objective 5.4 – Maximize efficiency of the regional circulation system through close coordination with state and regional agencies and implementation of regional transportation policies.

This objective would be implemented by cities and counties within the region as part of the overall planning and maintenance of the regional circulation system. The Project would not interfere in any way with the City's coordination with State and regional agencies, and no component of the Project would prevent the City from implementing Circulation Element Policies 5.4.1 to 5.4.9. In addition, the Project would be consistent with regional transportation policies, including SCAG's 2024-2050 RTP/SCS and Connect SoCal. Thus, implementation of the Project would not conflict with Circulation Element Object 5.4

Objective 5.5 – Maximize efficiency of the local circulation system by using appropriate policies and standards to design, locate and size roadways.

The Project Site is in an area of Moreno Valley that is designated for light industrial and business park development. Roadway segments abutting the Project Site would be improved with sidewalks, curbs, and gutters per City standards. With Project improvements to the Project Site's frontages on Bay Street and Day Avenue, the Project will contribute to development of the City's local transportation network as envisioned by the City's General Plan and consistent with Circulation Element Policies 5.5.5, 5.5.7, and 5.5.8. Refer to Subsection 3.4, *Infrastructure Improvements*, in this EIR for a detailed description of proposed improvements for each roadway. None of the other policies under Objective 5.5 are directly applicable to the Project; however, implementation of the Project would not conflict with or prevent the City from implementing any of these policies.

Objective 5.6 – Support development of a ground access system to March Inland Port in accordance with its development plan as a major cargo airport.

This objective is not applicable to the proposed Project, which is located approximately 3.4 miles northwest of the March Inland Port.

Objective 5.7 – Design roads to meet the needs of the residents of the community without detracting from the "rural" atmosphere in designated portions of Moreno Valley. (Designated "rural" areas include those encompassed by the Residential Agriculture 2, Residential 1, Rural Residential and Hillside Residential zoning districts. "Urban" areas encompass all other zoning districts.)

The Project Site involves a proposed Change of Zone to amend the zoning designation of the site from "Business Park" to "Light Industrial." Therefore, the Project Site is not located within a designated "rural" area, and Project roadway improvements would not detract from the "rural" atmosphere in other designated portions of the City. Thus, implementation of the Project would not conflict with any policies under Circulation Element Objective 5.7.

Objective 5.8 – Encourage development of an efficient public transportation system for the entire community.

No transit lines serve the Project Site. Regardless, Policy 5.8.4 states that new developments must make adequate provision for bus stops and turnout areas. However, a bus stop along Route 20 on Alessandro Boulevard is located approximately 800 ft south of the Project Site. Due to the proximity to the existing bus stop, incorporating a bus stop on the Project Site is unnecessary. Other than Policy 5.8.4, none of the other policies under Objective 5.8 are directly applicable to the Project. However, implementation of the Project would not prevent the City from implementing any of these policies, and, as part of the Project's development, roadway improvements would be constructed along the Project site's frontages with Day Street and Bay Avenue, which would increase public transportation safety and efficiency by providing improved travel ways. In addition, the Project Applicant is required to pay TUMP and DIF, which will contribute to the improvement of the local roadway system. Thus, the Project would not conflict with or obstruct the City from achieving Circulation Element Objective 5.8.

Objective 5.9 – Support and encourage development of safe, efficient and aesthetic pedestrian facilities.

The Project is not expected to attract large volumes of pedestrian or bicycle traffic. However, as part of the Project's development, roadway improvements would be constructed along the Project Site's frontages with Day Street and Bay Avenue, which would improve safety and efficiency of pedestrian facilities and be consistent with Circulation Element Policies 5.9.1 to 5.9.4. Therefore, implementation of the Project would not obstruct the City from achieving Circulation Element Objective 5.9.

Objective 5.10 – Encourage bicycling as an alternative to single occupant vehicle travel for the purpose of reducing fuel consumption, traffic congestion, and air pollution. The Moreno Bikeway Plan is shown in Figure 9-4.

The City of Moreno Valley's Bicycle Master Plan, adopted in January 2015, guides design and implementation of bicycle transportation infrastructure. There are no existing bike lanes on either of the Project's frontages with Bay Avenue and Day Street – however, a planned Class III Bike Route is recommended along Day Street and a bicycle boulevard is recommended along Bay Avenue, consistent with Circulation Element Policy 5.1.2 (Moreno Valley, 2015, Figure 14). The proposed Project is consistent with the Bicycle Master Plan by providing roadway frontage improvements that will accommodate the planned bicycle lane. In addition, in accordance with the California Green Building Standards Code (CALGreen), bicycle parking will be provided on the Project Site for use by employees and visitors to the Project Site.

Development of the Project Site would include improvements to the southern half of Bay Avenue, including a 43.5 to 48-foot-wide paved vehicular travel way, which provides room in the paved vehicular travel way for a bicycle boulevard. The western half of Day Street would be improved along the Project site frontage to provide a 52-foot-wide paved vehicular travel way, which also provides room in the paved vehicular travel way for a Class III Bike Route. Other than Policy 5.10.2, none of the other policies under Objective 5.10 are directly applicable to the Project; however, implementation of the Project would not conflict with or prevent the City from implementing any of these policies. The Project would not conflict with or obstruct the City from achieving Circulation Element Objective 5.10.

Objective 5.11 – Eliminate obstructions that impede safe movement of vehicles, bicyclists, and pedestrians.

As previously mentioned in the discussion regarding consistency with Objective 5.1, above, Project roadway improvements would be constructed along the Project Site's frontages with Day Street and Bay Avenue, which would improve transportation safety by providing sidewalks and improved travel ways. As such, the Project would not result in any adverse impacts to the safe connections between destinations within Moreno Valley and would not conflict with any of the policies under Circulation Element Objective 5.11.

Objective 5.12 – Promote efficient circulation planning for all school sites that will maximize pedestrian safety, and minimize traffic congestion and neighborhood impacts.

The nearest school to the Project Site (Pacific View Charter School) is located approximately 0.70-mile southeast of the Project Site on the opposite (south) side of Alessandro Boulevard (Google Earth, 2023); therefore, roadways surrounding the Project Site (i.e., Day Street and Bay Avenue) are too far away to be utilized for schools. As such, the Project would not conflict with circulation planning associated with school sites. Regardless, sidewalks would be installed along all Project Site frontages with public streets. In addition, as previously mentioned in the discussion of Objective 5.3, above, the Project Applicant would be obligated to pay TUMF, DIF, and fair share improvement fees that the City

would use to ensure the implementation of roadway improvements in the area in order to minimize traffic congestion. Lastly, the Project Site is in close proximity to City-designated truck routes and the State highway system, which will avoid or shorten the length of heavy truck-trip lengths on City and regional roads and thus reduce traffic congestion and neighborhood impacts. Therefore, the Project would not conflict with or prevent the City from achieving Circulation Element Objective 5.12.

❑ City of Moreno Valley Traffic Study Guidelines

Pursuant to the City's Traffic Study Guidelines, when a development project would generate more than 50 peak hour trips, the City considers that project to be a contributor of substantial traffic to local roadways and requires additional analysis to determine whether the traffic generated by that development project would conflict with City plans, ordinances, and/or policies related to the circulation system. However, where there are no unique circumstances that suggest unacceptable traffic conditions – such as an existing safety problem or substandard operations at nearby intersection or street – and a development project contributes less than 50 peak hour trips, the City has determined that such projects would clearly have no conflict with City plans, ordinances, and policies addressing the circulation system.

A Trip Generation Assessment (*Technical Appendix P*) was prepared for the Project by Urban Crossroads. According to the Trip Generation Assessment, the Project is calculated to generate 29 morning (AM) peak hour trips and 28 evening (PM) peak hour trips. When converted to "passenger car equivalent" (PCE), which weights all classifications of vehicles – including heavy trucks with multiple axles – to allow comparison under a single metric, the Project is calculated to generate 37 PCE AM peak hour trips and 39 PCE PM peak hour trips. (Urban Crossroads, 2024c, p. 4) The City has reviewed the Project's design proposal and reviewed traffic operations in the surrounding area and determined that: 1) the Project would not introduce any design features that would create an unsafe or adverse traffic condition in the area; 2) there are no existing safety problems in the Project vicinity; and 3) there are no substandard traffic facilities in the Project area. The City determines that the Project would not conflict with applicable plans, ordinances, or policies addressing the circulation system and impacts would be less than significant.

Threshold b: ***Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

As required by the City's Traffic Study Guidelines, the Project was first evaluated against screening criteria to determine if it could be clearly shown that implementation of the Project would not generate substantial VMT – and, therefore, would be consistent with CEQA Guidelines Section 15064.3 – or if additional analysis would be required to fully evaluate the significance of Project-related VMT. One of the screening criteria in the City's Traffic Study Guidelines is the "Project Size" criteria, which establishes that projects with less than 400 actual daily trips would not substantially affect the average length of vehicle trips in the City. The Project is calculated to generate 358 actual daily trips and, therefore, would satisfy the "Project Size" screening criteria (Urban Crossroads, 2024c, p. 4). Another of the screening criteria from the City's Transportation Guidelines is the "Low VMT Area" criteria, which identifies "efficient" geographic areas in the County – due to proximity to established population

centers and/or transportation infrastructure – where development would result in low VMT per person/employee. Development within "Low VMT Areas" is considered beneficial in comparison to development within less developed areas due to the relative ease of access to these areas. The traffic analysis zone (TAZ) where the Project Site is located was found to meet the criteria of a "Low VMT Area" (Urban Crossroads, 2024b, pp. 2-3). Thus, because the Project meets the "Project Size" and "Low VMT Area" screening thresholds, the Project is clearly presumed to not cause or cumulatively contribute to a substantial increase in the total citywide and/or regional VMT under the City's Traffic Study Guidelines. Accordingly, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision "b;" impacts would be less than significant.

Threshold c: ***Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

The types of traffic generated during operation of the Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along adjacent roadways under existing conditions. All proposed improvements within the public right-of-way would be installed in conformance with City design standards. If any component of Project construction would occur in the public right-of-way and require the partial or full closure of a sidewalk and/or travel lane, all work would be required to adhere to the applicable construction control practices that are specified in the *State of California Department of Transportation Construction Manual* and the *California Manual on Uniform Traffic Control Devices*, to minimize potential safety hazards. The City reviewed the Project's site plan, conceptual grading, and conceptual utility plan drawings to confirm that no hazardous transportation design features would be introduced within the City public right-of-way through implementation of the Project. Based on the foregoing information, the Project's construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

Threshold d: ***Would the Project result in inadequate emergency access?***

The City reviewed the Project's site plan drawings and confirmed that the Project would provide adequate access to and from the Project Site and within the Project Site for emergency vehicle response. The types of traffic generated during operation of the Project (i.e., passenger cars and trucks) would be compatible with the type of traffic observed along surrounding roadways under existing conditions and Project traffic would not interfere with the circulation of emergency vehicles along public streets adjacent to the Project Site. All Project construction materials and equipment would be stored/staged on the Project Site and would not interfere with emergency vehicles traveling along Bay Avenue or Day Street. Any Project construction activities that would occur within the Bay Avenue or Day Street public rights-of-ways and requires a partial or full closure of a sidewalk or vehicle travel lane would require a traffic control plan that complies with the *California Manual on Uniform Traffic Control Devices* and that must be approved by City to ensure that emergency response is not adversely affected. Accordingly, the Project's construction and operation would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

4.12.6 Cumulative Impact Analysis

As described under the response to Threshold "a," the Project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities and, thus, would not cumulatively contribute to a conflict or obstruction with an applicable transportation-related program.

As noted under the response to Threshold "b," development projects that do not exceed the screening criteria within the City's Traffic Analysis Guidelines are considered to have a less than significant direct (Project-level) and cumulative impact related to VMT. Accordingly, implementation of the Project would not result in a cumulatively considerable increase in the total citywide and/or regional VMT.

The Project would not contribute to a significant cumulative impact under the topics discussed under Thresholds "c" and "d" because the Project would not cause or exacerbate existing transportation design safety concerns or adversely affect emergency access and there are no cumulative development projects adjacent to the Project Site that could contribute additive effects that could degrade motor vehicle or pedestrian safety or emergency vehicle access in proximity to the Project Site.

4.12.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The Project would not conflict with an applicable program, plan, ordinance or policy addressing the circulation system.

Threshold b: Less than Significant Impact. The VMT generated by the Project would not exceed the City VMT significance thresholds for direct or cumulative impacts.

Threshold c: Less than Significant Impact. The Project would not introduce any significant transportation safety hazards due to a design feature or incompatible use.

Threshold d: Less than Significant Impact. Adequate emergency access would be provided to the Project Site during construction and long-term operation. The Project would not result in inadequate emergency access to the Site or surrounding properties.

4.12.8 Mitigation

The Project would result in a less than significant transportation impact and no mitigation is required.

4.13 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection relies on information obtained by the City during consultation with local Native American tribal representatives and supplemented with information from a cultural resources report titled "Phase I Cultural Resources Survey for the Bay & Day Commerce Center Project" (dated February 20, 2024). The report was prepared by BFSA and is included as *Technical Appendix E* to this EIR. All references used in this Subsection are listed in EIR Section 7.0, *References*.

