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Final Environmental Impact Report (EIR) for the
Bay & Day Commerce Center Project (Proposed Project)
(SCH No.: 2023090050)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Moreno Valley is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff have provided a brief summary of the project information and prepared the following comments, organized by topic of concern.

Summary of Original Project Information in the Draft EIR vs. Revised Project Information in the Final EIR

In the Draft EIR, the Proposed Project described the need for a legislative action to amend the zoning designation from "Business Park District" to "Light Industrial District" and to develop a 194,775-square-foot light industrial warehouse on a site that has some existing residential properties that will be demolished to make way for the warehouse. The proposed facility would include 28 loading dock doors and would be located immediately south of Bay Avenue, immediately west of Day Street, and approximately 650 feet north of Alessandro Boulevard in the City of Moreno Valley.[1] The Proposed Project would allow cold storage uses to occupy up to 25 percent of the building area.[2] Based on a review of recent aerial imagery, the nearest sensitive receptor, consisting of an existing residential use, is located approximately 20 feet to the south of the Proposed Project site. Project construction is anticipated to occur over approximately 10 months.[3]

However, as identified in the Final EIR, the purchase agreement between the project applicant and the property owners of the existing residential properties expired such that the parcel containing the existing residences will be left intact.[4] Therefore, the Proposed Project has been revised to exclude this parcel from the overall site footprint. The Proposed Project has been revised to consist of two parcels: 1) Lot 1 would be developed with a 142,979-square-foot light industrial warehouse

[1] Final EIR. p. 3-3.
[2] *Ibid*. p. 3-8.
[3] *Ibid*. p. 3-6.
[4] *Ibid*. p. F-1.

containing 17 loading dock doors; and 2) Lot 2 would be developed as a passenger vehicle parking lot.[5]

South Coast AQMD previously submitted a comment letter regarding the original Proposed Project. The comment letter was transmitted to the Lead Agency on October 5, 2023, in response to the Notice of Preparation (NOP) for the Proposed Project, which was released on September 5, 2023.[6]

South Coast AQMD Comments on the Final EIR

Substantial Change in Project Design Results in Cascading Issues with the Health Risk Analysis and Exposure to Diesel Particulate Matter at both a Project-level and Cumulative Level

The revised site plan now excludes the parcel containing the existing residences, whereas the analysis of the Draft EIR was based on the demolition of the existing residences and use of that property for the Proposed Project. Figures 1 and 2 illustrate the original site plan in the Draft EIR and the changes to the site plan in the Final EIR. Under the revised design in the Final EIR, the existing residences, which are located within 10 feet immediately to the west of the proposed warehouse, would no longer be demolished and replaced by a parking area and instead remain intact. If the revisions to the Proposed Project are implemented, these existing residences would directly face the warehouse loading dock area, where truck loading, unloading, idling, and maneuvering activities would occur 24 hours per day, 7 days per week.

In addition, a review of recent aerial imagery indicates that there are six other existing industrial buildings which are located immediately to the western border of these existing residences. Consequently, the existing residences are situated between the revised Proposed Project on one side of the property line and an existing industrial development on the other side of the property line, resulting in a "sandwiched" land use condition for the existing residences. With this revision to the Proposed Project, these existing residences will now be potentially exposed to new sources of diesel particulate matter (DPM) from the revised Proposed Project, where none of that exposure would have occurred for the original Proposed Project in the Draft EIR. Moreover, in addition to the new project-level DPM exposures from the revised Proposed Project, these existing residences are also currently exposed to emissions from the existing industrial sources immediately adjacent to the property line. Figure 3 illustrates the proximity of the existing residences to the revised Proposed Project and the existing industrial sources. The combination of the emissions from the new sources of DPM from the revised Proposed Project with the existing emissions from adjacent industrial sources represents a new cumulative impact.

[5] *Ibid*. p. F-2.
[6] South Coast AQMD, October 2023 NOP Comment Letter, Available at: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2023/october-2023/RVC230913-11.pdf

