

# The Merge Project

## Final Environmental Impact Report

SCH No. 2018061065



Prepared for  
The City of Eastvale

November 2018



**FINAL ENVIRONMENTAL IMPACT REPORT**

for the

**The Merge Project**

State Clearinghouse Number:

2018061065

**Prepared for:**

City of Eastvale

12363 Limonite Avenue, Suite 910

Eastvale, CA 91752

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Applied Planning, Inc.

11762 De Palma Road, 1-C 310

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**November 2018**

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# 1.0 INTRODUCTION

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# **1.0 INTRODUCTION**

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## **1.1 OVERVIEW**

This document, combined with the Draft Environmental Impact Report (DEIR), constitutes the Final EIR for The Merge Project (Project). The DEIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The DEIR was circulated for a 45-day review period: September 18 through November 2, 2018.

## **1.2 CONTENT AND FORMAT**

Subsequent to this introductory Section 1.0, Section 2.0 of this Final EIR presents revisions and errata corrections to the DEIR text. Responses to comments received on the DEIR are presented in Final EIR Section 3.0. The EIR Mitigation Monitoring Program is presented in Final EIR Section 4.0.

## **1.3 DRAFT EIR COMMENTORS**

### **1.3.1 Overview**

The complete list of Draft EIR commentors, along with copies of comment letters and responses to comments, is presented in Section 3.0 of this Final EIR. The following list identifies the comment letters received in regard to the Draft EIR:

- Governor's Office of Planning and Research, State Clearinghouse
- CA Department of Conservation – Division of Land Resource Protection
- CA Department of Toxic Substances Control
- CA Department of Transportation, District 8
- City of Ontario

- Riverside Transit Agency
- South Coast Air Quality Management District
- Gabrieleño Band of Mission Indians – Kizh Nation
- Golden State Environmental Justice Alliance
- Webb Associates (on behalf of Jurupa Community Services District)
- Sharon Pon
- Michelle Reyes
- Eduardo Salazar

### **1.3.2 Presentation of Comments and Responses**

All comment letters received in regard to the Draft EIR are included, along with corresponding responses, in their entirety in Final EIR Section 3.0, *Comments and Responses*.

## **1.4 LEAD AGENCY AND POINT OF CONTACT**

The Lead Agency for the Project and EIR is the City of Eastvale. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Eric Norris, Planning Director  
City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

## **1.5 PROJECT SUMMARY**

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

### 1.5.1 Project Location

The Project site is located at the northeast corner of Limonite Avenue and Archibald Avenue. The Project site comprises current Assessor's Parcel Number (APN) 164-010-019. A Riverside County Flood Control and Water Conservation District (RCFCWCD) flood control channel defines the north Project site boundary. The channel also comprises the shared City of Eastvale/City of Ontario municipal boundary at this location. Archibald Avenue comprises the Project site west boundary. Limonite Avenue comprises the Project site south boundary. The eastern boundary of the site is marked by an existing masonry wall (constructed as part of the residential development to the east).

### 1.5.2 Project Overview

The proposed The Merge Project (Project), including all proposed facilities, on- and off-site supporting improvements, and associated discretionary actions comprise the Project considered in this Environmental Impact Report (EIR). The Project proposes construction and operation of approximately 336,501 square feet of light industrial and 71,100 square feet of commercial/retail uses (407,601 total square feet) within an approximately 26.28-acre site (gross acres) located in the northwest portion of the City of Eastvale. The Project evaluated in this EIR considers the maximum potential development of the subject site, and includes a total of 16 buildings as listed in Table 1.5-1.

**Table 1.5-1  
The Merge – Building Summary**

<b>Land Uses</b>	<b>Approx. Gross Leasable Area (Square Feet)</b>
<b>Light Industrial</b>	
Building 1	15,210
Building 2	12,880
Building 3	47,760
Building 4	66,254
Building 5	95,553
Building 6	35,445
Building 7	28,513
Building 8	34,886
<i>Subtotal – Light Industrial Uses</i>	<i>336,501 Square Feet</i>
<b>Commercial/Retail</b>	

**Table 1.5-1**  
**The Merge – Building Summary**

<b>Land Uses</b>	<b>Approx. Gross Leasable Area (Square Feet)</b>
Major 1 - Grocery	30,000
Major 2 – Drug Store	14,600
Shops	9,500
Gas Station	3,000
Car Wash (free standing)	4,000
Outpad 1 - Restaurant	2,500
Outpad 2 - Restaurant	3,000
Outpad 3 - Restaurant/Retail	4,500
<i>Subtotal – Commercial/Retail Uses</i>	<i>71,100 Square Feet</i>
<b><i>Project Total</i></b>	<b><i>407,601 Square Feet</i></b>

Source: The Merge Project Development Concept, August 2018.

The current Site Plan proposed by the application on file with the City shows 14 buildings as opposed to the 16 buildings listed in Table 1.5-1. Two additional buildings (fast food drive-through restaurants on pads adjacent to Limonite Avenue) are not shown on the proposed site plan because the Applicant has not yet submitted applications for these buildings. Applications for these buildings will be filed at a future date.

Additionally, subsequent to preparation of the Draft EIR, the Project scope has been reduced consistent with requirements of the Airport Land Use Commission (ALUC), and based on input from City staff and actions initiated by the Applicant. In these regards, since preparation of the Draft EIR, one of the Project drive-through pads has been deleted due to ALUC restrictions; and the application for the proposed car wash has been withdrawn by the Applicant (please refer to Final EIR Attachment A “Car Wash Letter of Withdrawal”).

Any future variations or any substantive change to the Project evaluated in this EIR would, at the discretion of the Lead Agency, be subject to subsequent environmental analyses. In any case, ultimate configuration and orientation of the Project uses would be subject to City review and approval.

