



Community Development
Department
Planning Division

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Community and Economic Development Department - Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: World Logistics Center Project - Draft Environmental Impact Report (SCH# 2012021045)

Dear Mr. Gross:

The City of Riverside ("Riverside") appreciates the opportunity to comment on the World Logistics Center ("WLC") Draft Environmental Impact Report ("Draft EIR" or "DEIR") prepared by the City of Moreno Valley ("City"). The proposed World Logistics Center Project analyzed in the Draft EIR includes 41.6 million square feet of new logistics development and the associated infrastructure on 3,918 acres ("Proposed Project" or "Project"). The Draft EIR concludes that the Proposed Project would have numerous significant and unavoidable impacts to Traffic and Circulation, Aesthetics, Agriculture, Air Quality, Cultural Resources, Greenhouse Gases and Global Climate Change, Land Use and Planning, and Noise.

While the Proposed Project would undoubtedly provide economic benefits to the region, Riverside would like to ensure that health of its citizens and the environment have been adequately considered and mitigated in the Draft EIR. As described in greater detail below, Riverside has serious concerns regarding the adequacy of several analyses, particularly the traffic analysis. The Proposed Project will generate approximately 71,000 daily trips, many of which will travel through the City of Riverside. Riverside is concerned that this project will produce cut-through traffic on Riverside's road system, particularly Alessandro Blvd. and Van Buren Blvd., as freeways become overburdened by significant increases in truck traffic.

The Draft EIR uses incorrect and internally inconsistent growth assumptions for the traffic analysis and only accounts for a small fraction of the project's trip generation. Notwithstanding these errors, the Draft EIR concludes there would be numerous significant and unavoidable impacts to many of the intersections, some of which would increase delay at intersections by a factor of 40. Riverside believes there are numerous additional feasible mitigation measures

which should be made conditions of approval. For the reasons described in greater detail below and the attached comment letter from Riverside’s Traffic Consultants, Linscott, Law & Greenspan, Engineers (Attachment 1), the Draft EIR should be revised and recirculated for additional public/agency review.

TRAFFIC

1. Traffic Methodology

a. The Draft EIR Traffic Impact Analysis Uses Incorrect and Inconsistent Cumulative Growth Assumptions

The Draft EIR Traffic Impact analysis uses incorrect and internally inconsistent cumulative growth assumptions which have understated the project’s traffic impacts. Because the project’s traffic impacts have been understated, all DEIR impact analyses that were based upon the traffic analysis have been understated as well, including but not limited to, air quality, greenhouse gas, and the noise analysis. (DEIR Page 4.15-30.)

The traffic analysis on page 4.15-28 of the Draft EIR states:

Per the City of Moreno Valley Traffic Impact Analysis Preparation Guideline [“TIAPG”] ...opening year cumulative traffic volumes were developed by adding a 2 percent per annum growth rate to existing baseline traffic volumes; therefore, a total ambient growth of 12 percent of the existing baseline conditions was added to develop opening year cumulative conditions.

This language is based upon the language in Exhibit B of the TIAPG which states “...assume growth rate of 2% per year...” However, the use of 12% (6 years× 2%) for total growth over the six year period is an incorrect value for an annual 2% growth rate. If the analysis had actually applied the stated 2% annual growth rate, it should have assumed a total growth rate of 12.62% (i.e., 1.02⁶) in the year 2017 in comparison to 2012. The analysis, therefore, understates the cumulative traffic impacts. Furthermore, the 2% annual growth assumption is internally inconsistent with the growth assumptions from the City’s General Plan which the Draft EIR relies upon. Draft EIR Section 2.10.2 states:

Table 2.D summarizes the cumulative growth information from the Final Program EIR for the City General Plan Update from July 2006 (Section 7, Cumulative Impacts). Table 2.D shows that the City expects to grow at an average annual rate of 2–3 percent from 2000 to 2030. (Emphasis added.)

Table 2-D in fact shows an average annual population growth rate in the City of Moreno Valley of 2.24% and average annual household growth rate of 2.75%. Regional growth rate projections for Riverside County are also shown at 2.33%. Even assuming the smaller 2.33% average annual regional growth rate provided in this table, this yields a 14.82% (1.0233⁶) growth rate in the year 2017 in comparison to 2012, rather than the 12% growth rate assumed

in the traffic analysis. Because the cumulative traffic analysis used the incorrect growth assumptions, the cumulative impacts of the project have been understated. The traffic analysis should, therefore, be revised to use internally consistent annual growth assumptions.

b. The Traffic Analysis Fails to Address the Project's Trip Peaking Characteristics Outside of the AM and PM Peak Hours

The traffic analysis in Draft EIR Section 4.15.6 inappropriately relies upon an a.m. and p.m. peak hour analysis,¹ based upon the existing peak hours in the City. The Draft EIR should be revised to provide additional traffic analyses: (1) based upon the project's peak trip generation time periods, and (2) based upon the ADT ("Average Daily Traffic") methodology. The Draft EIR concludes that "[t]he project is estimated to generate a net total of approximately 71,085 daily trips with approximately 4,672 occurring during a.m. peak hour and 5,101 occurring during the p.m. peak hour." (Draft EIR page 4.15-31.) In fact, the Draft EIR recognizes that "The WLC would create approximately 25,000 new jobs; nearly doubling the number of jobs in Moreno Valley," meaning that the project will be the single largest trip generator in the City. (Draft EIR page 4.15-32.) While, an a.m. and p.m. peak hour analysis might be appropriate in other contexts, it is not appropriate here given the nature and magnitude of this project. Use of the traditional a.m. and p.m. peak hour analysis has resulted in an understatement of the project's impacts. As described in greater detail below, the project will be the largest single trip generator in the City and will likely result in a new peak traffic hour which has not been analyzed in the Draft EIR.