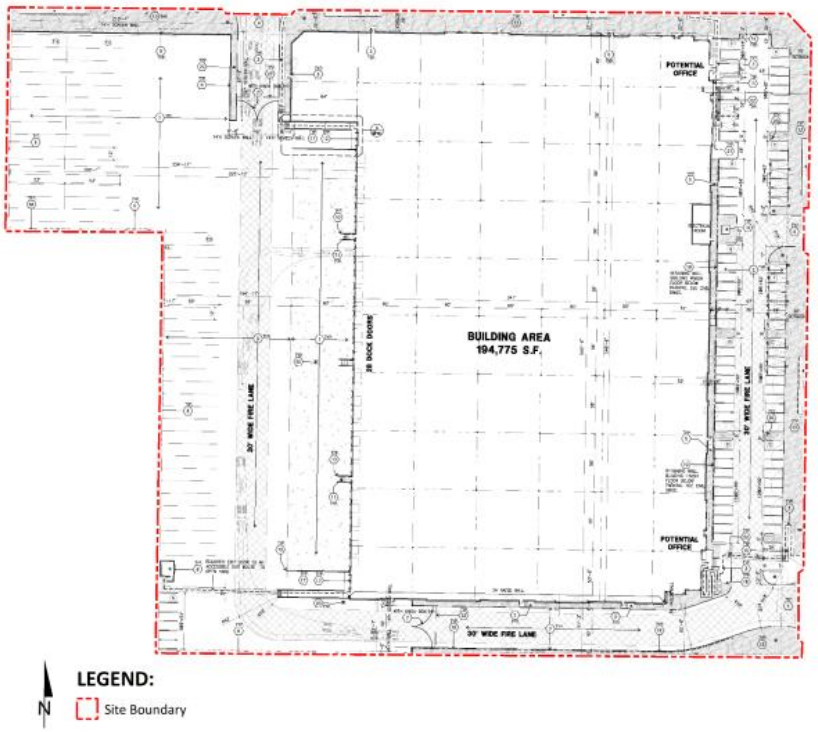

Figure 1: Original Project Site Plan (Draft EIR)

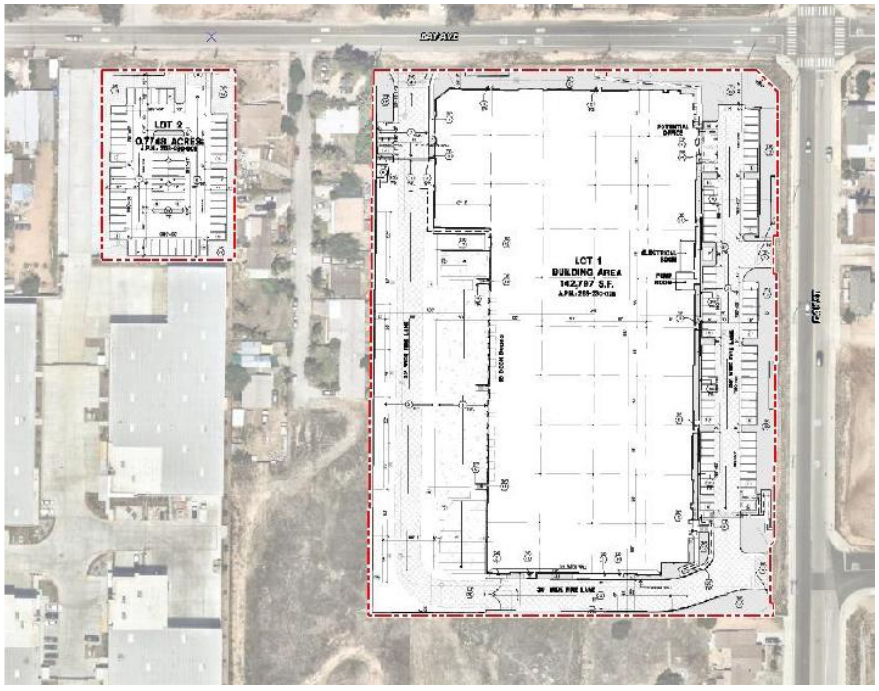

Figure 2: Revised Project Site Plan (Final EIR)

Figure 3: Snapshot of Current Site Condition

: Revised Proposed Project
: Existing Industrial Uses
: Existing Residential Uses

The revised site configuration appears to be inconsistent with the intent of Assembly Bill (AB) 98,[7] which establishes warehouse siting and design standards to reduce potential air quality and health impacts on nearby sensitive receptors such as existing residences. Among these standards is a minimum setback of 300 feet between new or expanded high-cube warehouse loading bays and sensitive receptors, where applicable. The 300-foot setback reflects current State policy for reducing exposure to emissions associated with warehouse loading operations and is therefore relevant in evaluating feasible design alternatives under CEQA.

The change in layout for the revised Proposed Project represents a substantial change in receptor locations that was not previously evaluated in the Draft EIR either as part of the original project or the project alternatives. The revised site configuration places the loading dock operations within the closest proximity to the existing sensitive receptors (e.g., 10 feet). By changing the configuration of the site in the revised Proposed Project by retaining the existing residences in place, the health risk assessment (HRA) conducted in the Draft EIR should have been revised to consider these existing residences as off-site sensitive receptors since they are located within 10 feet of the Proposed Project and directly adjacent to, and facing, the warehouse loading dock doors.

Appendix Q (Supplemental HRA) in the Final EIR evaluated the emissions and associated cancer risk from the revised Proposed Project and appears to reflect the updated project design and receptor configuration. While the revised calculations indicate that the construction cancer risk in the Final EIR is slightly less than what was analyzed in the Draft EIR, the operational cancer risk

[7] California Legislative Information. Assembly Bill 98 available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill-id=202320240AB98

as well as the combined construction and operational cancer risks result in an overall increase. Table A provides a summary of this comparison.