### **1.5.3 Project Objectives**

The primary goal of the Project is the development of the subject site with a mix of light industrial and commercial/retail uses. Project Objectives include the following:

- To provide light industrial and commercial/retail uses that serve the local market area and beyond; and that attract new customers and businesses to Eastvale;
- Improve and maximize economic viability of the site through the establishment of light industrial and commercial/retail uses;
- Maximize and broaden the City's sales tax base by providing local and regional tax-generating uses and by increasing property tax revenues;
- Provide light industrial and commercial/retail uses within contemporary energy-efficient buildings, at a location that is readily accessible by patrons and employees;
- Create additional employment-generating opportunities for the residents of Eastvale and surrounding communities.

### **1.5.4 Discretionary Actions**

#### **1.5.4.1 Lead Agency Discretionary Actions and Permits**

Requested decisions, or discretionary actions, necessary to realize the Project include, but may not be limited to, the following:

- CEQA Compliance/EIR Certification. The City must certify the EIR prior to, or concurrent with, any approval of the Project.
- Approval of a General Plan Amendment (Land Use) for approximately 10.8 acres from Light Industrial (LI) to Commercial Retail (CR).

- Approval of a Zone Change for approximately 10.8 acres from Heavy Agricultural (A-2) to General Commercial (C-1/C-P); and for approximately 15.4 acres from Heavy Agricultural (A-2) to Industrial Park (I-P).<sup>1</sup>
- Approval of Major Development Review.
- Approval of Tentative Parcel Map(s).
- Approval of Conditional Use Permits (CUPs) for the sale of alcohol for off-site consumption, and for drive-throughs including restaurants, and a drugstore pick-up window.
- Approval of a variance pursuant to Eastvale Municipal Code Section 120.05.040 to allow for landscape reductions/modifications consistent with Riverside County Airport Land Use Commission recommendations.
- Additionally, the Project would require a number of non-discretionary construction, grading, drainage and encroachment permits from the City to allow implementation of the Project facilities.

#### **1.5.4.2 Other Consultation and Permits**

Based on the current Project design concept, anticipated consultation and permits necessary to realize the proposal may include, but are not limited to, the following:

- Consultation with requesting Tribes as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*; and *SB 18, Burton. Traditional tribal cultural places*.

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<sup>1</sup> The Project site is located within the Chino Airport Influence Area. Because amendment to existing Zoning designations is proposed by the Project, as required under the City of Eastvale Zoning Code, the Eastvale City Council must make a finding that the amendment(s) is/are consistent with the most recent adopted version of the Riverside County Airport Land Use Compatibility Plan.

- Permitting by/through the Regional Water Quality Control Board (RWQCB) consistent with requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit;
- Permitting by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented within the Project Site;
- Permitting (i.e., utility connection permits) from serving utility providers including, but not limited to, approval from Jurupa Community Services District for water and wastewater connections;
- Airport Land Use Compatibility Plan compatibility determination from the Riverside County Airport Land Use Commission.
- Other ministerial permits necessary to realize all on- and off-site improvements related to the development of the site.

## **2.0 REVISIONS AND ERRATA CORRECTIONS**

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## **2.0 REVISIONS AND ERRATA CORRECTIONS**

### **2.1 INTRODUCTION**

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. Text changes are presented under the chapter or topical section of the Draft EIR where they are located. The revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

### **2.2 REVISIONS**

#### **2.2.1 General-Project Scope Reduced**

As a matter of record, the current Site Plan proposed by the application on file with the City shows 14 buildings as opposed to the 16 buildings listed in Draft EIR Table 3.6-1. Two additional buildings (fast food drive-through restaurants on pads adjacent to Limonite Avenue) are not shown on the proposed site plan because the Applicant has not yet submitted applications for these buildings. Applications for these buildings will be filed at a future date.

Additionally, the Project scope has been further reduced consistent with requirements of the Airport Land Use Commission (ALUC), and based on input from City staff and actions initiated by the Applicant. In these regards, since preparation of the Draft EIR, the application for the proposed car wash has been withdrawn by the Applicant; and one of

the Project drive-through pads has been deleted due to ALUC conditions and restrictions.<sup>1</sup> Findings and conclusion of the EIR are not affected.

## **2.2.2 Revisions to Draft EIR Section 4.3, Air Quality**

South Coast Air Quality Management District (SCAQMD) comments on the Draft EIR suggest measures that would promote use of alternatively-fueled trucks, thereby reducing Project operational-source NO<sub>x</sub> emissions. In response to these comments, the following additional mitigation measure is incorporated:

**4.3.1.1 Information regarding available incentives promoting use of alternatively fueled trucks; and use of zero-emissions or near-zero emission trucks shall appear on all grading plans and construction specifications.**

**See also: <https://www.arb.ca.gov/fuels/altfuels/incentives/incentives.htm>**

The new measure is reflected in the Final EIR Mitigation Monitoring Program (Final EIR Section 4.0). Please refer also to responses to SCAQMD comments provided in Final EIR Section 3.0, *Comments and Responses*.

Even with inclusion of this measure, Project operational-source NO<sub>x</sub> emissions would exceed applicable SCAQMD regional thresholds. Project operational-source NO<sub>x</sub> emissions impacts would remain individually and cumulatively significant and unavoidable. Findings and conclusion of the EIR are not affected.

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<sup>1</sup> Please refer to Final EIR Attachment A: "Car Wash Letter of Withdrawal"; and Final EIR Attachment B: Riverside Airport Land Use Commission (ALUC) *Staff Report*, September 13, 2018; and ALUC *Development Review Memo*, September 20, 2018.

## **3.0 COMMENTS AND RESPONSES**

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## 3.0 COMMENTS AND RESPONSES

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### 3.1 INTRODUCTION

The following Section presents written comments received pursuant to public review of the DEIR and provides responses to those comments as required by California Code of Regulations, title 14 (hereinafter, “*CEQA Guidelines*”) Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: “[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The DEIR was circulated for a 45-day review period: September 18 through November 2, 2018.

In summary, the City’s written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City’s written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR’s conclusions.

#### 3.1.1 Comments Received

The following Section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been generally organized by state agencies; county, city, and local agencies; utilities; and local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all DEIR commentors and the designation assigned to each. Commentor correspondence

and correlating responses are presented subsequently. Comments have been reproduced verbatim and without grammatical or typographical correction.