Confidential information has been redacted from *Technical Appendix E* for purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (California Government Code Section 65352.4) (CA Legislative Info, n.d.), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing State law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.13.1 EXISTING CONDITIONS

A. Regional Setting

The Project Site is in an area where the traditional territories of three groups from the Takic language family intersect: the Cahuilla, Gabrielino, and Luiseño. The general ethnography of the Moreno Valley area is summarized below; refer to *Technical Appendix E* for a more detailed discussion.

The Cahuilla occupied territory that included the San Bernardino Mountains, Orocopia Mountain, and the Chocolate Mountains to the west, Salton Sea and Borrego Springs to the south, Palomar Mountain and Lake Mathews to the west, and the Santa Ana River to the north. Cahuilla villages were typically permanent and located on low terraces within canyons in proximity to water sources. These locations proved to be rich in food resources and afforded protection from prevailing winds. Villages were occupied throughout the year; however, during a several-week period in the fall, most of the village members relocated to mountain oak groves to take part in acorn harvesting. The Cahuilla was not a political nation, but rather a cultural nationality with a common language. Clans were comprised of three to 10 lineages; each lineage owned a village site and specific resource areas. Lineages within a clan cooperated in subsistence activities, defense, and rituals.

The Gabrielino occupied much of present-day Los Angeles and Orange counties. The southern extent of this culture area is bounded by Aliso Creek, the eastern extent is located east of present-day San Bernardino along the Santa Ana River, the northern extent includes the San Fernando Valley, and the western extent includes portions of the Santa Monica Mountains. The Gabrielino also occupied several Channel Islands including Santa Barbara Island, Santa Catalina Island, San Nicholas Island, and San Clemente Island. Because of their access to certain resources, including a steatite source from Santa Catalina Island, this group was among the wealthiest and most populous aboriginal groups in all of

southern California. The Gabrielino lived in permanent villages and occupied smaller resource-gathering camps at various times of the year depending upon the seasonality of the resource. Larger villages were comprised of several families or clans, while smaller, seasonal camps typically housed smaller family units. The coastal area between San Pedro and Topanga Canyon was the location of primary subsistence villages, while secondary sites were located near inland sage stands, oak groves, and pine forests. Permanent villages were located along rivers and streams and in sheltered areas along the coast. Villages were politically autonomous units comprised of several lineages. During times of the year when certain seasonal resources were available, the village would divide into lineage groups and move out to exploit them, returning to the village between forays.

The Luiseño occupied a territory bounded on the west by the Pacific Ocean, on the east by the Peninsular Ranges mountains at San Jacinto (including Palomar Mountain to the south and Santiago Peak to the north), on the south by Agua Hedionda Lagoon, and on the north by Aliso Creek in present-day San Juan Capistrano. The Luiseño differed from their neighboring Takic speakers in having an extensive proliferation of social statuses, a system of ruling families that provided ethnic cohesion within the territory, a distinct worldview, and an elaborate religion. The Luiseño occupied sedentary villages most often located in sheltered areas in valley bottoms, along streams, or along coastal strands near mountain ranges. Villages were located near water sources to facilitate acorn leaching and in areas that offered thermal and defensive protection.

B. Project Site

BFSA surveyed the Project Site for the presence of prehistoric and protohistoric archaeological resources. The survey consisted of a series of parallel transects spaced at approximately 10-meters intervals. The pedestrian survey indicated that the property has been disturbed by disking and previous land modifications resulting from the ongoing and historic uses of the property. The survey did not result in the identification of any cultural resources (BFSA, 2024a, p. 5.0-2).

BFSA also conducted an archaeological records search through the Eastern Information Center (EIC) at the University of California, Riverside (UCR). Nine prehistoric resources/sites have been recorded within a one-mile radius of the Project Site, none of which are located within the subject property. The resources identified consist of five prehistoric bedrock milling feature sites and four prehistoric isolates (BFSA, 2024a, pp. 5.0-1).

After the September 5, 2023, publication of the Notice of Determination (NOD) for this EIR, which established the baseline for the environmental analysis contained herein pursuant to CEQA Guidelines Section 15125(a)(1), the 11,419-acre Soboba Sycamore Hills Traditional Landscape and the 25,642-acre Pechanga Sycamore Hills Traditional Property were recorded/recognized by the EIC. The two traditional tribal areas cover much of eastern Riverside and western Moreno Valley, from Mentone through Val Verde, with bedrock-laden hillsides being a primary distinguishing feature of these areas.

4.13.2 Applicable Regulatory Requirements

A. Federal Plans, Policies, and Regulations

1. Native American Graves Protection and Repatriation Act (NAGPRA)

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. (OLRC, n.d.)

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s).

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items.

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee.

B. State Plans, Policies, and Regulations

1. California Administrative Code, Title 14, Section 4308

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: "No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value." (California State Parks, n.d.)

2. California Code of Regulations Title 14, Section 1427

California Code of Regulations Title 14, Section 1427 provides that: "No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found."

3. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans (CA Legislative Info, n.d.). AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code (PRC) now establishes 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." (PRC, Section 21084.2.) To help determine whether a project may have such an effect, the PRC requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (PRC, Section 21080.3.1.)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. PRC Section 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources.

Section 21074 of the PRC defines "tribal cultural resources." In brief, in order to be considered a "tribal cultural resource," a resource must be either:

(1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or

(2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017b)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe.

As part of the AB 52 consultation process required by State law, the City of Moreno Valley sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area. The City initiated the tribal consultation process on December 5, 2023, and received consultation requests from the Pechanga Band of Indians and Morongo Band of Mission Indians. The City met with each tribe that requested consultation and consultation was closed in November 2024.

4. State Health and Safety Code

California Health and Safety Code (HSC) Section 7050.5(b) requires that excavation and disturbance activities must cease "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery…" until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. Section 7051 specifies that the removal of human remains from "internment or a place of storage while awaiting internment" with the intent to sell them or to dissect them with "malice or wantonness" is a public offense punishable by imprisonment in a state prison. Lastly, HSC Sections 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that "all California Indian human remains and cultural items are to be treated with dignity and respect." It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Info, n.d.)

California PRC, Section 5097.98 states that whenever the commission receives notification of a discovery of Native American human remains pursuant to HSC subdivision (c) of Section 7050.5, it shall immediately notify those persons that are the most likely descendants. The descendants may inspect the site and make recommendations to the landowner as to the treatment of the human remains. The landowner shall ensure that the immediate vicinity around the remains is not damaged or disturbed by further development activity until coordination has occurred with the descendants regarding their recommendations for treatment, taking into account the possibility of multiple human remains. The descendants shall complete their inspection and make recommendations within 48 hours of being granted access to the site. (CA Legislative Info, n.d.)

5. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, Section 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines Section 15064.5, as follows:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
    - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
    - Is associated with the lives of persons important in our past;
    - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
    - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

4.13.3 Basis for Determining Significance

The thresholds listed below are referenced in the *City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act* and address the typical, adverse effects related to cultural resources that could result from development projects. The Project would result in a significant impact to cultural resources if the Project or any Project-related component would:

a. *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

   i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).*

   ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth is subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

4.13.4 Methodology for Evaluating Cultural Resources Impacts

The analysis of potential impacts tribal cultural resources is based on consultation between the City and interested Native American tribes pursuant to AB 52. In addition, this analysis incorporates information obtained from a cultural resources records search through Eastern Information Center (EIC) at the University California, Riverside (UCR), historic background research, a review of historic aerial photographs, and a visit to the Project Site.

4.13.5 Impact Analysis

Threshold a:	***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*** ***i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***

To be eligible for listing on the California Register of Historic Resources, a resource must satisfy the following criteria:

(A) Is associated with events that have made a significant contribution to the broad pattern of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

No tribal cultural resource sites, features, places, or landscapes were identified on the Project Site that are either listed or eligible for listing in the California Register of Historic Places or a local register of historic places (BFSA, 2024a, pp. 5.0-1 to 5.0-2). Additionally, no substantial evidence was presented to or found by the City during the tribal consultation process that led to the identification of any features or resources on the Project Site that are listed or eligible for listing on a historic resources database. Accordingly, implementation of the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing on a State or local historic register. No impact would occur.

Threshold a: ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

As part of the AB 52 consultation process required by State law, the City of Moreno Valley sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area. The City received consultation requests from the Pechanga Band of Indians and Morongo Band of Mission Indians. The City met with each tribe that requested consultation. During the tribal consultation process, the City received information that the Project Site is within or adjacent to the 11,419-acre Soboba Sycamore Hills Traditional Landscape and the 25,642-acre Pechanga Sycamore Hills Traditional Property. It should be noted that neither of these tribal landscapes and properties were officially recognized by the EIC at the time the NOP for the Project was published in September 2023 and, therefore, are not considered part of the environmental baseline for purposes of the analysis provided in this EIR pursuant to CEQA Guidelines Section 15125(a)(1). Notwithstanding, the Project Site does not contain any identified resources/artifacts, geologic features (e.g., exposed bedrock), or vegetation associated with the Soboba Sycamore Hills Traditional Landscape or Pechanga Sycamore Hills Traditional Property. Additionally, the Project Site is partially developed and is surrounded by urban land uses and development. Accordingly, no portion of the Project Site or surrounding area retains any distinguishing features of the either the Soboba Sycamore Hills

Traditional Landscape or Pechanga Sycamore Hills Traditional Property. The City received no evidence of any other tribal cultural resources, as defined in Public Resources Code section 21074, being present on the Project Site during the tribal consultation process.

Notwithstanding the analysis provided above, due to the Project Site's location in an area where Native American tribes are known to have a cultural affiliation, there is the possibility that pre/protohistoric archaeological resources, including tribal cultural resources, could be encountered during ground-disturbing construction activities – although this likelihood is considered low due to the pervasive, historic and on-going disturbances that have occurred on the Project Site. In the event a tribal cultural resource, as defined in PRC Section 21074, is found on the Project Site during construction – and not protected – a significant impact would occur. Mitigation is required.

As discussed under EIR Subsection 4.4, the Project Site does not contain a known cemetery site and human remains have not been previously discovered on the site. Mandatory compliance with State law (California HSC Section 7050.5 and PRC Section 5097.98) would ensure that, in the unlikely event that human remains are discovered during Project construction, the remains would be identified in accordance with proper protocols and the remains would be treated or disposed with appropriate dignity. Accordingly, the Project would not result in a substantial adverse effect to tribal cultural resources associated with human remains.

4.13.6 Cumulative Impact Analysis

Development activities on the Project Site would not impact any known tribal cultural resources and the likelihood of uncovering previously unknown prehistoric archaeological resources during Project construction are low due to the magnitude of disturbance that has occurred on the Site due to historic agriculture uses. Nonetheless, the potential exists for tribal cultural resources that meet the definition from PRC Section 21074 to be buried below the existing ground surface and discovered on the Project Site. The Project Site is located within a Native American traditional use area that stretches across western Riverside County, as well as parts of San Bernardino County. Other development projects within this traditional use area would have a similar potential as the Project to adversely affect tribal cultural resources. Thus, implementation of the Project has the potential to result in a cumulatively considerable impact to tribal cultural resources for which mitigation is required.

4.13.7 Significance of Impacts Before Mitigation

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project Site does not contain any recorded, significant tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried or masked at the Project Site.

4.13.8 Mitigation

Mitigation Measures (MMs) 4.4-1 through 4.4-9 shall apply.

4.13.9 Significance of Impacts After Mitigation

Threshold a: Less than Significant with Mitigation Incorporated. Implementation of MMs 4.4-1 through 4.4-9 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less-than-significant.

5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a proposed project that cannot be reduced to a level of insignificance if the project is implemented and, where impacts cannot be alleviated without imposing an alternative design, the reasons why the project is being proposed, notwithstanding its effect, should be described (CEQA Guidelines Section 15126(b) & Section 15126.2(c)). As described in detail in Section 4.0 of this EIR, after the consideration of Project design features, compliance with applicable federal, State and local regulations, and the application of the feasible mitigation measures identified in this EIR, the Project is not expected to result in any significant unavoidable environmental impacts.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines Section 15126.2(c)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources are not justified (e.g., the project results in the wasteful use of energy).

Determining whether the Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project. The consumption of these natural resources would represent an irreversible change to the environment. However, development of the Project Site with a light industrial warehouse building would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., construction aggregates, fossil fuels). Additionally, the Project is required by law to comply with the California Green Building Standards Code (CALGreen), which will minimize the Project's demand for energy, including energy produced from non-renewable sources. A more detailed discussion of Project energy consumption is provided in EIR Subsection 4.5, *Energy*.

Implementation of the Project would commit the Project Site to long-term use as a warehouse distribution facility. The land use proposed by the Project is consistent with the Project Site's existing General Plan land use designation (but would require a Change of Zone); the Business Park/Light Industrial General Plan land use designations located north and west of the Project Site; and the Commercial land use designations located south and southeast of the Project Site. Although the proposed light industrial building could be perceived to be incompatible with the existing legal non-

conforming residences that surround the Project Site to the north, east, south, and west, the Project would not result in any significant and unavoidable local/localized physical impacts to these receptors. Accordingly, the Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today or those that are planned by the City of Moreno Valley General Plan. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.8, *Hazards and Hazardous Materials*, provides an analysis of the potential for hazardous materials to be transported to/from the Project Site and/or used on the Project Site during construction and operation. As concluded in Subsection 4.8, mandatory compliance with federal, State, and local regulations related to hazardous materials handling, storage, and use by all Project construction contractors (near term) and occupants (long-term) would ensure that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the site.