The current traffic analysis has only analyzed 13.7% of the project's trip generation (i.e., trip generation in the a.m. and p.m. peak hours), the remaining 86.3% (61,312 trips), which occurs outside these peak hours, has not been analyzed. (Draft EIR page 4.15-31.) Just 13.7% of the project trips are sufficient to nearly double the delay at numerous intersections and result in a nearly a fortyfold increase at others. If only 13.7% of the project's trips can result in nearly a fortyfold increase in delay at intersections, imagine the amount of delay that would occur if the additional 61,312 trips had been accounted for in the traffic impact analysis.

For example, Table 4.15.AD-1 indicates that Intersection 10 (Redlands Blvd./Locust Ave.) is currently operating at a delay of 26.7 seconds. The project will result in a delay greater than 50 seconds (Level of Service ("LOS") F) at this intersection during the a.m. peak hour; at a minimum, doubling the delay. (Similar intersections would see a doubling of their delay during the a.m. peak hour in the 2012 scenarios, including Intersections 13, 14, 20, 46, 123, 124, 132, 133, 134.) In fact, intersection 27 (Redlands Blvd./Cactus Ave.) would result in a nearly fivefold increase in the delay during the a.m. peak hour and a nearly fortyfold increase during the p.m. peak hour in the 2012 scenarios. (Draft EIR Table 4.15-AD-2.) Similar increases are shown in

¹ While the time periods associated with the a.m. and p.m. peak hours do not appear to be included in the text of the Section 4.15 of the Draft EIR, Figure 28 in Appendix I suggests the a.m. peak hour occurs from 6 a.m. to 9 a.m., and the p.m. peak hour occurs from 3 p.m. to 6 p.m.

the 2017 scenario a.m. peak hour analysis [including but not limited to Intersections 12, 27, 122], the 2022 scenario am peak hour analysis [including but not limited to Intersections IN-6, IN-12, IN-19, IN-27, IN-19, IN-27, IN-46, IN-135], and the General Plan Buildout analysis [including but not limited to Intersections IN-6, IN-10, IN-11, IN-12, IN-18, IN-19, IN-27, IN-35, IN-132].

As described in the previous paragraph, just 13.7% of the project's daily trip generation (combined a.m. and p.m. peak hour trip generation) constitutes the primary source of trip generation and delay at numerous intersections. Typical² logistics centers have a truck trip maximum peak hour well outside of the a.m. and p.m. peak hours analyzed in the Draft EIR; from approximately 1 p.m. to 2 p.m. (Draft EIR Appendix I, Figure 28.) Furthermore, there are two additional smaller peak time periods from approximately 4 a.m. to 6 a.m. and from 10 p.m. to 12 a.m. Given that (1) 86.3% of the project's trip generation occurs outside the peak hours and have not been taken into account in the impact analysis and (2) the project will be the single largest trip generator in the City of Moreno Valley, it is important for the City to analyze the impacts of the *project's* peak hour, rather than the *traditional* peak hours which occurred before the project's implementation.

In addition to the traffic analysis based upon the Project's peak hours, an ADT analysis should also be included in the Draft EIR.³ The ADT methodology provides a total daily average of the various roadway segments' capacity. This would allow the City to determine whether the roadway segments have sufficient capacity for 100% of the Project's trip generation, rather than just 13.7.

The Draft EIR should be revised to (1) explain the project's traffic peaking characteristics assumptions, (2) the rationale for those assumptions, (3) additional traffic analysis that is based upon the Project's peak hours, (4) an ADT analysis, and (5) incorporation of feasible mitigation measures. Upon completion of these revisions, the Draft EIR should be recirculated for public and agency review. Additional comments regarding peaking characteristics and suggested methodology are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

c. The Draft EIR Fails to Disclose the Project's Impacts at Numerous Intersections

The Draft EIR measures the Project's traffic impacts based upon the delay caused by the Project. However, in many instances, the Draft EIR places an artificial numerical ceiling on the analysis and states that the delay is "> 50" seconds without the project, and "> 50" seconds with the project (e.g., Table 4.15.A1-1 [Intersections 9, 13, 20, 36, 45, 62, 103, 124, 125, 132,

² The Draft EIR does not actually provide the traffic peaking characteristics assumptions for the World Logistics Center Project. This information should be included in the DEIR and recirculated for public/agency review and comment.

³ As noted in the Riverside County Transportation Department Traffic Impact Analysis Preparation Guidelines (April 2008), ADT analysis is appropriate where "...intersection analyses are not the controlling factor or for general planning purposes." (Page 3.)