**Table 3-1  
DEIR Commentors**

<b>Commentor</b>	<b>Acronym Assigned</b>	<b>Correspondence Date</b>
<b>State Agencies</b>		
State Clearinghouse	SCH	-
CA Department of Conservation – Division of Land Resource Protection	DOC	10/19/18
CA Department of Toxic Substances Control	DTSC	10/9/18
CA Department of Transportation, District 8	DOT	10/18/18
<b>Regional &amp; County Agencies</b>		
City of Ontario	ONT	11/1/18
Riverside Transit Agency	RTA	9/28/18
South Coast Air Quality Management District	AQMD	11/2/18
<b>Other</b>		
Gabrieleño Band of Mission Indians – Kizh Nation	GMI	9/24/18
Golden State Environmental Justice Alliance	EJA	10/22/18
Webb Associates on behalf of Jurupa Community Services District	WEBB	11/2/18
Sharon Pon	SP	10/17/18
Michelle Reyes	MR	10/18/18
Eduardo Salazar	ES	10/17/18



OPR Home > CEQA.net Home > CEQA.net Query > Search Results > Document Description

## Project No. PLN18-20026 - The Merge Retail and Light Industrial Development by Orbis Real Estate Partners

**SCH Number:** 2018061065

**Document Type:** EIR - Draft EIR

**Project Lead Agency:** Eastvale, City of

### Project Description

The project site is located at the northeasterly corner of Limonite Ave and Archibald Ave in the northwesterly portion of the city of Eastvale. The project proposes construction and operation of approx 336,501 sf of light industrial and 71,100 sf of commercial/retail uses (407,601 total sf) within an approx 26.28-acre site.

### Contact Information

**Primary Contact:**

Eric Norris  
 City of Eastvale  
 951 703-4460  
 12363 Limonite Avenue, Suite 910  
 Eastvale, CA 91752

### Project Location

County: Riverside  
 City: Eastvale  
 Region:  
 Cross Streets: Archibald Ave and Limonite Ave  
 Latitude/Longitude:  
 Parcel No: 164-010-019  
 Township:  
 Range:  
 Section:  
 Base:  
 Other Location Info:

### Proximity To

Highways:  
 Airports: Chino  
 Railways:  
 Waterways:  
 Schools: 3 ES/2 MS/1 HS  
 Land Use: LI/Heavy ag A-2

### Development Type

Commercial, Other (light industrial 336,501)

### Local Action

General Plan Amendment, Rezone, Site Plan, Use Permit

### Project Issues

Air Quality, Archaeologic-Historic, Geologic/Seismic, Noise, Public Services, Soil Erosion/Compaction/Grading, Toxic/Hazardous, Traffic/Circulation, Water Quality, Landuse, Cumulative Effects, Other Issues (GHG)

**Reviewing Agencies** (Agencies in **B old Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Caltrans, Division of Aeronautics; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Air Resources Board; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Drinking Water; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received:** 9/18/2018   **Start of Review:** 9/18/2018   **End of Review:** 11/1/2018

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STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
STATE CLEARINGHOUSE  
SCH No. 2018061065

Response SCH-1

State Clearinghouse receipt of The Merge Project Draft EIR is acknowledged, as is the distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2018061065) and dates of the public review period for the Draft EIR (September 18 through November 2, 2018) are also acknowledged.



State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
801 K Street • MS 14-15  
Sacramento, CA 95814  
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., *Governor*  
Clayton Haas, *Acting Director*

October 19, 2018

**VIA EMAIL: ENORRIS@EASTVALECA.GOV**

Mr. Eric Norris  
City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

Dear Mr. Norris:

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MERGE PROJECT,  
SCH# 2018061065**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has received the Draft Environmental Impact Report for the Merge Project sent by the City of Eastvale (City). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The Project proposes construction and operation of approximately 336,501 square feet of light industrial and 71,100 square feet of commercial/retail uses (407,601 total square feet) within an approximately 26.28-acre site located in the northwest portion of the City of Eastvale. The Project site is located at the northeast corner of Limonite Avenue and Archibald Avenue. The site comprises current Assessor's Parcel Number (APN) 164-010-019. Currently the project site is classified as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program.<sup>1</sup>

DOC-1

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to the State's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.<sup>2</sup> In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation

DOC-2

<sup>1</sup> California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, 2016.

<sup>2</sup> California Environmental Quality Act Statute and Guidelines, Association of Environmental Professionals, 2017, Section 21002, page 2.

Mr. Eric Norris  
October 19, 2018  
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that lessens a project's impacts. Therefore, all mitigation measures that are potentially feasible should be included. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements.

The City's 2012 general plan update found the conversion of agricultural land to non-agricultural use to be significant and unavoidable. The Department suggests that the City reevaluate this impact, and the feasibility of any mitigation measure which might reduce this impact. Should the City again find this impact to be significant and unavoidable; the Department suggests that the City make new findings associated with a statement of overriding considerations.

DOC-2  
cont'd.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Merge Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

DOC-3

Sincerely,



Monique Wilber  
Conservation Program Support Supervisor

CA Department of Conservation  
Division of Land Resource Protection  
801 K Street, MS 14-15  
Sacramento, CA 95814

Letter Dated October 19, 2018

Comment DOC-1

*The Department of Conservation's (Department) Division of Land Resource Protection (Division) has received the Draft Environmental Impact Report for the Merge Project [sic] sent by the City of Eastvale (City). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.*

Project Description

*The Project proposes construction and operation of approximately 336,501 square feet of light industrial and 71,100 square feet of commercial/retail uses (407,601 total square feet) within an approximately 26.28-acre site located in the northwest portion of the City of Eastvale. The Project site is located at the northeast corner of Limonite Avenue and Archibald Avenue. The site comprises current Assessor's Parcel Number (APN) 164-010-019. Currently the project site is classified as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program.*

Response DOC-1

The City of Eastvale acknowledges the commentor's role and responsibilities concerning farmland conversion, administration of the California Land Conservation (Williamson) Act, and administration of other agricultural land conservation programs.

The Project Description and Project site location as summarized by the commentor are materially correct. As indicated by the commentor, the EIR notes that the Project site is

designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program (EIR, p. 1-18).