As discussed in detail under EIR Subsection 4.5, *Energy*, the Project would not result in a wasteful, inefficient, or unnecessary consumption of energy. Accordingly, the Project would not result in a significant, irreversible change to the environment related to energy use.

Based on the above, Project construction and operation would require the commitment of both renewable and non-renewable resources. However, this commitment of resources would not be substantial and would be consistent with regional and local growth forecasts and development goals for the area, and these resources would not be used in an inefficient or wasteful manner. Project construction and operation would adhere to the sustainability requirements of Title 24 (including but not limited to its "green" and energy efficiency requirements). Therefore, the Project would not result in the commitment of large quantities of natural resources that would result in significant irreversible environmental changes.

5.3 GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(d)). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population of residents or employees.

According to regional population projections included in SCAG's *Connect SoCal*, the City of Moreno Valley's population is projected to grow by 21,900 households between 2019 and 2050 (approximately 1.3% annual growth). Over this same time period, employment in the City is expected to add 38,700 new jobs (approximately 2.8% annual job growth) (SCAG, 2024, Demographics and Growth Forecast Technical Report).

Incremental economic growth would take place because of the Project's operation as a warehouse distribution building. The Project's employees – both short-term construction and long-term operational – would likely purchase goods and services in the region. Any secondary increase in employment associated with meeting these goods and services demands is expected to be accommodated by existing service providers and retail establishments. Based on the amount of existing and planned commercial and retail services available near the Project Site (specifically along the Alessandro Boulevard corridor and Day Street (north of Eucalyptus Avenue), the goods and services demand of the Project's employees are expected to be accommodated by local development and would be highly unlikely to result in any new growth that could result in unanticipated, adverse physical impacts to the environment. In addition, the Project would create jobs, that would likely be filled by residents of the housing units either already built or planned for development within nearby incorporated and unincorporated areas, and it is not expected that any new housing units would need to be constructed to accommodate the Project's employees. Accordingly, because it is anticipated that most of the Project's future employees would already be living in the northwestern Riverside County/southwestern San Bernardino County area, the Project's introduction of employment opportunities on the Project Site is not expected to induce substantial growth in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in local and regional land use plans and population projections. Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth inducement by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The Project represents an infill development Project within a developing part of the City that the City has planned for employment-generating land uses. The Project would not extend roads or infrastructure to an area that is not already served by these facilities. Thus, the Project would not remove obstacles to growth or include improvements that that could induce growth. Furthermore, the Project's potential influence on other nearby properties to develop at greater intensities and/or different uses than the City's General Plan and Zoning Code allow is speculative beyond the rule of reason. CEQA does not require the analysis of speculative effects (CEQA Guidelines Section 15145). If any other property owner were to propose development or redevelopment of a property in the Project vicinity or in any part of the City, the development or redevelopment project would require evaluation

under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

Based on the foregoing analysis, the Project would not result in substantial, adverse growth-inducing impacts.

5.4 EFFECTS FOUND NOT TO BE SIGNIFICANT DURING THE EIR PREPARATION PROCESS

CEQA Guidelines Section 15128 requires that an EIR *"...contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."* During the preparation of this EIR, the Project was determined to clearly have no potential to result in significant impacts under seven (7) environmental issue areas: Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities/Service Systems, and Wildfire. Therefore, these issue areas were not required to be analyzed in detail in EIR Section 4.0, *Environmental Analysis*. On the following pages is presented a brief summary of the potential impacts under the above-listed topics that could result from implementation of the Project. The thresholds of significance used to evaluate the Project's potential impacts under each issue area were taken from Appendix G to the CEQA Guidelines.

5.4.1 AGRICULTURAL AND FORESTRY RESOURCES

Threshold a:	***Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?***

The Project Site is not utilized for agricultural purposes under existing conditions. According to mapping information available from the California Department of Conservation's (CDC) Farmland Mapping and Monitoring Program (FMMP), the entire Project Site contains "Urban and Built-up Land" (CDC, 2016). Accordingly, the Project Site does not contain any lands mapped by the FMMP as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" and, thus, implementation of the Project would not convert such Farmland to a non-agricultural use. No impact would occur.

Threshold b:	***Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

The Project Site is not zoned for an agricultural use under existing conditions; therefore, implementation of the Project would not conflict with existing zoning for agricultural use. Additionally, as disclosed in the City of Moreno Valley General Plan Final EIR, no land within the City – inclusive of the Project Site – is under a Williamson Act Contract (Moreno Valley, 2006b, p. 5.8-6). Based on the foregoing analysis, implementation of the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

Threshold c:	***Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***

The Project Site is not zoned as forest land, timberland, or Timberland Production, nor is it surrounded by forest land, timberland, or Timberland Production land. According to the City of Moreno Valley Zoning Map (Moreno Valley, 2020), there are no lands located within the City that are zoned for forest land, timberland, or timberland zoned Timberland Production. Therefore, the Project has no potential to conflict with any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands. As such, no impact would occur.

Threshold d:	***Result in the loss of forest land or conversion of forest land to non-forest use?***

The Project Site does not contain a forest and is not designated as forest land; therefore, the Project would not result in the loss of forest land or the conversion of forest land to non-forest use. As such, no impact would occur.

Threshold e:	***Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?***

"Farmland" is defined in Section II (a) of Appendix G of the CEQA Guidelines as "Prime Farmland," "Unique Farmland" or "Farmland of Statewide Importance" ("Farmland"). As noted above under the response for Threshold "a," the Project would not result in the conversion of Farmland to non-agricultural use.

As discussed under the responses to Thresholds "c" and "d," the Project would not convert forest land to non-forest use. No impact would occur.

5.4.2 Mineral Resources

Threshold a:	***Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***
Threshold b:	***Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?***

The Project Site is not located within an area known to be underlain by regionally- or locally-important mineral resources (Moreno Valley, 2006b, p. 5.14-1). Implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. In addition, both the City and the County have adopted SMARA regulations governing the extraction of mineral resources and eventual reclamation of mining

operations. Continued implementation of these regulations will allow for the mining of locally-important mineral resources, as identified in the County of Riverside General Plan (Moreno Valley, 2006b, p. 5.14-2). Implementation of the proposed Project would not result in the loss of a locally-important mineral resource recovery site. No impact would occur.

5.4.3 Population and Housing

Threshold a:	***Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?***

The proposed Project would result in development of the subject property with industrial land uses that would add employment opportunities to the area. It is anticipated that the employment base for both the construction and operational phases of the Project would come from the existing population in the Inland Empire, which comprises western Riverside County and southwestern San Bernardino County. According to the Bureau of Labor Statistics, the Riverside-San Bernardino-Ontario region's civilian labor force contains approximately 2,142,600 persons with approximately 2,029,700 people employed and an unemployment rate of approximately 5.3% (approximately 112,900 persons) (USBLS, 2023). Accordingly, the Project region already contains an ample supply of potential employees under existing conditions and the Project's labor demand is not expected to draw substantial numbers of new residents to the area. Furthermore, approximately 86% of City of Moreno Valley residents commute outside of the City for work (SCAG, 2019, p. 21); therefore, the Project would provide job opportunities closer to home for existing and future Moreno Valley residents.

There are no components of the Project that would reasonably result in indirect or unplanned population growth because the surrounding area is mostly developed under existing conditions or approved for development. The Project would install new/expanded infrastructure; however, this infrastructure would either be master-planned facilities (meaning the facilities would be installed with or without the Project), upgrades to existing facilities that are needed to correct service deficiencies (meaning that the quality of existing service would improve but no additional system capacity would be added) or private facilities for the sole use of the Project (meaning they would not be available for general public use). Accordingly, no significant indirect impacts associated with population growth would result from any Project-related improvements because the Project and its required improvements would not induce substantial growth on surrounding properties.

Based on the foregoing analysis, neither the Project nor any Project-related component would result in substantial, direct, or indirect population growth that would cause a significant direct or indirect impact to the environment. This impact is less than significant.

Threshold b:	***Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

The Project would result in the demolition of all housing units on the Project Site. The Site contains seven (7) legal non-conforming dwelling units. According to data from the California Department of Finance, the average household in Moreno Valley contains 3.65 people (DOF, 2023). Thus, the loss of 7 dwelling units on the Project Site would displace approximately 26 people. The City of Moreno Valley contains approximately 58,416 dwelling units and a population of 208,289 (ibid.). The dwelling units that would be lost on the Project Site represent approximately 0.01 percent of the total dwelling units in the City; the 26 people that would be displaced from the Project Site represent approximately 0.01 percent of the total population of the City. In comparison to City-wide figures, neither the people nor housing on the Project Site represent a substantial number. Furthermore, the City contains an estimated 1,568 vacant dwelling units under existing conditions which would be more than adequate to provide housing for the people that may be displaced from the Project Site (ibid.). Based on the foregoing information, the Project would not displace substantial numbers of people, displace substantial housing, or require the construction of replacement housing elsewhere. No impact would occur.

5.4.4 Public Services

Threshold a:	***Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***
	i) Fire Protection?
	ii) Police Protection?
	iii) Schools?
	iv) Parks?
	v) Other Public Facilities?

A. Fire Protection

Fire protection services to the Project Site are provided by the Moreno Valley Fire Department (MVFD). The Project Site is served by the Towngate Fire Station (Station No. 6) located at 22250 Eucalyptus Avenue, approximately 1.3 roadway miles to the northeast of the Project Site. Based on the Project Site's proximity to existing fire protection facilities, the Project is expected to be adequately served by existing fire protection services, and no new or expanded facilities would be required. The Project Applicant is required to comply with the provisions of the City of Moreno Valley's Development Impact Fee (DIF) Ordinance, which requires a fee payment that the City applies to the funding of fire protection facilities. The City will collect DIF from the Project Applicant at the time of building permit issuance (based on building square footage). The Project's payment of DIF, as well as

increased tax revenues that would result from development of the Project, would be used by the City to help pay for fire protection services and other public services.

The Project would incorporate fire prevention and fire suppression design features to minimize the potential demand placed on the MVFD. The proposed warehouse distribution building would be of concrete tilt-up construction. Concrete is non-flammable and concrete tilt-up buildings have a lower fire hazard risk than wood-frame construction. The Project also would install fire hydrants on-site and would provide paved primary and secondary emergency access to the Project Site to support the MVFD in the event fire suppression activities are needed on-site. Lastly, the proposed warehouse distribution building would be equipped with fire sprinklers in accordance with the California and Moreno Valley building codes. Based on its size and scale, the proposed building would likely feature Early Suppression, Fast Response (ESFR) ceiling mounted fire sprinklers (or a comparable fire suppression system) that exceed the fire protection of traditional sprinkler systems. ESFR high output, high volume systems are located in ceiling spaces as with conventional fire sprinkler systems, but they incorporate large, high-volume, high-pressure heads to provide the necessary fire protection for industrial buildings that may contain high-piled storage. While most other sprinklers are intended to control the growth of a fire, an ESFR sprinkler system is designed to suppress a fire. To suppress a fire does not necessarily mean it will extinguish the fire but rather it is meant to "knock" the fire back down to its source, making it more manageable for the MVFD to extinguish.

Based on the foregoing, the Project incorporates several design features to minimize fire hazards. Additionally, the Project would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities and the Project Applicant would pay DIF and the Project would generate other revenues (e.g., tax) that would help offset the Project's demand for fire protection services. Impacts to fire protection facilities would be less than significant.

B. Police Protection

The Project would introduce a new building structure and employees to the Project Site, which would result in an incremental increase in demand for police protection services, but is not anticipated to require or result in the construction of new or physically altered police facilities. Furthermore, prior to the issuance of building permits, the Project Applicant would be required to comply with the provisions of Moreno Valley's Development Impact Fee (DIF) Ordinance. This ordinance requires a fee payment that the City applies to the funding of public facilities, including police protection facilities. The City will collect the Project's DIF share from the Project Applicant at the time of building permit issuance (based on building square footage). The Project's payment of DIF fees, as well as increased tax revenues that would result from development of the Project, would be used by the City to help pay for police protection services and other public services. Based on the foregoing, the proposed Project would receive adequate police protection service, and would not result in the need for new or physically altered police protection facilities. Impacts to police protection facilities would therefore be less than significant.

C. Schools

Implementation of the Project would not create a direct demand for public school services, as the subject property would contain non-residential uses and would not generate any school-aged children requiring public education. The addition of employment-generating uses on the Project Site would assist the City in achieving its goal to provide a better jobs/housing balance within the City and the larger western Riverside County region; therefore, the proposed Project is not expected to draw a substantial number of new residents to the region and would therefore not indirectly generate school-aged students requiring public education. Because the proposed Project would not directly generate students and is not expected to indirectly draw students to the area, the proposed Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Project would not create a demand for additional public school services, the Project Applicant would be required to contribute development impact fees to the Moreno Valley Unified School District in compliance with California Senate Bill 50 (Greene), which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits. Impacts to public schools would be less than significant.

D. Parks

The Project would not create a demand for public park facilities and would not result in the need to modify existing or construct new park facilities. Accordingly, implementation of the Project would not adversely affect any park facility. Thus, no impact would occur.

E. Other Public Facilities

The Project is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, and/or animal shelters. As such, implementation of the Project would not adversely affect other public facilities or require the construction of new or modified public facilities and no impact would occur.

5.4.5 Recreation

Threshold a:	***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

The Project would develop the subject property with industrial land uses. The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, no impact would occur.

