

June 9, 2020

Ms. Julia Descoteaux, Associate Planner  
Community Development  
City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92553

**Subject: World Logistics Center – Additional Errata to the Revised Final EIR**

Dear Ms. Descoteaux:

Subsequent to the distribution of the Final Response to Comments and Revised Final EIR for the World Logistics Center (WLC) Project, Errata to the Revised Final EIR (Part 3) were identified. These revisions are clarifications and not substantive modifications. The revisions identified below do not change the significance conclusions presented in the Revised Final EIR or substantially alters the analysis presented for public review. Deleted text is shown in ~~strike-through~~ and additional text is shown as underline.

**Pages 35-37 and Pages 755 - 756 of the Revised Final EIR (Part 1)**

Revisions to Section 4.7.7.1, which includes Mitigation Measure 4.7.7.1, has been made as shown below. This revision is due to a refinement in Mitigation Measure 4.7.7.1 and does not result in a change in the ultimate impact determination and no new significant information is included.

**4.7.7 NET ZERO MITIGATION MEASURE ~~CONDITIONED ON THE OUTCOME OF THE APPEAL IN PAULEK V. MORENO VALLEY~~**

~~An appeal of the judgement entered on June 7, 2018, in the CEQA litigation, is currently pending in the Court of Appeal, Fourth Appellate District, Division Two, as *Paulek v. Moreno Valley Community Services District*, Case No. E071184. The appeal seeks judicial review of the FEIR's application of California's Cap and Trade Program to the analysis of GHG emissions for the construction and operation of the WLC. Specifically, the FEIR determined that the GHG emissions attributable to fuel suppliers and energy producers under Cap and Trade (capped emissions) could be deducted from the total GHG emissions to be evaluated against the significance threshold because capped emissions were already accounted for and mitigated at the producer/supplier level. To address the yet unknown determination of the appeal and to eliminate uncertainty as to how capped GHG emissions should be accounted for in determining the significance of ~~at the p~~Project's GHG emissions without consideration of Cap and Trade (capped emissions) under CEQA, a new mitigation measure, Mitigation Measure 4.7.7.1, shall apply requiring that the WLC Project's GHG emissions be mitigated to net zero where the amount of GHG emissions to be mitigated is either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16, depending on the outcome of the appeal.~~

Ms. Descoteaux  
June 9, 2020  
Page 2

~~If the trial court's judgment is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 4.7-8.~~

~~If the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 4.7-16. As shown in Table 4.7-16, Project GHG emissions, both capped and uncapped, with implementation of Project Design Features and mitigation measures would, prior to the application of mitigation, exceed the SCAQMD's significance threshold of 10,000 mt CO<sub>2</sub>e per year.~~

To mitigate the WLC Project's GHG emissions to net zero and to remove uncertainty as to how GHG emissions should be accounted for, the following mitigation, Mitigation Measure 4.7.7.1, shall apply. Mitigation Measure 4.7.7.1 shall read as follows:

**4.7.7.1** ~~The developer shall mitigate the WLC Project's GHG emissions to net zero by purchasing and retiring providing offsets and/or carbon credits, based upon where the amount of GHG emissions set forth in to be mitigated is either "Total Uncapped" GHG emissions from Table 4.7-8 or "Project Emissions" from new Table 4.7-16 of the Revised Final EIR, depending on the outcome of the appeal in *Paulek v. Moreno Valley Community Services District ("Paulek")*. If the trial court's judgment in *Paulek* is affirmed after the appellate process is completed or if the appeal is dismissed, then the GHG emissions to be mitigated to net zero will be the "Total Uncapped" GHG emissions from Table 4.7-8. If the trial court's judgment is reversed after the appellate process is completed, then the amount of GHG emissions to be mitigated to net zero will be the "Project Emissions" shown on Table 4.7-16. Upon the purchase and retirement provision of offsets and/or the retirement of carbon credits, no further analysis of capped and uncapped GHG emissions will be required, and no further reduction of those emissions will be required.~~

~~The developer, in its sole discretion, shall demonstrate its reduction of GHG emissions through the purchase and retirement of provide the city with any combination of qualified offsets and/or carbon credits in its sole determination provided that the following conditions are satisfied:~~

- ~~a) Offsets: A developer shall provide proof of offsets to reduce or sequester GHG emissions (as distinguished from carbon credits) to the City's Planning Official that the offsets are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency.~~
- ~~ba) Offset Carbon Credits: A developer shall provide proof to the City's Planning Official that purchased offset credits were registered with, and retired by, an Offset Project Registry, as defined in 17 California Code of Regulations an Offset Project Registry, as defined in 17 California Code of Regulations § 95802(a), the carbon credits represent~~

Ms. Descoteaux  
June 9, 2020  
Page 3

~~reductions in GHG emissions that are real, permanent, additional, quantifiable, verifiable, and enforceable by an appropriate agency. Credits registered by a carbon registry approved by the California Air Resources Board, such as, but not limited to, the Climate Action Reserve, American Carbon Registry, or Verra (formerly Verified Carbon Standard), or GHG Reduction Exchange (GHG RX), shall be conclusively presumed to meet all of the criteria set forth above. In order to prove that the offset carbon credits provided are real, permanent, additional, quantifiable, verifiable, and enforceable, as those terms are defined in 17 California Code of Regulations § 95802(a), and have been retired, the developer shall provide the City's Planning Official with (i) the protocol used to develop those credits, (ii) the third-party verification report concerning those credits, and (iii) the unique serial numbers of those credits showing that they have been retired.~~