### Comment DOC-2

#### Department Comments

*The conversion of agricultural land represents a permanent reduction and significant impact to the State's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts. Therefore, all mitigation measures that are potentially feasible should be included. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements.*

*The City's 2012 general plan update found the conversion of agricultural land to non-agricultural use to be significant and unavoidable. The Department suggests that the City reevaluate this impact, and the feasibility of any mitigation measure which might reduce this impact. Should the City again find this impact to be significant and unavoidable; the Department suggests that the City make new findings associated with a statement of overriding considerations.*

### Response DOC-2

The commentor notes that the Division considers the conversion of agricultural land [to non-agricultural uses] to represent a permanent reduction and significant impact to the State's agricultural land resources. The commentor notes further that under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. As a point of clarification, the city adopted the first Eastvale General Plan in 2012. The city does not refer to this as a "general plan update." The decision to commit the Project site to light industrial uses was made by the County of Riverside prior to city incorporation. The city adopted this same land use policy with the adoption of the Eastvale General Plan in 2012.

The City has previously addressed conversion of agricultural land to non-agricultural purposes in the City of Eastvale General Plan EIR (SCH No. 2011111061) (General Plan EIR). The General Plan EIR recognizes the conversion of agricultural lands to non-agricultural purposes as a significant and unavoidable impact resulting from buildout of the City (General Plan EIR, p. ES-4 et al.).

The General Plan incorporates policies that would reduce impacts to agricultural land to the extent feasible. As discussed in the General Plan EIR:

. . . the City recognizes the importance of agricultural lands and is committed to protecting this resource so long as existing agricultural uses wish to remain in place as supported by [General Plan] Policy AQ-40. Policy AQ-40 supports the City's Right to Farm ordinance and notifies prospective buyers of property adjacent to agricultural land uses, including agricultural lands under Williamson Act contracts, that they could be subject to inconvenience or discomfort resulting from accepted farming activities. This provision of disclosure would partially mitigate the potential for future development to impact adjacent agricultural lands. However, it is likely that over time most or all of the dairies in Eastvale will be converted to urban uses (General Plan EIR, p. 3.1-3).

In adopting the General Plan and certifying the General Plan EIR, the City has made findings and adopted an overriding Statement of Considerations addressing the conversion of agricultural lands to non-agricultural as a significant and unavoidable impact. The Project would not result in significant and unavoidable impacts to agricultural lands not already addressed in the General Plan EIR.

No revisions to the EIR are required. Findings and conclusion of the EIR are not affected.

Comment DOC-3

*Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Merge Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Earl Grundy, Environmental Planner at (916) 324-7347 or via email at [Earl.Grundy@conservation.ca.gov](mailto:Earl.Grundy@conservation.ca.gov).*

Response DOC-3

The City acknowledges and appreciates the commentor's participation in the Project CEQA EIR review process. Department of Conservation's Division of Land Resource Protection has been added to the Lead Agency's notification list for Project environmental documents, public notices, public hearings, and notices of determination. Commentor point of contact is noted.

No revisions to the EIR are required. Findings and conclusion of the EIR are not affected.



# Department of Toxic Substances Control



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Barbara A. Lee, Director**  
9211 Oakdale Avenue  
Chatsworth, California 91311

**Edmund G. Brown Jr.**  
Governor

October 9, 2018

Mr. Eric Norris, Planning Director  
Planning Department  
City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, California 91752

## DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MERGE RETAIL AND LIGHT INDUSTRIAL DEVELOPMENT (PROJECT)

Dear Mr. Norris:

The Department of Toxic Substances Control (DTSC) has received your Notice of Availability of a Draft Environmental Impact Report (EIR) for the above-mentioned project.

DTSC-1

Based on the review of the document, the DTSC comments are as follows:

1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.

2) The draft EIR needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.

DTSC-2

3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.

4) If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.



Mr. Eric Norris  
October 9, 2018  
Page 2

DTSC provides guidance for Preliminary Endangerment Assessment (PEA) preparation, and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). If you would like to meet and discuss this matter further, please contact me at (818) 717-6555 or e-mail [Pete.Cooke@dtsc.ca.gov](mailto:Pete.Cooke@dtsc.ca.gov).

DTSC-3

Sincerely,



Pete Cooke  
Project Manager  
Site Mitigation and Restoration Program - Chatsworth Office

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Dave Kereazis  
Hazardous Waste Management Program, Permitting Division  
CEQA Tracking  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

CA Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, CA 91311

Letter Dated October 9, 2018

Comment DTSC-1

*The Department of Toxic Substances Control (DTSC) has received your Notice of Availability of a Draft Environmental Impact Report (EIR) for the above-mentioned project.*

Response DTSC-1

DTSC receipt of the EIR Notice of Availability (NOA) is acknowledged.

Comment DTSC-2

*Based on the review of the document, the DTSC comments are as follows:*

- 1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.*
- 2) The draft EIR needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.*
- 3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.*
- 4) If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.*

## Response DTSC-2

The commentor lists various DTSC EIR informational requirements. All DTSC informational requirements are presented in the EIR and supporting Phase I Environmental Assessment (Phase I ESA, EIR Appendix G). Specific responses to DTSC informational requirements are presented below:

*1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.*

The potential for current or historic uses at the Project site to result in any release of hazardous wastes/substances at the project area is discussed in EIR Section 4.7, *Hazards and Hazardous Materials* and the Phase I ESA (see: EIR, pp. 4.7-14, 4.7-15; Phase I ESA pp. 1, 2, 26 et al.). The EIR and Phase I ESA substantiate that current or historic uses at the Project site would not result in potentially significant impacts.

*2) The draft EIR needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.*

Effects of potentially contaminated sites within the Project area are discussed in EIR Section 4.7, *Hazards and Hazardous Materials* and the Phase I ESA (see: EIR, pp. 4.7-14, 4.7-15; Phase I ESA pp. 1, 2, 26 et al.). The EIR and Phase I ESA substantiate that conditions at the Project site would not pose a threat to human health or the environment.