Threshold b:	***Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?***

The Project does not propose to construct any new on- or off-site recreation facilities. Additionally, the Project would not expand any existing off-site recreational facilities. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur.

5.4.6 Utilities and Service Systems

Threshold a:	***Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

The Project proposes to connect to water and sewer mains that lay beneath Bay Avenue and Day Street under existing conditions or that will be constructed by others by the time the Project becomes operational. Additionally, the Project proposes to connect to existing electric power facilities and telecommunication facilities within Bay Avenue and Day Street. All such connections would be accomplished in conformance with the rules and standards enforced by the applicable service provider. Construction activities within the public street right of way have the potential to create intermittent and short-term inconvenience hazards for motorists and pedestrians; however, all utility construction work that occurs within a public street right of way must adhere to the construction control practices that reduce impacts that are specified in the *State of California Department of Transportation Construction Manual*, published by Caltrans (Caltrans, 2023b). The construction of the proposed utility service connections has the potential to cause environmental effects associated with short-term air pollutant, noise emissions, and water quality effects that are an inherent part of the Project's construction process. The Project's construction air quality, noise emissions, and water quality effects have been disclosed in EIR Subsections 4.2, 4.7, 4.9, and 4.11 (the construction-level impacts disclosed in these Subsections are inclusive of the effects from the construction of utility infrastructure). Where significant construction-related impacts have been identified in the above-listed sections, feasible and enforceable mitigation measures are imposed by this EIR to reduce the Project's impacts to a less than significant level. There are no significant environmental impacts specifically related to construction of the Project's utility and service system connections.

Threshold b:	***Would the Project have sufficient water supplies available to serve the Project reasonably foreseeable future development during normal, dry, and multiple dry years?***

The Project area is served by the Box Springs Mutual Water Company (BSMWC), which is a water agency of the Western Municipal Water District (WMWD). BSMWC receives approximately 60 percent of its supply from groundwater and purchases approximately 40 percent of its supply from the WMWD. BSMWC is not known to have any issues with its existing or projected future water supply

and according to WMWD's 2020 Urban Water Management Plan (UWMP), WMWD is projected to have adequate water supplies that are available to meet WMWD's estimated water demand through 2045 under normal, dry, and multiple dry year conditions (WMWD, 2021, pp. 6-6 - 6-13). WMWD's forecasts for projected water demand are based on the population projections of SCAG, which rely on the adopted land use designations within the general plans that cover the geographic area within its agencies' service areas. Because the Project would be consistent with the City's General Plan land use designation for the Project Site, the water demand associated with the Project was considered in the demand anticipated by the 2020 UWMP and analyzed therein. As stated above, the WMWD anticipates adequate water supplies to meet all its demand until at least 2045; therefore, the BSMWC and WMWD has sufficient water supplies available to serve the Project from existing entitlements/resources and no new or expanded entitlements are needed. Thus, impacts on water supplies would be less than significant.

Threshold c:	***Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?***

The Project area is served by Edgemont Community Services District (ECSD), which is under contract with the City of Riverside, for wastewater collection and conveyance. Treatment of wastewater from the ECSD service area is performed by the City of Riverside at the Riverside Water Quality Control Plant (RWQCP) (ECSD, 2022, p. 1). The RWQCP provides preliminary, primary, secondary, and tertiary treatment for a design rated capacity of 46 million gallons per day (mgd) (Farr, 2018). For purposes of analysis, based on ECSD's wastewater generation rate of 2,000 gallons per day (gpd) per acre for commercial/industrial uses (ECSD, 2022, p. 3-3), the proposed Project is calculated to produce 13,280 gallons of wastewater per day (2,000 gpd x 9.56 net acres = 19,120 gpd). Currently, RWQCP has an excess treatment capacity of 18.6 million gpd of influent flows (46 million gpd – 27.4 million gpd = 18.6 million gallons excess treatment capacity) (City of Riverside PUD, 2019, pp. 1-1 - 1-2). Implementation of the Project would utilize approximately 0.1 percent of RWQCP's daily excess treatment capacity. As such, the Project is not anticipated to create the need for any new or expanded wastewater treatment facilities. Because there is adequate capacity at the existing RWQCP to serve Project demands, impacts would be less than significant.

Threshold d:	***Would the Project generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

Implementation of the Project would generate an incremental increase in solid waste volumes requiring off-site disposal during short-term construction and long-term operational activities. Most of the City's solid waste is disposed of at the Badlands Sanitary Landfill. Other landfills within Riverside County that would accept solid waste generated from the City include the El Sobrante Landfill and Lamb Canyon Landfill.

The Badlands Landfill is permitted to accept 5,000 tons of solid waste per day and is expected to operate until at least the year 2059. In August 2023, the Badlands Landfill received an average of 2,273 tons of solid waste per day, which represents approximately 45 percent of the landfill's total permitted tonnage per day (CalRecycle, 2023a).

The El Sobrante Landfill is permitted to accept 16,054 tons of solid waste per day and is expected to operate until at least the year 2051. In August 2023, the El Sobrante Landfill received an average of 9,111 tons of solid waste per day, which represents approximately 57 percent of the landfill's total permitted tonnage per day (CalRecycle, 2023b).

The Lamb Canyon Landfill is permitted to accept 5,000 tons of solid waste per day and is expected to operate until at least the year 2032. In August 2023, the Lamb Canyon received an average of 1,784 tons of solid waste per day, which represents approximately 36 percent of the landfill's total permitted tonnage per day (CalRecycle, 2023c).

The analysis below summaries the Project's potential to generate solid waste during construction and/or operation that would exceed the disposal capacity of local landfill facilities. As demonstrated below, the Project would generate less-than-significant volumes of solid waste.

A. Construction Impact Analysis

Based on the United States Environmental Protection Agency's (U.S. EPA) construction waste generation factor of 4.34 pounds of solid waste generated for the construction of every 1 s.f. for non-residential uses, Project construction is estimated to generate approximately 423 tons of solid waste. ([194,775 s.f. × 4.34 pounds per s.f.] ÷ 2,000 pounds per ton ≈ 423 tons) (EPA, 2003, Table A-2). CalGreen requires a minimum of 65% of all construction waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies); therefore, the Project is estimated to generate approximately 148 tons of construction waste requiring landfill disposal (423 tons × 0.35 ≈ 148 tons). The Project's construction phase is estimated to last for up to 235 work days; therefore, the Project is estimated to generate approximately 0.63 tons of solid waste per work day (148 tons ÷ 215 days ≈ 0.63 tons per day) requiring landfill during construction.

Non-recyclable construction waste generated by the Project would be disposed at the Badlands Landfill, El Sobrante Landfill or Lamb Canyon Landfill. As described above, these landfills receive well below their maximum permitted daily disposal volume; thus, the relatively minimal construction waste generated by the Project is not anticipated to cause the landfills to exceed their maximum permitted daily disposal volume. Project construction waste would represent less than one percent of the excess disposal capacity at the Badlands Landfill, El Sobrante Landfill, and Lamb Canyon Landfill. Furthermore, the Badlands Landfill, El Sobrante Landfill, and Lamb Canyon Landfill are not expected to reach their respective total maximum permitted disposal capacities during the Project's construction period. The Badlands Landfill, El Sobrante Landfill, and Lamb Canyon Landfill have sufficient daily capacity to accept solid waste generated by the Project's construction phase; therefore, impacts to

landfill capacity associated with the Project's near-term construction activities would be less than significant.

B. Operational Impact Analysis

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of industrial building area obtained from CalRecycle, long-term, on-going operation of the Project would generate approximately 1.4 tons of solid waste per day ([[1.42 pounds ÷ 100 s.f.] × 194,775 s.f.] ÷ 2,000 pounds ≈ 1.4 tons per day) (CalRecycle, n.d.). Pursuant to AB 939, at least 50% of the Project's solid waste is required to be diverted from landfills; therefore, the Project would generate a maximum of 0.7 tons of solid waste per day requiring landfilling (1.4 tons per day × 50% ≈ 0.7 tons per day).

Non-recyclable construction waste generated by the Project would be disposed at the Badlands Landfill, El Sobrante Landfill or Lamb Canyon Landfill. As described above, this landfill receives well below their maximum permitted daily disposal volume; thus, waste generated by the Project's operation is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Furthermore, the Badlands Landfill, El Sobrante Landfill or Lamb Canyon Landfill is estimated to have adequate long-term capacity to accept waste from the Project as the landfills would not reach capacity until 2032 or later, at the earliest time, and have opportunities for future expansion. Because the Project would generate a relatively small amount of solid waste per day as compared to the permitted daily capacities at the receiving landfill, impacts to the Badlands Landfill, El Sobrante Landfill or Lamb Canyon Landfill would not occur during Project operation.

Threshold e: Would the Project comply with federal, state, and local management and reduction statues and regulation related to solid waste?

The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50 percent waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the Riverside County Board of Supervisors adopted the County of Riverside Countywide Integrated Waste Management Plan (CIWMP), which outlines the goals, policies, and programs the County and its cities implement to create an integrated and cost-effective waste management system that complies with the provisions of AB 939 and its diversion mandates. (RCDWR, 2022)

In order to assist the City of Moreno Valley and the County of Riverside in achieving the mandated goals of the Integrated Waste Management Act, the Project's building user(s) would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the Project is required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before

occupancy permits are issued (CA Legislative Info, 2005). Additionally, in compliance with AB 341 (Mandatory Commercial Recycling Program), the future occupant(s) of the proposed Project would be required to arrange for recycling services, if the occupant generates four (4) or more cubic yards of solid waste per week (CA Legislative Info, 2011). The implementation of these mandatory requirements would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less than significant.

5.4.7 WILDFIRE

Threshold a:	***Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?***
Threshold b:	***Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***
Threshold c:	***Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***
Threshold d:	***Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

The Project Site is not located in or near state responsibility areas (SRA) or lands within a very high fire hazard severity zone (CalFire, 2007); therefore, the Project would not exacerbate wildfire hazard risks or expose people or the environment to adverse environmental effects related to wildfires. As such, no impact would occur.

6.0 ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6(a):

> *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.*

As demonstrated in Section 4.0 of this EIR, implementation of the Project would not result in significant adverse environmental effects that cannot be mitigated to below a level of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures.

It should be noted that although the Project would not result in any significant and unavoidable impacts, mitigation measures (MMs) are required to reduce potentially significant impacts to levels considered less than significant for the following topics: Biological Resources (due to the potential to affect migratory bird nests during Project demolition activities), Cultural Resources (due to the potential to encounter pre/protohistoric cultural resources during Project grading), Geology and Soils (due to the potential to encounter paleontological resources during Project grading), and Tribal Cultural Resources (due to the potential to encounter tribal cultural resources during Project grading). These potentially significant impacts are associated with construction activities, not operation of the Project.

6.1 ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD FOR DETAILED ANALYSIS

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the Project, CEQA Guidelines Section 15126.6(f)(1) notes:

> *"Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional*

boundaries…and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site…"

In determining an appropriate range of alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

6.1.1 Alternative Sites

CEQA requires that the discussion of alternatives focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. The key question and first step in the analysis is determining whether any of the significant effects of the Project would be avoided or substantially lessened by developing the Project at another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6(f)(2)).

Past activities on the Project Site have resulted in pervasive and ongoing disturbance over the past 70+ years. Based on a review of aerial photography and the City of Moreno Valley General Plan Land Use Map, there are no other properties in the western portion of the City along the I-215 corridor that are sufficiently sized and have fewer developmental and environmental constraints than the vacant Project Site. Further, none of the significant impacts associated with the Project – all of which can be reduced to less than significant levels with the application of the mitigation measures identified in this EIR – are due to unique conditions on the Project Site and all of the impacts are reasonably expected to occur at other sites in the City of Moreno Valley.

The Project's potentially significant impacts – all of which are related to aspects of the Project's construction and would be reduced to less than significant levels with the application of the MMs identified in this EIR – are also likely to occur at other sites in the City. Additionally, the Project-related increase in vehicular trips and the associated air pollutant emissions, greenhouse gas emissions, and noise, which would be less than significant with the Project, would also occur with development at an alternative site.

Lastly, the Project Applicant does not own and is not involved in the acquisition of any property in the City that could accommodate the Project, other than the Project Site. CEQA does not require sites that are not owned by the landowner or that could not be reasonably acquired by the landowner to be considered as an alternative to the Project.

In light of the foregoing reasons, a more detailed analysis of alternative sites is not warranted.

6.1.2 Alternative Development Project On-site

It is typical to consider alternative development scenarios for a Project (reduced intensity, reduced development area, alternative site plan, alternative use, etc.) when identifying potential alternatives to avoid or reduce potential significant impacts resulting from construction or operation of a project to a less-than-significant level. In this EIR, such an analysis is provided in the evaluation of the "No Project" alternative, which presents an option where the Project Site is developed under an alternative site plan (and with reduced intensity) that conforms to the existing "Business Park (BP)" zoning designation that applies to the Project Site (see Subsection 6.3.2).

As previously identified, and as demonstrated through the analysis presented in Section 4.0 of this EIR, the Project would not result in any significant and unavoidable impacts. The Project's potential impacts are less than significant with incorporation of the mitigation measures in this EIR. Implementation of an alternative development scenario at the Project Site that could potentially meet the established Project objectives would require site preparation, grading/excavation, and building construction. All impacts that require Project-level mitigation are associated with construction activities, not operation, and would therefore also occur under a potential alternative development scenario onsite. For that reason, as discussed further below, there is no need to further evaluate alternative development scenarios aside from the "No Project" alternative presented later in this section.