133, 134, 135, 136, etc.], Table 4.15.A1-2 [Intersections 10, 13, 20, 45, 60, 74, 94, 95, 122, 124, 125, 132, 133, 134, 135, 136, etc.]). This type of analysis fails to disclose the project's traffic impacts. The courts have held that a lead agency cannot travel the "legally impermissible easy road to CEQA compliance" by "simply labeling the effect 'significant' without accompanying analysis of the project's impact." (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1371.) Yet this is precisely what has been done here. The public and decision makers have no way of ascertaining whether the project is resulting in an increase or decrease in delay in these situations, or the severity of the change in delay. The traffic analysis should be revised to eliminate this artificial ceiling and recirculated for public/agency review.

d. The Draft EIR Traffic Impact Analysis Uses an Incorrect Geographic Scope

The Draft EIR artificially limits the geographic scope of the traffic analysis. As described in greater detail below, the analysis stops short of analyzing the impacts of routes to the Port of Los Angeles/Long Beach, and eliminates a huge portion of the analysis along Highway 215. The geographic scope of the traffic analysis should be revised.

CEQA Guidelines Section 15130(b)(3) states that "Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." The only discussion of the geographic scope of the traffic analysis is provided on Draft EIR page 4.15-2 through 4. While the discussion explains that surface street analysis was limited to streets where the project would "add 50 or more peak hour trips,"⁴ no such explanation was provided for the freeway analysis. The geographic scope of the freeway segment analysis is shown in Draft EIR Figure 4.15.3 but no rationale is provided for its selection.

The Draft EIR acknowledges that "The project would be bringing cargo containers from the Port of Los Angeles or the Port of Long Beach ["Ports"]" (Draft EIR page 4.7-43), however, the geographic scope of the freeway segment analysis stops well before the Port of Los Angeles/Long Beach, by nearly 34 miles (by line of site). It is reasonably foreseeable that these truck trips will drive to the Ports, therefore, the Draft EIR should expand the geographic scope of the traffic analysis to include freeway segments to the Ports.

It is unclear why the geographic scope of the freeway segment analysis did not include portions of the 215 between the 60 to the north and the 74 to the south (see DEIR Figure 4.15.3). Freeway segments along this southern portion of the freeway are significantly impacted; for example freeway segment F-70 on the 215 (DEIR Table 4.15.AK-2). There is a high likelihood other components of the freeway system will be significantly impacted, but these impacts have

⁴ As noted in the previous Section to this comment letter, Riverside believes that supplemental analysis should also be provided based upon the project's peak traffic hours rather than a.m. and p.m. peak hours. Given that the geographic scope of the surface street analysis was based upon the a.m. and p.m. peak hour trip generation, the geographic scope of the project's peak analysis should also be revised based upon 50 or more peak hour trips for the project.

not been addressed because they have been inexplicably left out of the analysis by artificially limiting the geographic scope.

We request that the geographic scope of the traffic analyses be revised, consistent with the discussion provided above and recirculated for public and agency review. Additional comments regarding geographic scope are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

e. The Draft EIR Fails to Disclose the Cumulative Transportation Improvements

While the Draft EIR purports to use growth projections for the cumulative analysis, as described earlier in this letter, the analysis also partially relies upon a list of projects approach, as it incorporates a number of specific future roadway improvements. For example, Draft EIR Section 4.15.3.1 states that the cumulative future year scenarios (including 2017, 2022, and 2035), include "improvements funded through local and regional transportation mitigation fee programs..." However, no specific regional roadway improvements are identified in the Draft EIR. This approach fails to comply with the requirements of CEQA Guidelines Section 15130(b)(1)(A). These roadway improvement assumptions should be identified, including the year these improvements will be completed and their funding sources.

Additional comments regarding cumulative transportation improvements are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

f. The Draft EIR Fails to Disclose the Trip Distribution Assumptions

While CEQA permits the use of reasonable assumptions, those assumptions must be based upon substantial evidence. (See Pub. Resources Code § 21080(e).) The Draft EIR states that "[t]he proposed project's trip distribution was developed for both passenger cars and trucks." (Draft EIR page 4.15-31.) While a general qualitative description of these assumptions is provided in the Draft EIR, none of the specific assumptions or supporting evidence is included.

For example, the Draft EIR page 4.15-33 states that "...all trucks must use established truck routes within the City of Moreno Valley..." however, no description of these established truck routes or their destinations (with the exception of the Ports) is provided in the Draft EIR, nor is this information provided in Appendix L. Detailed trip distribution assumptions should be incorporated into the Draft EIR. The Draft EIR should also be revised to account for trip diversions when intersections and roadway segments become so congested that individuals re-route. For example, the Draft EIR states that one intersection will have an average delay of 862.9 seconds (14.4 minutes). (See Draft EIR Table 4.15-AD-2.) Individual drivers are unlikely to continue the use of routes which have a 14 minute delay for an individual intersection.

Additional comments regarding trip distribution assumptions and diversions are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

2. Alternatives' Analysis of Traffic Impacts

a. The Draft EIR Alternatives' Analysis Provides an Insufficient Level of Detail

The Draft EIR provides inadequate analysis of the alternatives' impacts to traffic. CEQA Guidelines Section 15126.6(d) requires the alternatives analysis to "...include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." However, very little information is provided regarding the alternatives' significant traffic impacts.

For example, the No Project/Existing General Plan analysis (Draft EIR page 6-19) provides the total average daily trip generation for each alternative and notes "[i]t is reasonable to assume that an increase of 25 percent of traffic trips would increase traffic on local roadways and intersections." Such an assumption is not reasonable for these alternatives because the Proposed Project's traffic impact analysis is based upon unique trip distribution assumptions for a logistics center. As discussed on Draft EIR page 4.15-32:

The truck trip distribution patterns have been developed based on the anticipated travel patterns for the proposed project's high-cube logistics warehousing trucks. Since the internal trips, the port-related trips, and the majority of external trips (all but those on I-10) use routes west of the project site, it is anticipated that a large majority of the WLC truck traffic will be oriented to the west of the project, with a much smaller amount to and from the east.