*3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.*

The EIR and Phase I ESA substantiate that no further investigation and/or remediation are required (see: EIR, pp. 4.7-14, 4.7-15; Phase I ESA pp. 1, 2, 26 et al.).

4) *If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.*

The Phase I ESA found no evidence of recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), or controlled recognized environmental conditions (CRECs) affecting the Project site (EIR, p. 4.7-14). Further, the Phase I ESA recommends no further action regarding any hazards/hazardous materials conditions at, or affecting, the Project site (Phase I ESA, pp. 1, 2). Therefore, the potential to encounter soil contamination that would comprise a potentially significant hazard or health risk is considered less-than-significant and no mitigation is required or proposed.

Recognizing the remote potential to encounter substantive soil contamination during Project construction, the Lead Agency may consider adding the following Condition of Approval or similar requirements. This Condition of Approval is standard practice and required by state and local law.

If any hazardous materials or contamination is found during excavation, all work shall be halted in the affected area until a qualified hazmat consultant (i.e., Registered Environmental Assessor, Registered Geologist) makes a determination as to the scope and extent of the contamination. If contamination is determined to be limited, remediation of the site shall be conducted by a licensed contractor in accordance with State and local guidelines. If however, the hazmat consultant determines the scope of the contamination to be extensive, the developer/contractor shall contact DTSC to determine the appropriate form of remediation. If remediation requires removal of soils, soils exhibiting contamination at concentrations in excess of regulatory thresholds will require profiling and manifesting for disposal as potentially hazardous waste. At the conclusion of remediation activities (if any), the hazmat consultant shall file a final remediation report with the City.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment DTSC-3

*DTSC provides guidance for Preliminary Endangerment Assessment (PEA) preparation, and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). If you would like to meet and discuss this matter further, please contact me at (818) 717-6555 or e-mail [Pete.Cooke@dtsc.ca.gov](mailto:Pete.Cooke@dtsc.ca.gov).*

Response DTSC-3

PEA guidance and cleanup oversight services provided by DTSC are recognized. DTSC website information and point of contact are noted.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8  
PLANNING (MS 722)  
464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> Floor  
SAN BERNARDINO, CA 92401-1400  
PHONE (909) 383-4557  
FAX (909) 383-5936  
TTY (909) 383-6300  
www.dot.ca.gov/dist8



*Make Conservation  
A California Way of Life.*

October 18, 2018

City of Eastvale  
Planning Department  
Eric Norris  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

PLN18-20026 The Merge Retail and Light Industrial Development

Mr. Norris,

We have completed our review of Notice of Completion and Environmental Document Transmittal for the above mentioned proposal for the construction and operation of approximately 336,501 square-feet of light industrial and 71,100 square-feet of commercial/retail for a total of 407,601 square-feet. The project site is located at the northeasterly corner of Limonite Avenue and Archibald Avenue.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Eastvale due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We recommend the following to be provided:

**Traffic Study**

- Please include ramp merge and diverge analysis at the I-15 northbound and southbound directions at Limonite Avenue/I-15 Interchange.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 or myself at (909) 383-4557 for assistance.

DOT-1

DOT-2

DOT-3



Mr. Norris  
October 18, 2018  
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Roberts". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

MARK ROBERTS, AICP  
Office Chief  
Intergovernmental Review, Community and Regional Planning

CA Department of Transportation  
District 8  
464 West 4th Street, 6th Floor  
San Bernardino, CA 92401

Letter Dated October 18, 2018

Comment DOT-1

*We have completed our review of Notice of Completion and Environmental Document Transmittal for the above mentioned proposal for the construction and operation of approximately 336,501 square-feet of light industrial and 71,100 square-feet of commercial/retail for a total of 407,601 square-feet. The project site is located at the northeasterly corner of Limonite Avenue and Archibald Avenue.*

*As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Eastvale due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.*

Response DOT-1

Receipt and review of the EIR by the CA Department of Transportation (DOT) is recognized. The summary Project Description provided by the commentor is materially correct.

DOT is recognized as the owner and operator of the State Highway System (SHS). DOT responsibilities under CEQA regarding impacts to the SHS are acknowledged.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment DOT-2

*We recommend the following to be provided:*

***Traffic Study***

- *Please include ramp merge and diverge analysis at the I-15 northbound and southbound directions at Limonite Avenue/I-15 Interchange.*

Response DOT-2

DOT recommends that the EIR include ramp merge and diverge analysis at the I-15 northbound and southbound directions at Limonite Avenue/I-15 Interchange.

The requested analysis is provided in the EIR. Please refer to EIR Section 4.2, *Transportation/Traffic*, pp. 4.2-50, 4.2-61 – 4.2-64, 4.2-85 – 4.2-88, et al.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment DOT-3

*We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 or myself at (909) 383-4557 for assistance.*

Response DOT-3

The City acknowledges and appreciates the commentor's participation in the Project CEQA EIR review process. Commentor point of contact is noted.

No revisions to the EIR are required. Findings and conclusion of the EIR are not affected.

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER

ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000  
FAX (909) 395-2070

PAUL S. LEON  
MAYOR

SCOTT OCHOA  
CITY MANAGER

ALAN D. WAPNER  
MAYOR PRO TEM

SHEILA MAUTZ  
CITY CLERK

JIM W. BOWMAN  
DEBRA DORST-PORADA  
RUBEN VALENCIA  
COUNCIL MEMBERS

November 1, 2018

JAMES R. MILHISER  
TREASURER

City of Eastvale  
Mr. Eric Norris, Planning Director  
12363 Limonite Avenue, Suite 910  
Eastvale, California 91752

**RE: NOTICE OF AVAILABILITY FOR PROPOSED MERGE RETAIL AND LIGHT INDUSTRIAL DEVELOPMENT LOCATED IN THE CITY OF EASTVALE**

Mr. Norris,

Thank you for allowing the City of Ontario an opportunity to review and comment on the above referenced project. After reviewing the Notice of Availability, the City requests that the following comments be addressed:

ONT-1

- This project shall join Archibald Avenue within the City of Ontario limits per the Master Plan of Streets and Highways. This shall include, but not be limited to, curb and median alignment, sidewalk connectivity, possible widening of the existing culvert at County Line Channel. Please note, Archibald Avenue is a six lane divided roadway between Merrill Avenue and the southerly City limits.