6.2 Alternatives Analysis

The discussion on the following pages compares the environmental impacts expected from each alternative evaluated by the Lead Agency relative to the impacts of the Project. A conclusion is provided for each topic as to whether the alternative results in one of the following: (1) reduction of elimination of the Project's impact, (2) a greater impact than would occur under the Project, (3) the same impact as the Project, or (4) a new impact in addition to the Project's impacts. In addition, the alternatives analysis identifies the ability of each alternative to meet the basic objectives of the Project. As previously listed in EIR Section 3.0, the Project's basic objectives are:

A. To expand economic development in Moreno Valley by developing an underutilized property with an in-demand industrial use within an area that is planned for long-term industrial development.

B. Transition an underutilized site near the I-215 corridor into a professional, well-maintained, and attractive development containing a light industrial warehouse building with supporting office space and landscaping.

C. Provide a development that will enhance the City's economic well-being and employment opportunities for community residents and reduce the need for members of the local workforce to commute outside the area for employment, thereby improving the jobs-housing balance in the City and surrounding area.

D. To develop a project that has architectural and landscape design and operational characteristics that complement other existing and planned buildings in the City, meets contemporary industry

standards, and can be economically competitive with similarly-sized warehouse buildings in the local area and region.

E. To develop a light industrial warehouse building in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways

F. To develop a property that has access to available infrastructure, including roads and utilities.

6.2.1 No Development Alternative

A. Description of the Alternative

The No Development Alternative allows decision-makers to compare the environmental impacts of approving the Project to the environmental impacts that would occur if the property were left in its existing conditions for the foreseeable future. Under existing conditions, the Project Site is entirely disturbed land that is vacant and undeveloped, except for approximately 2.3 acres in the north-central portion of the Site that contains seven detached single-family dwelling units and multiple outbuildings. Refer to the description of the Project Site's existing physical conditions in Section 2.0 of this EIR.

B. Comparative Analysis of Environmental Impacts

Provided on the following pages is a comparative analysis of the No Development Alternative and the Project. The focus of this analysis is to determine whether the No Development Alternative can eliminate or reduce any potentially significant environmental impacts that would result from implementation of the Project.

1. Aesthetics

The No Development Alternative does not involve any new development or change in current uses. Under the No Development Alternative, the visual character and quality of the Project Site would be maintained in its existing condition. No new structures, parking areas, landscaping, or lighting would be introduced on the Project Site. The No Development Alternative would not have the potential to conflict with the existing character or quality of existing and planned development surrounding the Project Site and would not create a new source of substantial light or glare that would impact nighttime views in the area. No significant aesthetic impacts related to aesthetics were identified for the Project and no significant aesthetic impacts would occur under this alternative.

2. Air Quality

The No Development Alternative would not involve construction or operational activities. Therefore, the No Project Alternative would avoid all construction- and operational-related air pollutant emissions that would result from the Project.

3. *Biological Resources*

The No Development Alternative would leave the Project Site in its existing condition, which includes developed/disturbed land with minimal vegetation and no natural habitat areas. No grading would occur under the No Project Alternative and there would be no potential impacts to special-status species that may occupy the Project Site (i.e., burrowing owl) or bird nests that may be present on the Project Site. Although there are mitigation measures identified in EIR Subsection 4.3 that would reduce the Project's direct and cumulatively considerable impacts to biological resources to below a level of significance, implementation of the No Project Alternative would avoid impacts to biological resource associated with the Project and would require no mitigation.

4. *Cultural Resources*

The No Development Alternative would leave the Project Site in its existing condition; no grading would occur under this Alternative and there would be no potential impacts to subsurface archeological resources that may exist beneath the ground surface. Although there are mitigation measures identified in EIR Subsection 4.4 that would reduce the Project's direct and cumulatively considerable impacts to cultural resources to below a level of significance, implementation of the No Development Alternative would avoid impacts to cultural resources associated with the Project and would require no mitigation.

5. *Energy*

Under the No Development Alternative, the existing uses on the Project Site would continue to operate; therefore, there would be nominal demand for near-term and long-term electricity and fuel use on the Site. Selection of this Alternative would result in a less than significant impact to energy and would reduce the Project's near- and long-term energy use.

6. *Geology and Soils*

The No Development Alternative would leave the Project Site in its existing condition. The No Development Alternative would not construct any new structures or parking on the Project Site; accordingly, there would be no potential for this Alternative to expose people or structures to safety risks associated with geologic hazards.

With respect to paleontological resources, the No Development Alternative would not involve any excavation or grading activities. Therefore, the potential to discover paleontological resources is eliminated. As such, the potential for impacts to paleontological resources with the No Development Alternative would be less than with the Project. However, the Project impacts would be less than significant with Project-level mitigation. Therefore, the No Development Alternative would not avoid any significant impacts related to paleontological resources.

7. Greenhouse Gas Emissions

Under the No Development Alternative, no development would occur on the Project Site and there would be no new sources of near-term or long-term GHG emissions from uses on the Site. The No Project Alternative would avoid all GHG emissions that would result from the Project.

8. Hazards and Hazardous Materials

As identified in Subsection 4.8, with adherence to applicable regulations, the Project would have no impact or a less than significant impact related to hazards and hazardous materials. Under the No Development Alternative, no new development would occur on the Project Site and the property would remain vacant and undeveloped. Therefore, there would be no new potential hazards or introduction of hazardous materials under the No Project Alternative. The site is fenced, but illegal dumping has occurred on the Project Site and the potential for continued illegal dumping would remain. Routine weed abatement activities would continue to occur on the Project Site to remove vegetation that has the potential to pose a fire hazard, as required by the City of Moreno Valley. Selection of this alternative would avoid the Project's less than significant impacts related to hazards and hazardous materials.

9. Hydrology and Water Quality

No changes to the Site's existing hydrology and drainage conditions would occur under the No Project Alternative. No stormwater drainage improvements would be constructed on or adjacent to the Project Site and rainfall would continue to be discharged from the Project Site as untreated sheet flow. Under the No Project Alternative, the stormwater leaving the Project Site would not be treated to minimize waterborne pollutants or sediment as it would with the Project which includes an infiltration system to reduce flows discharged off-site. Therefore, the No Project Alternative would result in greater impacts to hydrology and water quality than the proposed Project; however, under this alternative, impacts would remain less than significant.

10. Land Use and Planning

The No Development Alternative would leave the property in its existing condition and the property would not be developed in accordance with the Moreno Valley General Plan's vision for developing the site with employment-generating uses. Regardless, no physical effects to the environment would occur from implementation of the No Development Alternative. The proposed Project would result in less-than-significant land use and planning impacts, which is the same conclusion for the Project.

11. Noise

The No Development Alternative would not involve construction activities; therefore, noise and vibration effects associated with construction would be less than the Project. However, the Project's construction-related noise impacts would be less than significant. Therefore, the No Development Alternative would not avoid any significant impacts related to noise during construction.

Under the No Development Alternative, no new sources of permanent noise would be introduced on the Project Site and the relatively minimal noise generated by the existing residential uses on-site would continue. The No Development Alternative would avoid all noise and vibration that would result from Project operations (e.g., vehicle noise, noise from loading and unloading trailers, operation of building systems and on-site equipment).

12. Transportation

The No Development Alternative would not generate any new daily traffic. Accordingly, this Alternative would avoid the Project's less-than-significant impacts to transportation.

13. Tribal Cultural Resources

The No Development Alternative would leave the Project Site in its existing condition; no grading would occur under this alternative and there would be no potential impacts to subsurface tribal cultural resources that may exist beneath the ground surface. Although there are mitigation measures identified in EIR Subsection 4.13 that would reduce the Project's direct and cumulatively considerable impacts to tribal cultural resources to below a level of significance, implementation of the No Development Alternative would avoid impacts to tribal cultural resources associated with the Project and would require no mitigation.

C. Conclusion

Implementation of the No Development Alternative would result in no physical environmental impacts to the Project Site beyond those that have historically occurred on the Project Site. All potentially significant effects of the Project would be avoided by the selection of this Alternative.

Because the No Development Alternative would not re-develop the Project Site and would not promote local economic development, including through the creation of new jobs and the expansion of the local tax base, the No Development Alternative would fail to meet all the Project's objectives.

6.2.2 No Project Alternative

A. Description of the Alternative

The No Project Alternative considers development of the Project Site with uses that are in conformance with the Project Site's existing City of Moreno Valley General Plan and Zoning Map. The Project Site is currently zoned "Business Park (BP)" which provides for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. The Business Park zoning standards limit building sizes to 50,000 s.f. For the purposes of this analysis, to be consistent with existing zoning, this alternative assumes development of the Project Site with four, 50,000 square-foot warehouse buildings, one building each located on the northwestern, northeastern, southwestern, and southeastern portions of the Project Site. This alternative also provides for the development of related site improvements such

as truck loading/unloading areas and parking, passenger vehicle parking, landscaping, signage, and public utility connections.

This alternative was selected to compare the environmental effects of the proposed Project with a scenario that is a continuation of the existing land use and zoning plans into the future. This alternative satisfies the requirements of CEQA Guidelines Section 15126.6(e) to evaluate an alternative that would reasonably be expected to occur on the Project Site in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services.

B. Comparative Analysis of Environmental Impacts

1. Aesthetics

The Project Site does not contain any unique aesthetic resources, nor does it serve as a prominent scenic vista. Under the No Project Alternative, the visual character and quality of the Project Site would be more varied than what would occur under the proposed Project (due to an increased number of buildings that would be occupied by different tenants), although it is assumed that the site would have a cohesive design. The four buildings that would be constructed in the Project Site would be smaller in mass and bulk compared to the one building proposed by the Project. The selection of this alternative would result in similar aesthetic effects associated with changes to existing visual quality, character, and the introduction of light and glare sources. Therefore, under both this alternative and the proposed Project, aesthetic impacts would be less than significant.

2. Air Quality

Under the No Project Alternative, the overall duration of construction would be similar to the Project. As such, the total amount of air pollutant emissions generated during the construction phase would be similar under the No Project Alternative as compared to the Project. The peak daily intensity of construction activities at the Project Site would be similar under both the No Project Alternative and the Project because both would: 1) disturb the same physical area; 2) utilize the same types of construction equipment; and 3) require the same types of construction activities. Therefore, the total daily emissions during the construction phase would be less than significant and like the Project.

Because the No Project Alternative would develop the Project Site with the same land use as the proposed Project but at a slightly higher intensity, this alternative would incrementally increase the Project's non-mobile source and mobile source air pollutant emissions. However, like the Project, air quality impacts from operation of the No Project Alternative would be less than significant and no mitigation would be required.

Like the Project, the No Project Alternative would generate odors during short-term construction activities (e.g., diesel equipment exhaust, architectural coatings, asphalt) and long-term operation (e.g., diesel exhaust). However, and similar to the Project, these odors would occur intermittently, be of short-term duration, and would not be substantial. Long-term operation of this alternative would not

create objectionable odors affecting a substantial number of people and impacts would be less than significant with compliance with mandatory regulatory requirements.

3. *Biological Resources*

The No Project Alternative would develop the entire Project Site and would result in identical impacts to biological resources as the Project. The No Project Alternative would require the same mitigation measures as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to biological resources.

4. *Cultural Resources*

The No Project Alternative would develop the entire Project Site and would result in identical impacts to cultural resources as the Project. The No Project Alternative would require the same mitigation measures as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to cultural resources.

5. *Energy*

The No Project Alternative would require slightly more energy to construct and operate than the Project due to an incremental increase in building floor area. Additionally, the No Project Alternative would slightly increase transportation energy demands in comparison to the Project due to the minor increase in building floor area and associated traffic. Both the Project and the No Project Alternative would result in a less than significant impact.

6. *Geology and Soils*

The No Project Alternative would develop the entire Project Site and would result in identical impacts to geology/soils as the Project. The No Project Alternative would require the same mitigation measures as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to geology and soils (specifically, paleontological resources).

7. *Greenhouse Gas Emissions*

Because the No Project Alternative would result in slightly more building area than the Project, the No Project Alternative is expected to require more energy to construct and operate than the Project and, therefore, result in a small increase of non-mobile source GHG emissions as compared to the Project. Additionally, the No Project Alternative would generate slightly more daily vehicle trips than the Project and would incrementally increase the amount of mobile source GHG emissions.

8. *Hazards and Hazardous Materials*

Because the No Project Alternative would house similar types of building occupants as the Project, the potential for hazards and hazardous materials would be similar to the Project. Potential construction-related hazards and hazardous materials impacts would also be similar. As with the proposed Project, mandatory compliance to federal, state, and local regulations during construction and long-term

operation would ensure that the proposed development would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

9. Hydrology and Water Quality

Neither the Project nor the No Project Alternative would result in substantial alterations to the drainage pattern of the Site or would result in substantial erosion effects. Accordingly, implementation of the Project and the No Project Alternative would both result in less than significant impacts to existing drainage patterns.

During construction, potential hydrology and water quality effects on the Project Site would be similar under both the No Project Alternative and the Project because this Alternative and the Project would disturb the same physical area. Like the Project, the No Project Alternative would be required to implement a SWPPP to ensure that stormwater runoff during construction does not contain substantial pollutant concentrations. Both the Project and the No Project Alternative would result in less than significant construction impacts to hydrology and water quality.