Table A – Comparison of Cancer Risk Estimated in Draft EIR and Final EIR

Impact Scenario	Draft EIR (Cancer Risk cases in one million)	Final EIR (Appendix Q) (Cancer Risk cases in one million)
Construction	4.07	3.90
Operation	4.45	7.00
Combined Construction and Operation	6.62	8.90

The increase in operational and combined cancer risk appears to be attributable to the revised site configuration and the resulting proximity of existing off-site sensitive receptors located within 10 feet of the warehouse loading operations. Although the revised combined cancer risk remains less than the South Coast AQMD significance threshold of 10 cancer cases in one million at the project-level, the revised analysis discloses a 34 percent increase in the level of health risk, a substantial change to what was originally presented in the Draft EIR due to changes in circumstances with the project design and receptor locations.

CEQA requires that an EIR evaluate the Project's cumulative impacts in conjunction with the effects of past, present, and reasonably foreseeable probable future projects, including cumulative air quality impacts associated with criteria air pollutants and toxic air contaminants (TACs). While the Final EIR evaluates the Proposed Project's individual health risks, neither the original Draft EIR nor the Final EIR appears to address the potential for cumulative exposure to TACs from surrounding industrial and warehouse operations. Given the concentration of existing industrial land uses in the Proposed Project vicinity and the very close proximity of nearby sensitive receptors, the Final EIR should include, at a minimum, a qualitative discussion of cumulative health risk impacts, especially to the off-site sensitive receptors which will be surrounded by multiple warehouses. Where sufficient information is available, the Lead Agency is recommended to also consider preparing a quantitative cumulative health risk evaluation to assess the combined exposure to DPM and other TAC emissions from the revised Proposed Project and nearby existing and reasonably foreseeable industrial sources, consistent with CEQA's cumulative impact analysis requirements.

In addition, the No Project Alternative evaluated in the Draft EIR was developed based on the project description and project site applicable at the time of Draft EIR preparation. At that time, the Proposed Project consisted of a 194,775-square-foot light industrial warehouse facility with 28 loading dock doors, and the project site included the parcels containing existing residences that were proposed for demolition.

As identified in the Final EIR, the Proposed Project has subsequently been modified to reduce the proposed warehouse facility to 142,979 square feet and reduce the number of loading dock doors from 28 to 17. In addition, the parcel containing the existing residences has been removed from the Project Site and is no longer included as part of the proposed development. As a result, the No Project Alternative evaluated in the Draft EIR does not fully reflect the revised Proposed Project

description because it assumes the potential development of parcels that are no longer part of the Proposed Project and provides a comparison to a larger project than is currently proposed.

Because the revised Project site configuration substantially changes the relationship between the warehouse operations and adjacent sensitive receptors even though the size and scale of the revised Project are smaller, the Lead Agency is recommended to re-evaluate the No Project Alternative and identify/analyze other feasible alternatives in light of the revised Project design.

In light of the aforementioned issues raised relative to the Final EIR, the Lead Agency is recommended to:

1. Prioritize minimizing exposures of DPM at the project- and cumulative-level to the existing residences which are sensitive receptors to achieve the same or less than the original cancer risk levels previously disclosed in the Draft EIR by:

    a. Reconsidering the project orientation and building layout as part of the project design or as part of the alternatives analysis to:
        i. maximize the distance between loading dock operations and the existing residences and evaluate whether the currently proposed orientation of the loading dock and separation distance from the adjacent residences are consistent with the intent of AB 98,
        ii. reorient loading docks away from sensitive receptors, and
        iii. incorporate other feasible design features and enhanced mitigation measures to be consistent with CEQA's impact avoidance and minimization objectives;
    b. Placing operational restrictions on the project, including, but not limited to:
        i. reducing the building floor area,
        ii. limiting the number of dock doors, and
        iii. restricting truck trip generation and overall truck traffic volumes, as appropriate to reduce operational air quality impacts;
    c. Conducting a cumulative air quality analysis on either a qualitative or quantitative basis

2. Revise the HRA calculations to evaluate and incorporate the recommendations outlined under Item 1 above. The HRA should provide a comprehensive evaluation of the recommended project design modifications, alternatives, and operational restrictions to reduce operational emissions and associated health risks to the nearby sensitive receptors and demonstrate whether implementation of mitigation measures is required to further reduce, minimize, or avoid the impacts to the maximum extent feasible.

3. Recirculate the Draft EIR to give the public and stakeholders the opportunity to review and comment on the proposed changes as required by CEQA Guidelines Section 15088.5 (a)(2) due to the substantial increase in the severity of the operational air quality impacts on existing sensitive receptors, an impact that was not previously disclosed for the original Proposed Project in the Draft EIR. In addition, recirculation pursuant to CEQA Guidelines Section 15088.5(a)(3) may also be warranted, if the Lead Agency determines from pursuing the recommendations outlined in Item 1 above, that additional changes can be

implemented to reduce the health risk impacts from the revised Proposed Project on the nearby sensitive receptors by implementing further changes to the design of the revised Proposed Project, adopting new feasible project alternatives, and imposing additional mitigation measures. In either case, recirculation of the Draft EIR should be considered so that the public and reviewing agencies have an opportunity to review and comment on the revised alternatives analysis.

Conclusion

Thank you for the opportunity to provide comments. South Coast AQMD staff are available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov, or me at swang1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

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Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

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