These trip distribution assumptions are not applicable to residential/mixed-use/retail-uses included in the existing general plan alternative, and the other types of uses proposed in the various alternatives. These different uses will have vastly different peaking characteristics and distribution patterns (i.e., residential uses are unlikely to be driving to the Ports). While some intersections may be increased due to higher trip generation under this existing general plan alternative, other significantly impacted intersections/segments/freeways may be vastly improved because of the change in likely trip destinations. The level of detail provided in the analysis is insufficient to allow the public and decision makers the ability to determine which traffic impacts would be reduced by the selection of the various alternatives. The Alternatives' traffic analysis should be revised to fully describe the levels of service and delay for individual intersections/segments/freeways.

3. Traffic Mitigation Measures

The Proposed project creates numerous significant traffic impacts. For example, under the 2035 scenario the project would result in significant impacts at 39 intersections, 2 roadway segments, 53 freeway segments, and 15 freeway weaving segments. (Draft EIR Section 4.15.6.) While Section 4.15.7 contains discussion of several mitigation measures, many of these mitigation measures are dismissed as "infeasible." (For example, see Draft EIR page 4.15-189, Intersection IN-95.) Riverside believes there are additional feasible mitigation measures which should be incorporated into the Mitigation Monitoring and Reporting Program ("MMRP").

Furthermore, the Draft EIR should be revised to provide a concise listing of the suggested transportation improvements which have been determined to be feasible and which will be incorporated into the MMRP. The discussion of mitigation measures in Section 4.15.7.3 (“Required Improvements”) includes discussion of feasible *and infeasible* transportation improvements.

Additional comments regarding mitigation measures are included in the attached comments from Riverside’s Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

a. The Proposed Transportation Uniform Mitigation Fee (“TUMF”) (Mitigation Measure 4.15.7.4D) is Inadequate to Fully Address the Project’s Significant Impacts

The EIR states that “if the identified facility was already part of the TUMF or DIF Program, then payment into the TUMF or DIF program constitutes mitigation of impacts to the TUMF and DIF facilities.” (Draft EIR Section 4.15.7.)

MM 4.15.7.4D proposes to mitigate the project’s significant traffic impacts to facilities already included in the TUMF Program through payment of TUMF fees. This payment is insufficient to mitigate the project’s significant traffic impacts. TUMF fees are allocated based upon specific assumptions, with 48.7% of the funds generated in each zone going back to that zone to be programmed for projects, and 48.7% of the funds allocated to regional inter-zone projects programmed by the Riverside County Transportation Commission (“RCTC”). The City of Moreno Valley is in the Central Zone, thus 48.7% of the project’s TUMF fees will be allocated within the zone, while 48.7% will be distributed regionally. Additionally, fee revenues are split between the backbone network, or facilities of regional significance, and the secondary network, or facilities of zonal significance. (ES.4, 2009 TUMF Nexus Study.⁵) The split of fee revenues between the backbone and secondary highway networks is related to the proportion of highway vehicle travel that is local, i.e., between adjacent communities, and regional, i.e., between more distant communities within western Riverside County. (2009 TUMF Nexus Study, page 40.) A future travel forecast estimate was conducted to determine the appropriate distribution of fees between networks. (*Id.*) Based upon the travel forecast estimates of the vehicle trips in 2035, 65.5% of the trips originating in the Central Zone will remain within the zone, and 12.6% of the trips starting in the Central Zone will be to the Northwest Zone.

These estimates do not comport with the travel distribution assumptions in the Draft EIR. As noted in Section 4.15.3.1 of the Draft EIR, 82% of the project’s truck trips would be to the west on one or more freeways. Presumably, a substantial portion of these trips would be destined for the Ports of Long Beach and Los Angeles, which would require travel outside the Central Zone. (See Draft EIR page 4.7-43.) As a result, the traffic distribution assumptions used in the TUMF Nexus Study are inconsistent with the traffic distribution assumed in the Draft EIR. This inconsistency means that the payment of TUMF, which are specifically allocated between

⁵ [http://www.wrcog.cog.ca.us/downloads/TUMFNexusStudy\(100210\).pdf](http://www.wrcog.cog.ca.us/downloads/TUMFNexusStudy(100210).pdf)

zones, as well as the backbone and secondary network, is inadequate to mitigate the significant traffic impacts of the project.

While Riverside agrees that fees should be paid into the TUMF mitigation program, these fees should not be relied upon to reduce significant traffic impacts to less than significant. Furthermore, given the number of significant and unavoidable traffic impacts resulting from the project, as additional mitigation, the applicant should be required to pay Western Riverside Council of Governments (“WRCOG”) for a reevaluation of the TUMF Nexus Study based upon the project’s changed land use designations/zoning on approximately 4,000 acres. This reevaluation would allow the County to re-prioritize transportation improvement to better mitigate the significant and unavoidable traffic impacts where mitigation was deemed infeasible.

Noise

Construction and operational noise/vibration associated with the Proposed Project have the potential to significantly affect Riverside’s Residents. Unwanted noise can interfere with our resident’s enjoyment of the community, interfere with their businesses, result in sleep deprivation, and if sufficiently loud, can result in hearing loss. Riverside would like to ensure that all noise impacts have been adequately analyzed and mitigated, and, therefore, provides the comments below.