In the long-term, potential hydrology and water quality effects on the Project Site would be similar under both the No Project Alternative and the Project due to both providing a similar amount of non-pervious surfaces. Like the Project, the No Project Alternative would be required to implement a drainage plan to ensure that stormwater runoff is conveyed to local and regional stormwater drainage facilities with adequate capacity to handle runoff flows from the Project Site. Additionally, like the Project, the No Project Alternative would be required to implement a long-term WQMP to ensure that stormwater runoff leaving the Project Site does not contain substantial pollutant concentrations. Both the Project and the No Project Alternative would result in less than significant operational impacts to hydrology and water quality.

10. Land Use and Planning

The No Project Alternative would develop the Project Site in accordance with the City of Moreno Valley General Plan and zoning map. As such, there would be no conflicts with applicable land use plans, policies, or regulations resulting in significant environmental effects. Comparatively, the Project proposes a Change of Zone to address consistency between the proposed land uses and the zoning map. Both the No Project Alternative and the Project would result in less than significant land use and planning impacts.

11. Noise

The No Project Alternative would generate similar, less than significant short-term construction noise levels as the Project, as both the Project and the No Project Alternative would utilize similar construction equipment and would require similar construction activities. Under long-term operational conditions, the Project and No Project Alternative would result in similar, less than significant noise levels due to relatively similar operational practices (i.e., cargo loading/unloading activities) and similar daily heavy truck traffic volumes.

12. Transportation

The No Project Alternative would generate similar types of vehicular traffic as the Project (i.e., a similar mix of passenger vehicles and 2-, 3- and 4+ axle trucks) and is expected to have a similar, less than significant impact as the Project related to compatibility with local land uses and transportation safety hazards. The No Project Alternative is anticipated to result in a similar, less than significant VMT as the Project due to the Project Site's location in a "Low VMT" area (due to proximity to I-215). Both the Project and the No Project Alternative would result in a less than significant impact related to transportation.

13. Tribal Cultural Resources

The No Project Alternative would develop the entire Project Site and would result in identical impacts to tribal cultural resources as the Project. The No Project Alternative would require the same mitigation measures as the Project and, after mitigation, both the No Project Alternative and the Project would result in less than significant impacts to tribal cultural resources.

C. Conclusion

The No Project Alternative would incrementally increase the Project's less than significant impacts to air quality, greenhouse gas emission, and noise. The No Project Alternative would result in less than significant impacts, similar to the Project, under the topics of aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, and tribal cultural resources.

The No Project Alternative would meet all the Project's objectives but would be less effective than the Project at achieving Objective A, as the City already contains numerous buildings of the size provided by this alternative (i.e., 50,000 square feet) that are fully developed and operational, under construction, or approved and, thus, are less in demand than the building size provided by the Project.

6.3 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives shall identify an environmentally superior alternative among the alternatives evaluated in the EIR. In general, the environmentally superior alternative as defined by CEQA should minimize adverse impacts to a project site and its surrounding environment. However, pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, if a "no project" alternative is identified as environmentally superior to a proposed project then the EIR shall select an environmentally superior alternative among the other alternatives. Additionally, CEQA does not mandate the selection of the "environmentally superior" project if, through mitigation measures alone, the agency has adequately reduced a project's environmental effects to a less than significant level (83 Cal.3d at 521; see also *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 379). Accordingly, for purposes of this EIR, there is no need to identify an environmentally superior alternative because the one alternative that would clearly avoid the Project's environmental impacts is classified as a "no project" alternative and the remaining

alternative evaluated herein would not avoid or reduce any significant environmental impacts, as the Project would not result in any significant and unavoidable impacts to the environment with implementation of the mitigation measures in this EIR and compliance with applicable regulations (as demonstrated in the analysis in Section 4.0 of this EIR). Therefore, there are no alternatives evaluated in this EIR that would be considered environmentally superior to the Project.

7.0 REFERENCES

7.1 PERSONS INVOLVED IN THE PREPARATION OF THIS EIR

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7.2 DOCUMENTS INCORPORATED BY REFERENCE IN THIS EIR

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is generally available to the public at the location listed.

City of Moreno Valley, 2023. *Moreno Valley Municipal Code*. October 2023. Available at: https://ecode360.com/MO4973

City of Moreno Valley, 2006. *Final Environmental Impact Report: City of Moreno Valley General Plan.* Available at: https://moval.gov/city_hall/general-plan/06gpfinal/ieir/eir-tot.pdf

City of Moreno Valley, 2006. *City of Moreno Valley General Plan.* July 11, 2006. Available at: https://moval.gov/city_hall/general-plan.html

County of Riverside, 2009. *Riverside County General Plan EIR* (SCH No. 200904105). Available at: https://planning.rctlma.org/General-Plan-Zoning/General-Plan/Riverside-County-General-Plan-2015/General-Plan-Amendment-No960-EIR-No521-CAP-February-2015.

City of Riverside, 2004. *City of Riverside General Plan EIR* (SCH No.2004021108). Available at: https://riversideca.gov/cedd/planning/city-plans/general-plan-0.

7.3 DOCUMENTS AND WEBSITES CONSULTED

Cited As	Reference
ALUC, 2014	ALCU, 2014. *March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan*. November 13, 2014. Accessed December 21, 2021. Available online: https://rcaluc.org/sites/g/files/aldnop421/files/2023-06/March.pdf
CA Legislative Info., 1965	California Legislative Information, 1965. *Public Resources Code, Section 5097.5*. 1965. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=5.&title=&part=&chapter=1.7.&article=
CA Legislative Info., 1976	California Legislative Information, 1976. *Public Resources Code, Section 30244*. 1976. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=20.&title=&part=&chapter=3.&article=5.
CA Legislative Info., 2005	California Legislative Information, 2005. *Public Resources Code, Section 42911*. 2005. Accessed February 9, 2022. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=42911
CA Legislative Info., 2011	California Legislative Information, 2011. *Assembly Bill 341*. 2011. Accessed February 9, 2022. Available on-line: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341
CA Legislative Info., n.d.	California Legislative Information, n.d. *AB 52.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52&search_keywords=
CA Legislative Info., n.d.	California Legislative Information, n.d. *Article 1.7. Disclosure of Natural and Environmental Hazards, Right-to-Farm, and Other Disclosures Upon Transfer of Residential Property*. No date. Accessed January 25, 2022. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1103.2.&lawCode=CIV

Cited As	Reference
CA Legislative Info., n.d.	California Legislative Information, n.d. *California Code of Regulations, Title 14, Chapter 3, Section 15064.5.* No date. Accessed March 12, 2024. Available on-line: https://govt.westlaw.com/calregs/Document/I87D9F3AA5B4D11EC976B000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)
CA Legislative Info., n.d.	California Legislative Information, n.d. *California Fish and Game Code, Sections 3500-3516*. No date. Accessed March 12, 2024. Available on-line: http://www.leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=4.&chapter=1.&part=2.&lawCode=FGC
CA Legislative Info., n.d.	California Legislative Information, n.d. *California Government Code, Title 5, Division 1, Part 1, Chapter 6.8, Section 51178.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=5.&part=1.&chapter=6.8.&article=
CA Legislative Info., n.d.	California Legislative Information, n.d. *California Government Code, Title 7, Division 1, Chapter 3, Article 6, Section 65352.4.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65352.4&lawCode=GOV
CA Legislative Info., n.d.	California Legislative Information, n.d. *California Porter-Cologne Water Quality Control Act.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=WAT&division=7.&title=&part=&chapter=&article=&nodetreepath=8
CA Legislative Info., n.d.	California Legislative Information, n.d. C*alifornia Vehicle Code.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=VEH&division=14.1.&title=&part=&chapter=&article=&nodetreepath=21
CA Legislative Info., n.d.	California Legislative Information, n.d. *California Water Code*. No date. Accessed January 25, 2022. Available on-line: http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=WAT&tocTitle=+Water+Code+-+WAT
CA Legislative Info., n.d.	California Legislative Information, n.d. *Health and Safety Code, Air Toxic Hot Spots Act, Division 26, Part 6.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=26.&title=&part=6.&chapter=&article=
CA Legislative Info., n.d.	California Legislative Information, n.d. *Health and Safety Code, Division 7, Sections 7000-8030.* No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=6.95.&article=1.

Cited As	Reference
CA Legislative Info., n.d.	California Legislative Information, n.d. *Health and Safety Code, Division 7, Part 1, Chapter 2, Sections 7050.5-7055*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=7.&title=&part=1.&chapter=2.&article=
CA Legislative Info., n.d.	California Legislative Information, n.d. *Health and Safety Code, Division 7, Part 2, Chapter 5, Sections 8010-8011*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=7.&title=&part=2.&chapter=5.&article=1.
CA Legislative Info., n.d.	California Legislative Information, n.d. *Health and Safety Code, Division 20, Chapter 6.95, Article 1*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=6.95.&article=1.
CA Legislative Info, n.d.	California Legislative Information, n.d. *Public Resources Code, Section 5097.98*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5097.98.&lawCode=PRC
CA Legislative Info, n.d.	California Legislative Information, n.d. *Public Resources Code, Section 21001*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21001.&lawCode=PRC
CA Legislative Info, n.d.	California Legislative Information, n.d. *Public Resources Code, Division 13, Chapter 4.2, Sections 21155-21155.4*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=4.2.&article=
CA Legislative Info, n.d.	California Legislative Information, n.d. *Public Resources Code, Division 13, Chapter 4.5, Article 6, Sections 21159.28*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=4.5.&article=6.
CA Legislative Info., n.d.	California Legislative Information, n.d. *SB-32*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32
CA Legislative Info., n.d.	California Legislative Information, n.d. *SB-97*. No date. Accessed November 17, 2023. Available on-line: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB97
CA Legislative Info., n.d.	California Legislative Information, n.d. *SB-107*. No date. Accessed November 17, 2023. Available on-line: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200520060SB107
CA Legislative Info., n.d.	California Legislative Information, n.d. *SB-1078*. No date. Accessed March 12, 2024. Available on-line: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1078

Cited As	Reference
CA Legislative Info., n.d.	California Legislative Information, n.d. *The Alquist-Priolo Earthquake Fault Zoning Act*. No date. Accessed January 25, 2022. Available on-line: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=7.5.&lawCode=PRC
CA State Library, 2005	California State Library, 2005. *Executive Order S-3-05.* June 1, 2005. Accessed March 12, 2024. Available on-line: https://www.library.ca.gov/Content/pdf/GovernmentPublications/executive-order-proclamation/5129-5130.pdf
CA State Library, 2007	California State Library, 2007. *Executive Order S-01-07.* January 18, 2007. Accessed November 17, 2023. Available on-line: https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/5107-5108.pdf
CA State Library, 2008	California State Library, 2008. *Executive Order S-14-08.* November 17, 2008. Accessed November 17, 2023. Available on-line: https://www.library.ca.gov/Content/pdf/GovernmentPublications/executive-order-proclamation/38-S-14-08.pdf
CA State Library, 2015	California State Library, 2015. *Executive Order B-30-15.* April 29, 2015. Accessed November 17, 2023. Available on-line: https://www.library.ca.gov/Content/pdf/GovernmentPublications/executive-order-proclamation/39-B-30-15.pdf
Cal Fire, 2007	California Department of Forestry and Fire Protection (CAL FIRE), 2007. *Western Riverside County Fire Hazard Severity Zones in SRA*. November 7, 2007. Accessed November 17, 2023. Available on-line: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-maps
CalEPA, n.d.	California Environmental Protection Agency, n.d. *More about the Unified Program.* No date. Available on-line: https://calepa.ca.gov/cupa/about/
California State Parks, n.d.	California State Parks, n.d. *California Administrative Code, Title 14, Section 4308*. No date. Accessed January 21, 2022. Available on-line: https://www.parks.ca.gov/pages/627/files/california%20code%20of%20regulations.doc
CalRecycle, 2023a	California Department of Resources Recycling and Recovery, 2023. *Daily Landfilled In/Out-of-County Tonnage.* 2023. Accessed March 14, 2024. Available on-line: https://www2.calrecycle.ca.gov/SolidWaste/SiteInspection/Index/2367
CalRecycle, 2023b	California Department of Resources Recycling and Recovery, 2023. *Daily Landfilled In/Out-of-County Tonnage.* 2023. Accessed November 17, 2023. Available on-line: https://www2.calrecycle.ca.gov/SolidWaste/SiteInspection/Index/2402
CalRecycle, 2023c	California Department of Resources Recycling and Recovery, 2023. *Daily Landfilled In/Out-of-County Tonnage.* 2023. Accessed November 17, 2023. Available on-line: https://www2.calrecycle.ca.gov/SolidWaste/SiteInspection/Index/2368