ONT-2

- A 10-foot high screen wall shall be constructed along the Project north boundary adjacent to the existing Riverside County Flood Control and Water Conservation District (RCFCWCD) flood control channel, to prevent noise, light and visual nuisances to Ontario residents located directly north of the project site.

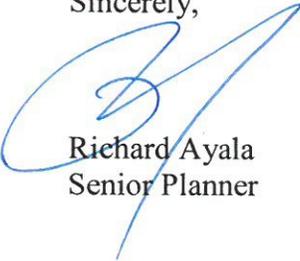
ONT-3

Mr. Norris  
November 1, 2018  
Page 2 of 2

We appreciate being involved in the environmental review of the project and look forward to continued communications regarding this project. If you have any questions regarding our comments, please contact me at (909) 395-2421.

ONT-4

Sincerely,



Richard Ayala  
Senior Planner

City of Ontario  
303 East B Street, Civic Center  
Ontario, CA 91764

Letter Dated November 1, 2018

Comment ONT-1

*Thank you for allowing the City of Ontario an opportunity to review and comment on the above referenced project. After reviewing the Notice of Availability, the City requests that the following comments be addressed:*

Response ONT-1

The City of Eastvale appreciates City of Ontario participation in the Project review process. Responses to City of Ontario comments are provided below.

Comment ONT-2

- *This project shall join Archibald Avenue within the City of Ontario limits per the Master Plan of Streets and Highways. This shall include, but not be limited to, curb and median alignment, sidewalk connectivity, possible widening of the existing culvert at County Line Channel. Please note, Archibald Avenue is a six lane divided roadway between Merrill Avenue and the southerly City limits.*

Response ONT-2

The commentor requests certain Archibald Avenue right-of-way improvements at the City of Eastvale/City of Ontario interface. The City of Eastvale will coordinate design and implementation of all infrastructure improvements, including roadway improvements, that would connect with the City of Ontario systems.

The commentor does not express specific concerns regarding the EIR analysis. No revisions to the EIR are required. Results and conclusions of the EIR are not affected.

### Comment ONT-3

- *A 10-foot high screen wall shall be constructed along the Project north boundary adjacent to the existing Riverside County Flood Control and Water Conservation District (RCFCWCD) flood control channel, to prevent noise, light and visual nuisances to Ontario residents located directly north of the project site.*

### Response ONT-3

The commentor recommends construction of a 10-foot high screen wall along the Project north boundary to prevent noise, light and visual nuisances to Ontario residents located directly north of the Project.

Potential environmental impacts of the Project including, but not limited to, concerns expressed by the commentor are addressed in the EIR. More specifically, noise impacts are addressed in EIR Section 4.5, *Noise*. As substantiated in the EIR, Project operational-construction-source and operational-source source noise levels received at City of Ontario properties would be less-than-significant. Please refer to EIR Table 4.5-7, *Unmitigated Construction Noise Level Increases (Receptors R1, R2)* (EIR, p 4.5-25); and EIR Table 4.5-13, *Unmitigated Operational Noise Levels (Receptors R1, R2)* (EIR, p 4.5-37). No mitigation for noise impacts affecting City of Ontario properties is required.

Visual and light/glare concerns noted by the commentor are substantiated to be less-than-significant in the EIR. Please refer to EIR Section 1.6, *Impacts Not Found to be Potentially Significant*. That is, the Project would be a logical extension of, and visually compatible with, existing similar development in the vicinity. Furthermore, the Project would be subject to the Eastvale Design Standards and Guidelines. Project designs as approved by the City would exhibit high quality and would be visually appealing. The Project final designs as approved by the City would provide screening of potentially intrusive visual elements such as parking areas, loading docks, storage areas, utilities, and rooftop equipment (EIR, p. 1-17).

Note further that City standards (Zoning Code section 5.5) require that “all outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.” The City would ensure compliance with this requirement through established development permit review processes. Please refer also to City of Eastvale Zoning Code Section 5.5 *Outdoor Lighting, D. General Lighting Standards, 2. Shielding* and EIR p. 1-17.

The commentor does not express specific concerns regarding the EIR analysis. No revisions to the EIR are required. Results and conclusions of the EIR are not affected.

Comment ONT-4

*We appreciate being involved in the environmental review of the project and look forward to continued communications regarding this project. If you have any questions regarding our comments, please contact me at (909) 395-2421.*

Response ONT-4

The City of Eastvale appreciates City of Ontario participation in Project CEQA review process. Commentor point of contact information is noted.

---

**From:** Joe Forgiarini <[jforgiarini@riversidetransit.com](mailto:jforgiarini@riversidetransit.com)>  
**Date:** Friday, September 28, 2018 at 5:05 PM  
**To:** Eric Norris <[Enorris@eastvaleca.gov](mailto:Enorris@eastvaleca.gov)>  
**Cc:** Leif Lovegren <[llovegren@riversidetransit.com](mailto:llovegren@riversidetransit.com)>  
**Subject:** PLN18-20026 - Notice of Availability of Draft EIR - "The Merge"  
Development

Hi Eric,

In response to PLN18-20026 notice of availability of Draft EIR for "The Merge" development, RTA has the following comments:

- RTA notes conditioning for new turnout and bus stop on Limonite eastbound farside Archibald and appreciates inclusion of those items
- RTA requests provision of matching turnout/bus stop on Limonite Ave westbound far enough back from Archibald Ave to allow buses to safely make the move from such a turnout across the through lanes to the left turn lanes this location (if not, a stop on Archibald SB farside Limonite will be needed but this location is considered far less optimal for bus riders bound to/from "The Merge")
- RTA requests the development be conditioned to provide ADA sidewalks and concrete pads with shelter, bench and trash receptacles.

RTA-1

Can you please advise if these requests can be accommodated as conditions of this development.