- e) Timing: The developer shall provide proof to the City ~~that with offsets and/or carbon credits equal to the proportionate amount of GHG emissions resulting from the grading, construction and operation of facilities within the WLC have been purchased and retired as follows:~~ (i) The purchase and retirement of offset carbon credits required to mitigate the GHG emissions resulting from grading shall be a condition of the issuance of a grading permit. (ii) The purchase and retirement of offset carbon credits required to mitigate the GHG emissions resulting from the construction of a facility shall be a condition of the issuance of a building permit for the facility. (iii) The purchase and retirement of offset carbon credits required to mitigate the GHG emissions resulting from the operation of a facility shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the facility. The developer shall also have the right, at any time, to purchase and retire offset carbon credits for some or all of the grading, construction and operation of facilities in the WLC Project in advance of the issuance of grading or construction permits or certificates of occupancy, temporary or permanent, for the facilities proposed in each plot plan (by square footage as compared to the total square footage of the project) as a condition of the issuance of a certificate of occupancy for such facilities, using either Table 4.7-8 or Table 4.7-16, as appropriate. The City shall retire the carbon credits upon their receipt. The developer shall have the right at any time to provide such offsets and/or carbon credits in advance of the issuance of any certificate of occupancy for any of the facilities in the WLC Project.

With the application of all previous mitigation measures (pages 4.7-27 – 4.7-30) and the new Mitigation Measure 4.7.7.1, the WLC Project's GHG emissions will be reduced to net zero at buildout, ~~as shown in Table 4.7-8 (Table 4.7-8 will be revised in Final RSFEIR as shown below) and Table 4.7-15. Revised Table 4.7-8 and Table 4.7-16 shows the mitigated GHG emissions, including new Mitigation Measure~~

Ms. Descoteaux  
June 9, 2020  
Page 4

4.7.7.1, for each year from 2020 through construction and 30-years operation of all Project facilities. Since total Project GHG emissions will be reduced to net zero, they are below the threshold of significance for every year and are therefore less than significant after mitigation.

**Level of Impact After Mitigation.** Less than significant.

#### **Page 4.12-25 of the Revised Final EIR (Part 3)**

Clarifications to the introductory paragraph of Mitigation Measure MM 4.12.6.1A have been made as shown below.

**4.12.6.1A** Prior to issuance of any discretionary project approvals that allow construction activity, a Noise Reduction Compliance Plan (NRCP) shall be submitted to and approved by the City. The NRCP shall be prepared by a qualified acoustical consultant describing how noise reduction measures shall be implemented to reduce the noise exposure on sensitive receptors adjacent to onsite and offsite construction areas. The noise reduction measures shall be implemented so that construction activities do not exceed the City's daytime (except for sensitive receptors located within 500 feet of active construction areas) and nighttime average hourly noise standard of 60 dBA  $L_{eq}$  and 55 dBA  $L_{eq}$ , respectively. The construction noise reduction measures shall include, but not be limited to, the following measures:

#### **Page 4.12-25, last sentence**

A clarification to the text for level of significance after mitigation incorporation has been included to show the distance at which impacts would remain significant. No revision to the impact determination has been made and no new significant information has been included.

With regard to daytime construction, sensitive receptors located within and to the west of the project (within 500 feet of active construction areas) would continue to be exposed to construction noise levels that would exceed the City's daytime exterior noise standard of 60 dBA  $L_{eq}$  even with implementation of mitigation.

#### **Page 4.4-62 of the Revised Final EIR (Part 3)**

A clarification to Mitigation Measure 4.4.5.2B has been made as shown below.

**4.4.5.2B** Prior to the approval of any tentative maps for development including or adjacent to any Criteria Cells identified in the Western Riverside County Multiple Species Habitat Conservation Plan, the applicant shall prepare and process a Joint Project Review (JPR) with the Riverside County ~~Resource~~ Regional Conservation Agency Authority (RCA). All criteria cells shall be identified on all such tentative maps. This measure shall be implemented to the satisfaction of the City Planning Division and Riverside County ~~Resource~~ Regional Conservation Agency Authority ("RCA").

Ms. Descoteaux  
June 9, 2020  
Page 5

**Page 4.4-76 of the Revised Final EIR (Part 3)**

A clarification to the first paragraph of Mitigation Measure 4.4.6.2B has been made as shown below.

**4.4.6.2B** As required by the ~~Resource-Regional~~ Conservation ~~Agency-Authority~~ (RCA), a program-level Determination of a Biological Equivalent or Superior Preservation (DBESP) for impacts to Riverine/Riparian habitat has been prepared and shall be approved by the ~~Resource-Regional~~ Conservation ~~Agency-Authority~~ prior to project grading permit approval. The Determination of a Biological Equivalent or Superior Preservation includes a general discussion of mitigation options for impacts to riverine/riparian areas as well as general location and size of the mitigation area and includes a monitoring program.

The above revisions to portions of the Revised Final EIR, specifically Part 1 (Final Response to Comments) and Part 3 (RSFEIR), are modifications and clarifications, but none of the revisions provide significant new information that requires recirculation of the Revised Final EIR in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088.5.

Sincerely,



Michael E. Houlihan, AICP  
Principal Associate