1. Noise Significance Thresholds

a. The Draft EIR Fails to Analyze Whether the Proposed Project Would Conflict with Other Jurisdictions’ Noise Regulations

The Draft EIR includes a significance threshold which states that “Exposure of persons to or generation of noise levels in excess of standards established in the City of Moreno Valley General Plan, Moreno Valley Municipal Code, or *applicable standards of other agencies.*” (Emphasis added.) However, the associated text provides that “the applicable noise standards and guidelines governing the project are those specified previously in Sections 4.12.2.1 through 4.12.2.4.” These referenced sections only include the City of Moreno Valley’s noise standards and fail to address any of the noise standards from other agencies, such as the City of Riverside. (See City of Riverside Municipal Code, Title 7;⁶ see also City of Riverside General Plan Noise Element.⁷) Section 4.12.6.2 of the Draft EIR acknowledges that there will be noise increases near sensitive receptor locations in the City of Riverside (e.g., see Canyon Crest Drive & Country Club Drive), the analysis, therefore, should have included a discussion of whether the project is consistent with those noise standards.

⁶ <http://riversideca.gov/municode/pdf/07/title-7.pdf>

⁷ http://www.riversideca.gov/planning/gp2025program/GP/11_Noise_Element.pdf

b. The Draft EIR Fails to Analyze Whether the Proposed Project’s Traffic Noise Would Result in Sleep Disturbance and the Associated Physiological Effects and Annoyance

Roadway noise from truck and car trips was described as having a significant impact on sensitive receptors under the Community Noise Equivalent Level (“CNEL”) metric. (See Draft EIR Section 4.12.6.2.) However, no noise analysis was provided to address whether this increase in nighttime noise level would result in sleep disturbance/deprivation or the associated physiological response/annoyance. (See *Berkeley Keep Jets Over the Bay v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344.) While the sleep disturbance analysis performed in *Berkeley Keep Jets* was related to aircraft noise, there is no reason to distinguish between the sources of the noise. While the original FICAN 1997 sleep awakening curve⁸ was based upon aircraft noise, subsequent methodologies acknowledge that transportation noise can result in sleep disturbance. The more recent ANSI S12.9-200/Part 6 (2008)⁹ sleep disturbance curve is based on 75 data points associated with awakening due to aircraft noise intrusions in bedrooms, and 16 data points for other transportation noise sources.

The Draft EIR’s noise analysis provides no explanation why these late night truck/car trips would not disturb the sleep of sensitive receptors, despite the fact that the Draft EIR acknowledges that construction would occur 24 hours a day for nine years, and the project’s operations would occur 24 hours a day. (Draft EIR page 4.12-32 and Appendix I, Figure 28.) The Draft EIR should be revised to provide an analysis which determines whether the project would have a significant impact related to sleep disturbance.

Air Quality

As the City is aware, the South Coast Air Basin is in “Extreme Nonattainment” for O₃ and “Serious Nonattainment” for PM₁₀ under Federal Standards and in Nonattainment under State Standards for Ozone, PM₁₀, PM_{2.5}, NO₂. (Draft EIR Table 4.3.C.) The Draft EIR concludes that the Proposed Project would have significant and unavoidable impacts to Air Quality and would be inconsistent with the Air Quality Management Plan. These significant impacts will result in health effects to the citizens of Riverside, including the potential to result in respiratory illnesses, pulmonary dysfunction, cardiovascular disease, and premature death. (Draft EIR page 4.3-7 through 12.) Consequently, Riverside would like to see the Project’s air quality impacts mitigated to the greatest extent feasible, and offers the recommendations provided below.

⁸ See Federal Interagency Committee on Aviation Noise (FICAN), June 1997, Figure 1; available at: http://www.fican.org/pdf/Effects_AviationNoise_Sleep.pdf

⁹ American National Standards Institute, Quantities and Procedures for Description and Measurement of Environmental Sound—Part 6: Methods for Estimation of Awakenings Associated with Outdoor Noise Events Heard in Homes.

2. Construction and Operational Mitigation Measures

a. Mitigation Measure MM 4.3.6.3C Should be Revised to Provide Alternative Fueling Stations at Each Individual Warehouse, and Constructed Concurrently With the Project's Impacts

MM 4.3.6.3C requires the establishment of onsite alternative fueling infrastructure (electric charging stations and/or natural gas fueling), which purportedly will help facilitate the use of low emissions trucks. The alternative fueling facility, however, need only be developed prior to the issuance of building permits for 25 million square feet of logistics warehouse.

This mitigation measure should be revised to require both electric charging stations and natural gas fueling. Currently, the project applicant has discretion to determine whether electric charging stations and/or natural gas fueling should be included. The mandatory inclusion of both electric charging stations and natural gas fueling would more effectively facilitate the use of low emissions trucks because it would provide trucking companies with the option of using either electric or natural gas trucks, thereby reducing the project's significant air quality impacts.

The timing of the development and placement of the alternative fueling facility is problematic. MM 4.3.6.3C provides that the facility must be "in place prior to the issuance of building permits for more than 25 million total square feet of logistic warehousing within the WLC Specific Plan." This trigger would allow development of a substantial portion of the project prior to the placement of the alternative fuel facility, especially given the plan to develop the project site in phases. However, the project's air quality impacts would be significant immediately, as shown in Draft EIR Table 4.3.W. The mitigation measure should be revised to require construction of alternative fueling facilities prior to the issuance of the first certificate of occupancy for the site.