Thanks

Joe

**Joe Forgiarini**

Planning and Scheduling Manager  
Riverside Transit Agency  
p: 951.565.5166 | e: [jforgiarini@riversidetransit.com](mailto:jforgiarini@riversidetransit.com)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)  
1825 Third Street, Riverside, CA 92507

Riverside Transit Agency  
1825 Third Street  
Riverside, CA 92507

Email Dated September 28, 2018

### Comment RTA-1

*In response to PLN18-20026 notice of availability of Draft EIR for “The Merge” development, RTA has the following comments:*

- *RTA notes conditioning for new turnout and bus stop on Limonite eastbound farside Archibald and appreciates inclusion of those items*
- *RTA requests provision of matching turnout/bus stop on Limonite Ave westbound far enough back from Archibald Ave to allow buses to safely make the move from such a turnout across the through lanes to the left turn lanes this location (if not, a stop on Archibald SB farside Limonite will be needed but this location is considered far less optimal for bus riders bound to/from “The Merge”*
- *RTA requests the development be conditioned to provide ADA sidewalks and concrete pads with shelter, bench and trash receptacles.*

*Can you please advise of [sic] these requests can be accommodated as conditions of this development.*

### Response RTA-1

The City appreciates RTA participation in the Project EIR CEQA review process and the City’s Project design review process. As noted by the commentor, City Conditions of Approval (COA) require a new turnout and bus stop on Limonite eastbound.

The City in consultation with the Applicant and RTA will consider additional turnout/bus stop locations and amenities including those suggested by the commentor.

Regarding ADA compliance, the City will require all Project facilities to comply with applicable ADA requirements.

No revisions to the EIR are required. Results and conclusions of the EIR are not affected.



# South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

November 2, 2018

[enorris@eastvaleca.gov](mailto:enorris@eastvaleca.gov)

Eric Norris, Planning director  
City of Eastvale  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

## Draft Environmental Impact Report (DEIR) for the Proposed The Merge Retail and Light Industrial Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the final EIR.

AQMD-1

### SCAQMD Staff's Summary of Project Description

The lead agency proposes the construction and operation of eight industrial warehouses totaling 336,501 square feet and 72,600 square feet of retail uses that include a 16-pump gas station and car wash on 26 acres (proposed project). The project site is located on the northeast corner of Archibald Avenue and Limonite Avenue. The closest sensitive receptor is approximately 10 feet from the project site. Since the proposed project includes the construction and operation of a gas station, SCAQMD permits are required and SCAQMD should be identified as a responsible agency in the body of the EIR. The proposed project's construction phase is expected to occur over a period of approximately 19 months.

AQMD-2

### SCAQMD Staff's Summary of Air Quality Analysis

The lead agency determined that the proposed project would result in significant and unavoidable air quality impacts resulting from exceeding regional NOx emissions during operation. Considering that CEQA requires all feasible mitigation measures beyond what is required by law be utilized during project construction and operation to minimize or eliminate air quality impacts from the proposed project, SCAQMD staff recommends the following mitigation measures.

AQMD-3

### Recommended Mitigation Measures

- Require zero-emissions or near-zero emission trucks, if and when feasible; at a minimum, require that the operator commit to utilizing 2010 model year trucks.
- Limit the daily number of trucks allowed at the proposed project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the lead agency should commit to re-evaluating the proposed project through CEQA prior to allowing this land use or higher activity level.
- Should the proposed project generate significant regional emissions, the lead agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final EIR, the lead agency should require a phase-in schedule for these cleaner operating trucks to reduce any significant adverse air quality impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the lead agency.

AQMD-4

- Design the industrial building such that entrances and exits are not traversing past neighbors or other sensitive receptors.
- Design the industrial building to ensure that truck traffic within the proposed project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- Restrict overnight parking in residential areas.
- Establish overnight parking within the industrial building where trucks can rest overnight.
- Establish area(s) within the proposed project site for repair needs.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the proposed project and sensitive receptors.
- Limit delivery vehicles' idling time to no more than five minutes. For any delivery vehicle that is expected to take longer than five minutes, the vehicle's operator shall be required to shut off the engine. Notify the vendors of these idling requirements at the time that the delivery purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers understand the vehicle idling requirement, post signs at the facility's entry gates stating that idling longer than five minutes is not permitted.

AQMD-4  
cont'd.

Permits and Compliance with SCAQMD Rules

Pursuant to SCAQMD's Rule 461 – Gasoline Transfer and Dispensing, a permit from the SCAQMD will be required, and the SCAQMD should be identified as a responsible agency in the final EIR. The assumptions for the air quality analysis in the final EIR will be the basis for permit conditions and limits. The final EIR should also demonstrate compliance with other applicable SCAQMD Rules, including, but not limited to, Rule 201 – Permit to Construct and Rule 203 – Permit to Operate. Should there be any questions on permits, please contact the SCAQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit SCAQMD's webpage at <http://www.aqmd.gov/home/permits>.

AQMD-5

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091). Please contact Robert Dalbeck, Assistant Air Quality Specialist - CEQA IGR Section, at (909) 396-2139 if you have any questions regarding these comments.

AQMD-6

Sincerely,

*Daniel Garcia*

Daniel Garcia  
Program Supervisor  
Planning, Rule Development & Area Sources

South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

Letter Dated November 2, 2018

Comment AQMD-1

*The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the final EIR.*

Response AQMD-1

The Lead Agency acknowledges, and herein has provided responses to, comments offered by the South Coast Air Quality Management District (SCAQMD). Where considered appropriate by the Lead Agency, SCAQMD guidance and recommendations have been incorporated in this Final EIR.

Findings and conclusions of the EIR are not affected.

Comment AQMD-2

*SCAQMD Staff's Summary of Project Description*

*The lead agency proposes the construction and operation of eight industrial warehouses totaling 336,501 square feet and 72,600 square feet of retail uses that include a 16-pump gas station and car wash on 26 acres (proposed project). The project site is located on the northeast corner of Archibald Avenue and Limonite Avenue. The closest sensitive receptor is approximately 10 feet from the project site. Since the proposed project includes the construction and operation of a gas station, SCAQMD permits are required and SCAQMD should be identified as a responsible agency in the body of the EIR. The proposed project's construction phase is expected to occur over a period of approximately 19 months.*

### Response AQMD-2

The Project description as summarized by the commentor is materially correct (please refer also to EIR Section 3.0, *Project Description*).