Cited As	Reference
CalRecycle, n.d.	California Department of Resources Recycling and Recovery, n.d. *Estimated Solid Waste Generation Rates.* No date. Accessed November 17, 2023. Available on-line: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates
Caltrans, 2023a	California Department of Transportation, 2023. *California State Scenic Highways*. 2023. Accessed November 17, 2023. Available on-line: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways
Caltrans, 2023b	California Department of Transportation, 2023. *Construction Manual*. December 2023. Accessed March 11, 2024. Available on-line: https://dot.ca.gov/-/media/dot-media/programs/construction/documents/policies-procedures-publications/construction-manual/cmsearchabledoc.pdf
CAPCOA, 2022	California Air Pollution Control Officers Association (CAPCOA). 2022. *California Emissions Estimator Model (CalEEMod) Version 2022.1.1.12*. 2022. Accessed November 17, 2023. Available on-line: https://www.caleemod.com/
CAPCOA, 2008	California Air Pollution Control Officers Association, 2008. *CEQA & Climate Change.* January 2008. Accessed November 17, 2023. Available on-line: https://www.ourair.org/wp-content/uploads/CAPCOA-CEQA-and-Climate-Change.pdf
CARB, 2008	California Air Resources Board, 2008. *Climate Change Scoping Plan.* 2014. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf
CARB, 2014	California Air Resources Board, 2014. *First Update to the Climate Change Scoping Plan.* 2014. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf
CARB, 2017	California Air Resources Board, 2017. *California's 2017 Climate Change Scoping Plan.* 2017. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/scoping_plan_2017.pdf
CARB, 2018	California Air Resources Board, 2018. *AB 32 Global Warming Solutions Act of 2006.* 2018. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/resources/fact-sheets/ab-32-global-warming-solutions-act-2006
CARB, n.d.	California Air Resources Board, n.d. *California's GHG Vehicle Emission Standards Under AB 1493 of 2002 (Pavley).* No date. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley
CARB, n.d.	California Air Resources Board, n.d. *Sustainable Communities & Climate Protection Program (SB 375).* No date. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-climate-protection-program/about

Cited As	Reference
CARB, 2008	California Air Resources Board, 2008. *Climate Change Scoping Plan.* December 2008. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf
CARB, 2014	California Air Resources Board, 2014. *First Update to the Climate Change Scoping Plan.* May 2014. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf
CARB, 2017	California Air Resources Board, 2017. *California's 2017 Climate Change Scoping Plan.* November 2017. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/scoping_plan_2017.pdf
CARB, 2018	California Air Resources Board, 2018. *AB 32 Global Warming Solutions Act of 2006*. September 28, 2018. Accessed November 17, 2023. Available on-line: https://ww2.arb.ca.gov/resources/fact-sheets/ab-32-global-warming-solutions-act-2006
CBSC, 2010	California Building Standards Commission, 2010. *Guide to Title 24 California Building Standards Code*. 2010. Accessed November 17, 2023. Available on-line: https://aaar.assembly.ca.gov/sites/aaar.assembly.ca.gov/files/T24TrainingGuide.pdf
CBSC, 2020	California Building Standards Commission, 2020. *Title 24 California Building Standards Code.* January 1, 2020. Accessed November 17, 2023. Available on-line: https://www.dgs.ca.gov/BSC/Codes
CCCC, 2006	California Climate Change Center, 2006. *Scenarios of Climate Change in California: An Overview.* February 2006. Accessed February 7, 2022. Available on-line: https://www.sustainable-design.ie/arch/California2006_Climate-Change-Scenarios.pdf
CDC, 2016	California Department of Conservation, 2016. *California Important Farmland Finder*. 2016. Accessed June 30, 2021. Available on-line: https://maps.conservation.ca.gov/DLRP/CIFF/
CDC, n.d.	California Department of Conservation, n.d. *Seismic Hazards Mapping Act*. No date. Accessed January 25, 2022. Available on-line: https://www.conservation.ca.gov/cgs/shma
CDFW, n.d.	California Department of Fish and Wildlife, n.d. *California Laws Protecting Native Plants*. No date. Accessed January 24, 2022. Available on-line: https://www.wildlife.ca.gov/Conservation/Plants/Laws
CDFW, n.d.	California Department of Fish and Wildlife, n.d. *California Endangered Species Act (CESA) Permits.* No date. Accessed November 17, 2023. Available on-line: https://wildlife.ca.gov/Conservation/CESA/Permitting
CDFW, n.d.	California Department of Fish and Wildlife, n.d. *Natural Community Conservation Planning (NCCP)*. No date. Accessed November 17, 2023. Available on-line: https://www.wildlife.ca.gov/conservation/planning/nccp
CDTFA, n.d.	California Department of Tax and Fee Administration, n.d. *Hazardous Wast Control Act.* No date. Accessed November 17, 2023. Available on-line: https://www.cdtfa.ca.gov/lawguides/vol4/hwf/hwf-ch6-5-all.html

Cited As	Reference
CEC, n.d.	California Energy Commission, n.d. *Renewables Portfolio Standard Eligibility*. No date. Accessed February 2, 2022. Available on-line: https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard/renewables-portfolio-standard-0
CEC, n.d.	California Energy Commission, n.d. *Emission Performance Standard – SB 1368*. Accessed February 7, 2022. Available on-line: https://www.energy.ca.gov/rules-and-regulations/energy-suppliers-reporting/emission-performance-standard-sb-1368
CEC, 2018	California Energy Commission, 2018. *2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*. Accessed February 7, 2022. Available on-line: https://www.energy.ca.gov/sites/default/files/2021-06/CEC-400-2018-020-CMF_0.pdf
Census Reporter, 2023	Census Reporter, 2023. *Riverside-San Bernardino, CA Urban Area.* 2023. Accessed November 17, 2013. Available on-line: https://censusreporter.org/profiles/40000US75340-riverside-san-bernardino-ca-urban-area/
CGS, 2022	California Geological Survey, 2020. *California Landslide Inventory.* 2020. Accessed November 17, 2023. Available on-line: https://maps.conservation.ca.gov/cgs/lsi/app/
City of Riverside PUD, 2019	City of Riverside Public Utilities Department, 2019. *Update of the Integrated Master Plan for the Wastewater Collection and Treatment Facilities.* 2019. Accessed February 9, 2022.
CNRA, 2021	California Natural Resources Agency, 2021. *Draft California Climate Adaption Strategy*. October 18, 2021. Accessed February 7, 2022. Available on-line: https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Climate-Resilience/SAS-Workshops/Draft-CA-Climate-Adaptation-Strategy-ada.pdf
DOF, 2023	California Department of Finance, 2023. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023.* May 2023. Accessed November 17, 2023. Available on-line: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/
DOJ, 2007	Department of Justice, 2007. *Massachusetts v EPA.* April 2, 2007. Accessed November 17, 2023. Available on-line: https://supreme.justia.com/cases/federal/us/549/05-1120/index.pdf
DTSC, 2020	Department of Toxic Substances Control, 2020. *Cortese List*. 2020. Accessed November 217, 2023. Available on-line: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29
DWR, n.d.	California Department of Water Resources, n.d. *Adjudicated Basin Annual Reporting*. No date. Accessed January 25, 2022. Available on-line: https://sgma.water.ca.gov/webgis/index.jsp?appid=adjbasin

Cited As	Reference
DWR, n.d.	California Department of Water Resources, n.d. *SGMA Groundwater Management*. No date. Accessed January 25, 2022. Available on-line: https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management
DWR, 2020	California Department of Water Resources, 2020. *Basin Prioritization.* May 1, 2020. Accessed November 17, 2023. Available on-line: https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization
ECSD, 2022	Edgemont Community Services District, 2022. *Sewer System Management Plan Update*. November 2022. Accessed March 12, 2024. Available on-line: https://edgemontcsd.specialdistrict.org/sewer-system-management-plan
EPA, 2003	Environmental Protection Agency, 2003. *Estimating 2003 Building Related Construction and Demolition Materials Amounts*. 2003. Accessed February 9, 2022. Available on-line: https://www.epa.gov/sites/default/files/2017-09/documents/estimating2003buildingrelatedcanddmaterialsamounts.pdf
EPA, 2020	United States Environmental Protection Agency, 2020. *Summary of Clean Water Act*. 2020. Accessed March 12, 2024. Available on-line: https://www.epa.gov/laws-regulations/summary-clean-water-act
EPA, 2021a	Environmental Protection Agency (EPA), 2021. *Summary of the Clean Air Act*. September 28, 2021. Accessed March 12, 2024. Available on-line: https://www.epa.gov/clean-air-act-overview/1990-clean-air-act-amendment-summary-title-i
EPA, 2021b	Environmental Protection Agency (EPA), 2021. *1990 Clean Air Act Amendment Summary: Title I.* October 13, 2021. Accessed March 12, 2024. Available on-line: https://www.epa.gov/clean-air-act-overview/1990-clean-air-act-amendment-summary-title-i
EPA, 2021c	United States Environmental Protection Agency, 2021. *Summary of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)*. September 28, 2021. Accessed November 17, 2023. Available on-line: https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act
EPA, 2021d	United States Environmental Protection Agency, 2021. *Summary of the Resource Conservation and Recovery Act*. September 28, 2021. Accessed March 12, 2024. Available on-line: https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act
EPA, 2021e	United States Environmental Protection Agency, 2021. *Summary of the Occupational Safety and Health Act*. October 22, 2021. Accessed March 12, 2024. Available on-line: https://www.epa.gov/laws-regulations/summary-occupational-safety-and-health-act
EPA, 2021f	United States Environmental Protection Agency, 2021. *Summary of the Toxic Substances Control Act*. October 22, 2021. Accessed March 12, 2024. Available on-line: https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act

Cited As	Reference
EPA, 2021g	United States Environmental Protection Agency, 2021. *Summary of the Noise Control Act*. September 28, 2021. Accessed February 2, 2022. Available on-line: https://www.epa.gov/laws-regulations/summary-noise-control-act
Farr,A. 2018	Farr, Andrew, 2018. *Active Expansion: Riverside Water Quality Control Plant Tackles Upgrades While Remaining Online*. November 12, 2018. Accessed February 9, 2022. Available on-line: https://waterfm.com/active-expansion/
FEMA, 2008	Federal Emergency Management Agency, 2008. *FEMA FIRM No. 06065C0745G*. August 28, 2008. Accessed January 25, 2022. Available on-line: https://msc.fema.gov/portal/home
FHWA, n.d.	Federal Highway Administration, n.d. *Intermodal Surface Transportation Efficiency Act of 1991*. No date. Accessed February 2, 2022. Available on-line: https://www.fhwa.dot.gov/planning/public_involvement/archive/legislation/istea.cfm
FHWA, 2017	Federal Highway Administration, 2017. *Highway Traffic Noise*. June 6, 2017. Accessed February 2, 2022. Available on-line: https://www.fhwa.dot.gov/environment/noise/
FTA, 2006	Federal Transit Administration, 2006. *Transit Noise and Vibration Impact Assessment*. May 2006. Accessed February 2, 2022. Available on-line: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf
Google Earth, 2023	Google Earth, 2023. Multiple Dates. *Version 10.48.0.2*. Computer Software.
Google Earth Pro, 2023	Google Earth Pro, 2023. Multiple Dates. *Version 7.3.2.5776*. Computer Software.
IAPMO, 2022	International Association of Plumbing & Mechanical Officials, 2022. *California Plumbing Code, Appendix H.* 2022. Accessed March 13, 2024. Available on-line: https://epubs.iapmo.org/2022/CPC/
Moreno Valley, 2003	City of Moreno Valley, 2003. *Municipal Code*. 2003. Accessed March 12, 2024. Available on-line: https://ecode360.com/43224569#43224569
Moreno Valley, 2006a	City of Moreno Valley, 2006. *Moreno Valley General Plan.* July 11, 2006. Accessed March 12, 2024. Available on-line: https://moval.gov/city_hall/general-plan.html
Moreno Valley, 2006b	City of Moreno Valley, 2006. *Moreno Valley General Plan EIR.* July 2006. Accessed March 12, 2024. Available on-line: http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/ieir/eir-tot.pdf
Moreno Valley, 2012	City of Moreno Valley, 2012. *Energy Efficiency and Climate Action Strategy.* October 2012. Accessed March 12, 2024. Available on-line: http://www.moreno-valley.ca.us/pdf/efficiency-climate112012nr.pdf
Moreno Valley, 2015	City of Moreno Valley, 2015. *Moreno Valley Bicycle Master Plan.* November 2014. Accessed March 12, 2024. Available on-line: https://moval.gov/departments/public-works/transportation/pdfs/BicycleMasterPlan.pdf