The inclusion of a single alternative fueling facility within the 3,814 acre site, as currently proposed, would be ineffective at providing alternative fuel for many of the on-site operators. The mitigation measure should be revised to require alternative fueling facilities for *each individual* warehouse facility. Given the long periods of time required to recharge electric vehicles, providing on-site facilities would further encourage alternative fuel vehicles, as it would allow vehicles to be recharged while the vehicles are being unloaded. Given the comments in this and previous paragraphs above, this mitigation measure should be revised as follows:

The 2012 Regional Transportation Plan includes a zero/near-zero emissions truck corridor along State Route 60. The WLC project shall provide for the establishment of onsite alternative fueling infrastructure (electric charging stations and/or natural gas fueling) for each individual logistics warehouse facility, which will help facilitate the use of these low-emitting trucks. An alternative fueling facility to serve the WLCSP will be in place and operational prior to the issuance of the first certificate of occupancy ~~building~~

~~permits for more than 25 million total square feet of logistics warehousing~~ within the WLC Specific Plan. This facility may be on or offsite, subject to review and approval by the City.

Similar revisions are recommended for Mitigation Measure 4.3.6.3D, which requires on-site sale of food, fuel, and convenience items.

b. Mitigation Measure 4.3.6.2A Should be Revised to Require Tier 4 Construction Equipment at the Start of Project Construction

MM 4.3.6.3A(a) states that “Prior to the year 2017, off-road diesel-powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards.”

EPA Tier 4 emissions standards are currently being phased in between 2008 and 2015,¹⁰ and thus a mitigation measure requiring the use of Tier 4 equipment before 2017 is feasible and should be incorporated into MM 4.3.6.2A. We, therefore, recommend deletion of subsection (a), and revisions to subsection (b) as follows:

~~In the year 2017 and thereafter,~~All off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent Tier 4 equipment within 200 miles of project has been conducted but has been unsuccessful, then Tier 3 equipment (without filters) can be used. Written verification of the Tier 4 equipment search of three or more rental companies shall be provided by the project applicant to the City verifying the results of the search prior to the use of Tier 3 construction equipment.

Incorporation of this revised mitigation measure would reduce the project’s significant air quality impacts which begin in the year 2013.

Biological Resources

Biological resources in the region are important to Riverside’s residents. Diverse biological resources are an essential part of a healthy ecosystem. Riverside is committed to working with the County and adjacent cities to preserve, protect, and enhance open space and natural resources. (City of Riverside General Plan Policy OS-1.3.) The City is also committed to promoting open space and recreation resources as a key reason to live in Riverside. (Id. Policy OS-1.9.) Protecting biological resources and diversity in the region is key to achieving these commitments. Biological resources in the region, including, for example, resources within or

¹⁰ <http://www.gpo.gov/fdsys/pkg/FR-2004-06-29/pdf/04-11293.pdf> (69 Fed. Reg. 38958 (June 29, 2004)).

reliant on the San Jacinto Wildlife area (“SJWA”), contribute to a natural aesthetic, and provide hunting, fishing, bird watching and recreation opportunities. The biological resources will be significantly compromised by the Proposed Project.

1. The DEIR Fails To Evaluate Potentially Significant Impacts to Birds that Will Result from Collisions

The DEIR fails to examine the project’s impact to birds that would result from bird collisions with glass windows and reflective surfaces. The Specific Plan Design Guidelines indicate that onsite buildings will include [window] glazing, atriums, skylights and internal courtyards, thus ensuring that onsite development will include features known to pose hazards to birds. (Specific Plan Design Guidelines, Sec. 5.2.3.) While these are attractive design features, collisions with glass windows and other reflective building surfaces are a significant cause of bird mortality. Although bird mortality estimates vary widely, even at the low end of a published United States Fish and Wildlife Service (“USFWS”) range the cumulative impact should be considered significant.¹¹ These estimates address bird mortality from building collisions on a national scale. The Draft EIR should be revised and recirculated to provide more information and analysis regarding bird collisions. Given the proximity to the SJWA (which “is recognized nationally and internationally for its bird population” DEIR p. 4.4-15), the Project’s effects on bird collisions should not have been overlooked. In this revised analysis, particular attention should be paid to special status bird species, including species which meet the CEQA definition of endangered, rare or threatened. (See CEQA Guidelines §15380.) The proposed project’s contribution to this cumulative impact should also be evaluated within an appropriate geographic scope, as described in greater detail below. The geographic scope of analysis for cumulative impacts to biological resources is inappropriately and arbitrarily restricted to the Multiple Species Habitat Conservation Plan (“MSHCP”) area.

In addition to the Project itself, mitigation measure 4.12.6.2B, has the potential to result in significant bird mortality impacts. This measure, intended to reduce noise impacts at the closest residences within and adjacent to the WLCSP area, calls for removal of existing wrought iron fencing and replacement with a soundwall, specifically allowing that a glass barrier could be used to implement this measure.

Potential mitigation is available that would reduce this impact. Feasible mitigation for this impact includes requiring physical barriers that completely cover reflective surfaces and windows, uniform, patterned surface coverings, and potentially uniform coverings or

¹¹ USFWS estimates that building window strikes account for 97 to 976 million bird deaths each year. (<http://www.fws.gov/birds/mortality-fact-sheet.pdf>. See also Klem, D., Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth, Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics, pp. 244 – 251, also available from the USFWS at http://training.fws.gov/CSP/Resources/mig_birds/handouts/avian_mortality_at_windows.pdf).

embedded patterns that are visible to birds, but not humans. (See Avian Mortality at Windows, supra, pp. 246 – 247 for discussion of potentially feasible mitigation.)

2. The DEIR Fails to Explain Why Compliance with Applicable Regulations is Adequate to Ensure that Impacts Would Be Less Than Significant

The Draft EIR relies upon regulatory compliance in several instances to reduce impacts to less than significant. (Draft EIR page, 4.4-80.) A determination that regulatory compliance will provide adequate mitigation must be based on a project specific analysis of potential impacts and the effect of regulatory compliance. (*Californians for Alternatives to Toxics v. Dept. of Food and Agriculture* (2005) 136 Cal.App.4th 1.) The DEIR fails to provide this analysis in multiple instances. The following examples illustrate some of these failures, as well as other flaws in the analyses.

a. Nesting birds

Mitigation for impacts to birds addresses only impacts to nesting birds, but does not address non-special status birds and does not ensure compliance with the migratory bird treaty act. (Mitigation Measures 4.4.6.4A and 4.4.6.4B.) Mitigation measure 4.4.6.4A relies on compliance with the Migratory Bird Treaty Act (“MBTA”) and California Fish and Game code to reduce impacts to migratory and nesting birds to less than significant. However, the measure identifies circumstances under which no mitigation would be required, i.e., in the event “no special status avian species are identified within the limits of disturbance.” This exception means that compliance with California Fish and Game Code and the MBTA is not ensured. The exception should be eliminated. Fish and Game Code Section 3503 prohibits “needless” destruction of any nest, and the MBTA protects all migratory bird species, including relatively common species. Destruction of an active nest during nesting season could result in an unpermitted “take” under the MBTA. (See USFWS MBPM-2 (April 15, 2003) Migratory Bird Permit Memorandum.)

3. The Draft EIR Inadequately Addresses Air Quality Impacts on Wildlife

The DEIR indicates that diesel particulates and toxic air contaminants would have a significant effect on wildlife, and notes that diesel particulate deposition may occur within approximately 1,000 feet of truck activities within the project. (Draft EIR page 4.4-70.) The analysis concludes that the 250-foot setback and the California Department of Fish and Wildlife (“CDFW”) conservation buffer area will effectively mitigate potential indirect impacts of air pollutants, including diesel PM, on wildlife within the SJWA. This conclusion inappropriately attributes the entire CDFW conservation buffer area as mitigating the effects of diesel particulates on wildlife. However, as disclosed in (Draft EIR Section 4.4.1.5), wildlife will continue to use the CDFW conservation buffer area and thus the existence of a CDFW conservation buffer area, in and of itself, does not provide mitigation for this impact. In addition to the 250-foot development setback, additional mitigation should be considered, including restrictions on trucks and landscape plans that include trees or other vegetation to filter particulate matter. In

conjunction with the 250-foot setback, appropriate tree plantings (e.g., appropriate species, planting density) would help filter particulates that would otherwise disperse into the CDFW conservation buffer and the SJWA (in the absence of prevailing winds). Research conducted by UC Davis researchers indicates that the foliage characteristics of conifer species (needle shaped leaves, stickiness, and roughness) can effectively “capture” particulate matter. (<http://dn.engr.ucdavis.edu/images/AQMit-Report5.pdf>)

4. The Geographic Scope of the Cumulative Biological Resource Analysis is too Narrow

The geographic scope of analysis in Section 4.4.7 is inappropriately limited to the Western Riverside County MSHCP area. The project will affect a variety of biological resources that are not confined by the County’s boundaries, let alone the MSHCP area within the County. The analysis should be revised to take into account related effects on these resources within a more appropriately defined geographic scope. For example, habitat loss as a result of development in adjacent jurisdictions will contribute to cumulative impacts to wildlife movement, and impacts to sensitive species that are also affected by this project.

Greenhouse Gases and Climate Change

Greenhouse gas (GHG”) emissions have the potential to alter wind patterns, storms precipitation, and temperature. The secondary effects associated with GHG emissions have the potential to adversely affect Riverside’s water supply, wildfire hazards, food supply, biodiversity, air quality. (Draft EIR page 4.7-5.) Consequently, Riverside would like to see the Project’s climate change impacts mitigated to the greatest extent feasible, and offers the recommendations provided below.

1. The Draft EIR Should Incorporate Additional Mitigation Measures to Further Reduce the Project’s Significant and Unavoidable Impacts to Greenhouse Gases and Climate Change

The Draft EIR concludes impacts to Greenhouse Gas Emissions (“GHG”) and Climate Change would be significant and unavoidable. (Draft EIR Section 4.7.6.1 and 4.7.6.2.) Riverside believes additional feasible mitigation measures should be incorporated to further reduce this impact.

The transportation of potable water and the disposal of wastewater is a huge source of electricity demand, which the Draft EIR notes is a source of GHG emissions for the Proposed Project.¹² (Draft EIR Table 4.7.G) Therefore, to further reduce this significant impact, mitigation should be imposed requiring installation of waterless urinals in addition to low-flow fixtures provided under Mitigation Measure 4.16.1.6.1B rather than providing an option for installation of low water use urinals. The Proposed Project should also be required to install graywater systems for beneficial reuse of wastewater.