Cited As	Reference
Moreno Valley, 2017	City of Moreno Valley, 2017. *Local Hazard Mitigation Plan.* May 2017. Accessed March 12, 2024. Available on-line: https://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf
Moreno Valley, 2019	City of Moreno Valley, 2019. *Designated Truck Route Map.* May 2019. Accessed March 12, 2024. Available on-line: http://www.moreno-valley.ca.us/city_hall/departments/pub-works/transportation/pdfs/truck-routes.pdf
Moreno Valley, 2020	City of Moreno Valley, 2020. *City of Moreno Valley Zoning Map*. January 22, 2020. Accessed May 20, 2024. Available on-line: https://www.morenovalleybusiness.com/wp-content/uploads/2020/03/Zoning_030620E.pdf
Moreno Valley, 2023	City of Moreno Valley, 2023. *Municipal Code*. October 2023. Accessed March 12, 2024. Available online: https://ecode360.com/MO4973
NAHC, n.d.	Native American Heritage Commission, n.d. *State Laws and Codes*. No date. Accessed January 25, 2022. Available on-line: http://nahc.ca.gov/codes/state-laws-and-codes/
NPS, 2021a	National Park Service, 2021. *The National Historic Preservation Program: Overview*. March 30, 2021. Accessed January 21, 2022. Available on-line: https://www.nps.gov/subjects/archeology/national-historic-preservation-act.htm
NPS, 2021b	National Park Service, 2020. *National Register of Historic Places FAQ*. May 6, 2021. Accessed March 12, 2024. Available on-line: https://www.nps.gov/subjects/nationalregister/faqs.htm
NPS, 2021c	National Park Service, 2021. *National Historic Landmarks Program*. February 2, 2021. Accessed January 21, 2022. Available on-line: https://www.nps.gov/orgs/1582/index.htm
OEHHA, 2023	California Office of Environmental Health Hazard Assessment, 2023. *Screening Tool: CalEnviroScreen 4.0 for Census Tract 6065042505.* Accessed March 12, 2024. Available online: https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/
OHP, n.d.	Office of Historic Preservation, n.d. *California Register of Historical Resources*. No date. Accessed January 21, 2022. Available on-line: http://ohp.parks.ca.gov/?page_id=21238
OLRC, n.d.	Office of the Law Revision Counsel, n.d. *The Native American Graves Protection and Repatriation Act*. No date. Accessed March 12, 2024. Available on-line: https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter32&edition=prelim
OPR, 2005	Governor's Office of Planning and Research, 2005. *Tribal Consultation Guidelines*. November 14, 2005. Accessed January 21, 2022. Available on-line: http://nahc.ca.gov/wp-content/uploads/2019/04/SB-18-Tribal-Consultation-Guidelines.pdf

Cited As	Reference
OPR, 2017a	Governor's Office of Planning and Research, 2017. *General Plan Guidelines*. 2017. Accessed February 2, 2022. Available on-line: https://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf
OPR, 2017b	Governor's Office of Planning and Research, 2017. *Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA*. June 2017. Accessed January 21, 2022. Available on-line: http://nahc.ca.gov/wp-content/uploads/2017/06/Technical-Advisory-AB-52-and-Tribal-Cultural-Resources-in-CEQA.pdf
OPR, 2019	Governor's Office of Planning and Research, 2019. *Guidelines for the Implementation of the California Environmental Quality Act*. 2019. Accessed January 24, 2022. Available on-line: http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf
OSHA, 2002	Occupational Safety and Health Administration, 2002. *Hearing Conversation*. 2002. Accessed February 2, 2022. Available on-line: https://www.osha.gov/sites/default/files/publications/osha3074.pdf
OSHA, n.d.	Occupational Safety and Health Administration, n.d. *Trucking Industry*. Accessed March 12, 2024. Available on-line: https://www.osha.gov/SLTC/trucking_industry/transportinghazardousmaterials.html
RCA, n.d.	Regional Conservation Authority, n.d. *Regional Conservation Authority MSHCP Information Map.* No date. Accessed December 21, 2021. Available online: https://www.arcgis.com/apps/webappviewer/index.html?id=2b9d4520bd5f4d35add35fb58808c1b7
RCALUC, 2014	Riverside County Airport Land Use Commission, 2014. *March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan*. November 13, 2014. Accessed March 12, 2024. Available on-line: https://rcaluc.org/sites/g/files/aldnop421/files/2023-06/March.pdf
RCDEH, 2020	Riverside County Department of Environmental Health, 2020. *Hazardous Materials (HazMat)*. 2020. Accessed January 24, 2022. Available on-line: https://rivcoeh.org/hazardous-materials
RCDWR, 2022	Riverside County Department of Waste Resources, 2020. *Countywide Integrated Waste Management Plan*. 2020. Accessed February 9, 2022. Accessed on-line: https://www.rcwaste.org/business/planning/ciwmp
RCIT, n.d.	Riverside County Information Technology, n.d. *Map My County, Western Riverside Multi-Species Habitat Conservation Plan Fee Area.* No date. Available on-line: https://gis1.countyofriverside.us/Html5Viewer/?viewer=MMC_Public
RWQCB, 2019	Regional Water Quality Control Board, 2019. *Santa Ana River Basin Water Quality Control Plan*. June 2019. Accessed March 12, 2024. Available on-line: https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/
SAWPA, 2019	Santa Ana Watershed Project Authority, 2020. *One Water One Watershed Plan*. January 2019. Accessed January 25, 2022. Available on-line: https://www.ocwd.com/media/7970/wic07aone-water-one-watershed-plan-update.pdf

Cited As	Reference
SCAG, 2001	Southern California Association of Government, 2001. *Employment Density Study Summary Report.* October 31, 2001. Accessed March 12, 2024. Available on-line: https://docplayer.net/30300085-Employment-density-study-summary-report-october-31-prepared-for-southern-california-association-of-governments.html
SCAG, 2019	Southern California Association of Government, 2019. *Profile of the City of Moreno Valley*. May 2019. Accessed June 30, 2021. Available on-line: https://scag.ca.gov/sites/main/files/file-attachments/morenovalley_localprofile.pdf?1606013528
SCAG, 2020	Southern California Association of Governments, 2020. *Connect SoCal and Growth Forecast.* September 3, 2020. Accessed January 25, 2022. Available on-line: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579
SCAG, 2020b	Southern California Association of Governments, 2020. *Sustainable Communities Strategy Tech Report*. September 3, 2020. Accessed March 11, 2024. Available on-line: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_sustainable-communities-strategy.pdf
SCAG, 2024	Southern California Association of Governments, 2024. *The 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments.* April 4, 2024. Accessed April 25, 2024. Available on-line: https://scag.ca.gov/sites/main/files/file-attachments/23-2987-connect-socal-2024-final-complete-040424.pdf?1714175547
SCAQMD, 2003	South Coast Air Quality Management District, 2003. *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*. 2003. Accessed March 12, 2024. Available on-line: http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf
SCAQMD, 2005	South Coast Air Quality Management District, 2005. *Rule 403 Fugitive Dust*. June 3, 2005. Accessed March 12, 2024. Available on-line: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4
SCAQMD, 2007	South Coast Air Quality Management District, 2007. *Rule 1403*. October 5, 2007. Accessed January 24, 2022. Available on-line: http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf
SCAQMD, 2008	South Coast Air Quality Management District, 2008. *Interim CEQA Greenhouse Gas Significance Threshold for Stationary Sources, Rules, and Plans*. December 5, 2008. Accessed February 7, 2022. Available on-line: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2

Cited As	Reference
SCAQMD, 2022a	South Coast Air Quality Management District, 2022. *2022 Air Quality Management Plan*. December 2, 2022. Accessed March 12, 2024. Available online: https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/final-2022-aqmp.pdf?sfvrsn=16
SCAQMD, 2022b	South Coast Air Quality Management District, 2022. *MATES V Data Visualization Tool*. Available on-line: https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23?views=view_38
SWRCB, 2014	State Water Resources Control Board, 2014. *Federal, State and Local Laws, Policy and Regulations*. June 23, 2014. Accessed January 24, 2022. Available on-line: http://waterboards.ca.gov/water_issues/programs/nps/encyclopedia/0a_laws_policy.shtml
SWRCB, 2016	State Water Resources Control Board, 2016. *A Compilation of Water Quality Goals*. January 2016. Accessed January 25, 2022. Available on-line: http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/docs/wq_goals_text.pdf
SWRCB, 2017	State Water Resources Control Board, 2017. *Watershed Management*. August 3, 2017. Accessed January 25, 2022. Available on-line: http://www.waterboards.ca.gov/water_issues/programs/watershed/
SWRCB, 2020	State Water Resources Control Board, 2020. *Industrial General Permit*. July 1, 2020. Accessed March 12, 2024. Available on-line: https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/unoff_igp_amend.pdf
UNFCCC, n.d.	United Nations Framework Convention on Climate Change, n.d. *The Paris Agreement.* No date. Accessed March 12, 2024. Available on-line: https://unfccc.int/process-and-meetings/the-paris-agreement
UNFCCC, n.d.	United Nations Framework Convention on Climate Change, n.d. *What is the Kyoto Protocol?* No date. Accessed March 12, 2024. Available on-line: https://unfccc.int/kyoto_protocol
USBLS, 2021	United States Bureau of Labor Statistics. 2023. *Riverside-San Bernardino-Ontario, CA Labor Force Data*. Accessed March 12, 2024. Available on-line: https://www.bls.gov/eag/eag.ca_riverside_msa.htm#eag_ca_riverside_msa.f.1
USCB, 2020	United States Census Bureau, 2020. *Quickfacts Riverside County, California*. July 1, 2020. Accessed March 12, 2024. Available on-line: https://www.census.gov/quickfacts/fact/table/riversidecountycalifornia/PST045219#viewtop
USDA, n.d.	United States Department of Agriculture, n.d. *Web Soil Survey*. No date. Accessed March 12, 2024. Available on-line: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

Cited As	Reference
USFWS, 2017	United States Fish and Wildlife Service, 2017. *ESA Basics*. February 2017. Accessed January 24, 2022. Available on-line: https://www.fws.gov/sites/default/files/documents/endangered-species-act-basics.pdf
USFWS, 2021	United States Fish and Wildlife Service, 2020. *Migratory Bird Treaty Act*. October 12, 2021. Accessed March 12, 2024. Available on-line: https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php
Westlaw, n.d.	Westlaw, n.d. *California Code of Regulations, Title 14, Section 15125.* No date. Accessed March 12, 2024. Available on-line: https://govt.westlaw.com/calregs/Document/I894061765B4D11EC976B000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)
Westlaw, n.d.	Westlaw, n.d. *California Code of Regulations, Title 1,7 Division 1, Chapter 8.* No date. Accessed March 12, 2024. Available on-line: https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IC7370D905A2011EC8227000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)
Westlaw, n.d.	Westlaw, n.d. *California Code of Regulation,s Title 22*. No date. Accessed March 12, 2024. Available on-line: https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IE55EDC305B6011EC9451000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)
Westlaw, n.d.	Westlaw, n.d. *California Code of Regulations, Title 22, Section 66261.3*. No date. Accessed March 12, 2024. Available on-line: https://govt.westlaw.com/calregs/Document/I8384B3375B6111EC9451000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)
Westlaw, n.d.	Westlaw, n.d. *California Code of Regulations, Title 26.* No date. Accessed March 12, 2024. Available on-line: https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFB8775504C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)
WMWD, 2021	Western Municipal Water District, 2021. *2020 Urban Water Management Plan*. May 18, 2021. Accessed February 9, 2022. Available on-line: https://www.wmwd.com/DocumentCenter/View/5339/Western-2020-UWMP_Public-Draft_20210518?bidId=
WRCOG, 2016	Western Riverside Council of Governments, 2016. *TUMF Program Five-Year Expenditure Report (FY2008/09 to FY2014/15).* August 2016. Accessed March 12, 2024. Available on-line: https://wrcog.us/DocumentCenter/View/545/TUMF-Expenditure-Report-2016?bidId=

7.4 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the Edgemont Commerce Center Project and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of Moreno Valley Community Development Department, Planning Division at 14177 Frederick Street, Moreno Valley, CA 92553.

Appendix A: Edgemont Commerce Center Notice of Preparation (NOP), and Written Comments on the NOP.

Appendix B: Urban Crossroads, Inc. 2023a. *Bay & Day Commerce Center Air Quality Impact Analysis*. October 2, 2023.

Appendix C: Urban Crossroads, Inc. 2023b. *Bay & Day Commerce Center Mobile Source Health Risk Assessment*. October 2, 2023.

Appendix D: Alden Environmental, Inc., 2023. *General Biological Resources Assessment for the Bay & Day Commerce Center Project*. July 7, 2023.

Appendix E: Brian F. Smith and Associates, Inc., 2024a. *Phase I Cultural Resources Survey for the Bay & Day Commerce Center Project*. February 20, 2024.

Appendix F: Urban Crossroads, 2023c. Bay & Day Commerce Center, Energy Analysis, City of Moreno Valley. October 2, 2023.

Appendix G: NorCal Engineering, 2023. *Geotechnical Investigation, Proposed Warehouse Building Development, Southwest Corner Bay Avenue and Day Street, Moreno Valley, California.* February 1, 2023.

Appendix H: Brian F. Smith and Associates, Inc., 2024b. *Paleontological Assessment for the Bay & Day Commerce Center Project.* February 20, 2024.

Appendix I: Urban Crossroads, Inc. 2023d. *Bay & Day Commerce Center Greenhouse Gas Analysis*. October 2, 2023.

Appendix J: V3 Companies, 2021. *Phase I Environmental Site Assessment, Edgemont Assemblage, Southwest of Bay Avenue and Day Street*. January 22, 2021.

Appendix K: Thienes Engineering, 2023a. *Preliminary Hydrology Calculations for Bay & Day Industrial Building.* October 5, 2023.

Appendix L: Thienes Engineering, 2023b. *Project Specific Preliminary Water Quality Management Plan (P-WQMP)*. October 11, 2023.

Appendix M: Urban Crossroads, 2024a. *Bay & Day Commerce Center Noise Impact Analysis, City of Moreno Valley*. February 19, 2024.

Appendix N: Urban Crossroads, 2024d. *Bay & Day Commerce Center Cumulative Noise Assessment, City of Moreno Valley*. May 2, 2024.

Appendix O: Urban Crossroads, 2024b. *Bay & Day Commerce Center Vehicle Miles Traveled (VMT) Screening Evaluation*. February 27, 2024.

Appendix P: Urban Crossroads, 2024c. *Bay & Day Commerce Center Trip Generation Assessment*. February 27, 2024.