The Draft EIR also provides mitigation measures for “...solar ready building for possible PV facilities on project roofs.” The Proposed Project should be required to install electricity

¹² <http://www.epa.gov/region9/waterinfrastructure/waterenergy.html>

generating photovoltaic panels on the roofs and parking lots for these facilities as well as solar panels on roofs to provide hot water, rather than just making the project “solar ready.” Installation of PV panels in parking lots would also have the benefit of reducing radiation (heat) absorption, which is also a cause of climate change.¹³ Similarly, the project should be required to install low radiation absorption pavements (“Cool Pavements”) for the parking lots and other paved areas *with specific performance standards*.

The EPA notes that cool pavements would also have the added benefit of reducing aquatic wildlife impacts by reducing “thermal shock” of hotter runoff water and reducing “tire noise by two to eight decibels.” (*Id.*) While the project description notes that “light colored pavements” would be installed, no specific performance standards have been incorporated into mitigation measure 4.16.4.6.1A; this measure should be revised to provide minimum standards for cool pavement solar absorption.

The Project should also be required to install LED Lights in exterior and interior fixtures rather than relying upon the option of installing “*high pressure sodium or light-emitting diodes*” (Draft EIR page 4.1-74; see also Mitigation Measure 4.16.4.6.1B.) Numerous Cities have installed exterior LED lighting, and interior LED lighting is readily available at the consumer level.¹⁴ For example, the City of Los Angeles is currently replacing 140,000 streetlights with LED lighting.¹⁵

Given the large scale of the development, it is feasible for the developer to implement Ice Storage Air Conditioning (“ISAC”) systems. This is one of the measures suggested by the California Attorney General’s office,¹⁶ and which is being implemented in large projects such as Los Angeles World Airport’s Central Utility Plant which includes a 1.6 million gallon thermal-energy storage tank.¹⁷ ISAC systems would allow the Proposed Project to generate and store ice at night with off-peak electricity that would otherwise have gone to waste,¹⁸ thereby reducing peak hour electricity demand and its associated GHG and Air Quality emissions.

¹³ Climate Change is also caused by changes in ground cover which affect the absorption, scattering, and emission of radiation within the atmosphere and the Earth’s surface. See Intergovernmental Panel on Climate Change, *Climate Change 2007: The Physical Science Basis*, page 21.) The changes in ground cover associated with the Proposed Project were not taken into consideration in the Draft EIR’s Climate Change analysis. IPCC Report available at: http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4_wg1_full_report.pdf

¹⁴ <http://www.usa.philips.com/c/led-light-bulbs/30033/cat/en/>

¹⁵ <http://bsl.lacity.org/led.html>

¹⁶ http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf (See page 6.)

¹⁷ http://www.lawa.org/uploadedFiles/LAXDev/News_for_LAXDev/Fact%20Sheet%20-%20CUP%20Replacement.pdf

¹⁸ Many electrical generating facilities do not cease power generation during nighttime hours because of prolonged start up times. Consequently, use of off-peak electricity to generate stored air conditioning capacity allows the use of energy that may have otherwise gone to waste and precludes peak hour electricity demand, which, during summer heat waves, results in GHG and Air Quality emissions from Peaker Plants (quick start electrical facilities).

Mitigation Measure 4.16.4.6.1B should be revised to require installation of this technology, or to create a centralized thermal storage location to serve multiple warehouses.

Alternatives

1. The Draft EIR Uses Impermissible Factors in Determining the Environmentally Superior Alternative

One of the key factors in determining the environmentally superior alternative in the Draft EIR is whether the alternatives would “worsen [] the jobs/housing ratio” (Draft EIR page 6-44), this also happens to be one of the project objectives (Draft EIR page 6-3). While compliance with project objectives may be an appropriate ground for rejecting alternatives as infeasible, compliance with project objectives is inappropriate for determining the *environmentally superior* alternative. As discussed under CEQA Guidelines Section 15126.6(a), the purpose of the alternatives is to analyze alternatives which “avoid or substantially lessen any of the significant effects of the project,” and compliance with project objectives is not a significant impact on the environment. By including compliance with project objectives as a factor for determining the environmentally superior alternative, the alternatives comparison is artificially skewed in favor of alternatives that most closely resemble the proposed project. The determination of the environmentally superior alternative should be revised, eliminating all discussion of the ability to meet project objectives.

The Draft EIR should be revised and recirculated consistent with the comments above and the comments from Riverside’s Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.) Riverside looks forward to continued discussion and coordination with the City of Moreno Valley on this Project.

Very truly yours,



Steve Hayes, AICP
City Planner¹⁹

Attachments:

1. Additional Comments, on behalf of Riverside, from Linscott, Law & Greenspan, Engineers
2. Resumes of Linscott, Law & Greenspan, Engineers

¹⁹ This comment letter was also prepared with the assistance and expertise of Steve Libring (City of Riverside, Traffic Engineer), Keil Maberry (Linscott, Law & Greenspan, Engineers, Principal), Dan Kloos (Linscott, Law & Greenspan, Engineers, Senior Transportation Engineer), Kristi Smith (City of Riverside, Supervising Deputy City Attorney), and The Sohagi Law Group, PLC.

CC:

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