Findings and conclusions of the EIR are not affected.

### Comment AQMD-3

#### *SCAQMD Staff's Summary of Air Quality Analysis*

*The lead agency determined that the proposed project would result in significant and unavoidable air quality impacts resulting from exceeding regional NOx emissions during operation. Considering that CEQA requires all feasible mitigation measures beyond what is required by law be utilized during project construction and operation to minimize or eliminate air quality impacts from the proposed project, SCAQMD staff recommends the following mitigation measures.*

### Response AQMD-3

Where considered appropriate by the Lead Agency, SCAQMD guidance and recommendations have been incorporated in this Final EIR. Findings and conclusions of the EIR are not affected. Please refer also to Response AQMD-4.

Findings and conclusions of the EIR are not affected.

### Comment AQMD-4

#### *Recommended Mitigation Measures*

- *Require zero-emissions or near-zero emission trucks, if and when feasible; at a minimum, require that the operator commit to utilizing 2010 model year trucks.*
- *Limit the daily number of trucks allowed at the proposed project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the lead agency should commit to re-evaluating the proposed project through CEQA prior to allowing this land use or higher activity level.*
- *Should the proposed project generate significant regional emissions, the lead agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example,*

*natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final EIR, the lead agency should require a phase-in schedule for these cleaner operating trucks to reduce any significant adverse air quality impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the lead agency.*

- Design the industrial building such that entrances and exits are not traversing past neighbors or other sensitive receptors.*
- Design the industrial building to ensure that truck traffic within the proposed project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.*
- Restrict overnight parking in residential areas.*
- Establish overnight parking within the industrial building where trucks can rest overnight.*
- Establish area(s) within the proposed project site for repair needs.*
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.*
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the proposed project and sensitive receptors.*
- Limit delivery vehicles' idling time to no more than five minutes. For any delivery vehicle that is expected to take longer than five minutes, the vehicle's operator shall be required to shut off the engine. Notify the vendors of these idling requirements at the time that the delivery purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers understand the vehicle idling requirement, post signs at the facility's entry gates stating that idling longer than five minutes is not permitted.*

#### Response AQMD-4

SCAQMD recommends additional measures to be included in the EIR as mitigation for the Project's operational-source air emissions impacts. The City has considered the additional mitigation measures recommended by the commentor, and presents responses in the following table.

Findings and conclusions of the EIR are not affected.

Recommended Measures	Remarks
<ul style="list-style-type: none"> <li>• Require zero-emissions or near-zero emission trucks, if and when feasible.</li> <li>• At a minimum, require that the operator commit to utilizing 2010 model year trucks.</li> </ul>	<p>With respect to diesel emissions, the Lead Agency generally supports the use of alternative-source fuels. Mitigation Measure 4.3.1.1 (below) is added, requiring notification of availability of information regarding incentives that promote use of zero-emissions or near-zero emission trucks.</p> <p><u><i>4.3.1.1 Information regarding available incentives promoting use of alternatively fueled trucks; and use of zero-emissions or near-zero emission trucks shall appear on all grading plans, construction specifications, and bid documents. See also: <a href="https://www.arb.ca.gov/fuels/altfuels/incentives/incentives.htm">https://www.arb.ca.gov/fuels/altfuels/incentives/incentives.htm</a></i></u></p> <p>The Project would not, however, result in potentially significant health risks impacts related to diesel emissions or diesel-powered trucks. There is no nexus between the Project diesel emissions and suggested mitigation.</p> <p>With regard to vehicle-source regional NOx emissions impacts, as noted herein, neither the Lead Agency or the Applicant can meaningfully control vehicular-source NOx emissions, and reductions of these emissions in general has been realized through regulatory actions and as the result of the transition to newer and cleaner fuels and fuel-efficient technologies. In combination, regulatory actions and transition to newer/cleaner fuels and energy-efficient technologies are expected to result in substantive, Basin-wide reductions in NOx emissions. Basin-wide reductions in</p>

Recommended Measures	Remarks
	<p>PM<sub>10</sub>/PM<sub>2.5</sub>, VOC, and CO emissions are also anticipated.</p> <p>With respect to the commentor’s proposed imposition of 2010 model year emissions standards, the Lead Agency supports compliance with incumbent vehicle emissions standards, and encourages voluntary use of vehicles that surpass incumbent emissions standards.</p> <p>That said, under the current Truck and Bus Regulation (Regulation, CARB, 2018) all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Pursuant to the Regulation, all heavier vehicles with 1996 or newer model year engines should have had a PM filter (OEM or retrofit) installed unless it is using an option that delays this requirement. Vehicles with 1995 model year and older engines must be replaced starting January 1, 2015. By January 1, 2023, all trucks and buses must have 2010 model year engines with few exceptions.</p> <p>Lighter trucks (those with a GVWR of 14,001 to 26,000 pounds) must adhere to a similar schedule. Starting January 1, 2015, lighter vehicles with engines that are 20 years or older must be replaced with newer vehicles (or engines). Starting January 1, 2020, all remaining vehicles need to be replaced so that they all have 2010 model year engines or equivalent emissions by January 1, 2023.</p>

Recommended Measures	Remarks
	<p>Further, nearly all trucks that are not required under the Truck and Bus Regulation to be replaced by 2015 are required to be upgraded with a PM filter by that date. Therefore, most heavy-duty trucks entering the Project site already meet or exceed 2010 emission standards, or would do so in the near-term. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.</p> <p>In the context of the Truck and Bus Regulation, the only effect of the commentor’s proposed mitigation measure regarding requirements for use of 2010 or newer model year trucks would be to require the upgrade or replacement of newer, relatively cleaner trucks accessing the Project site a few years prior than would be mandated by the Truck and Bus Regulation. As such, the measure offered by the commentor would at best expedite the reduction of Project truck emissions, yielding a nominal reduction in NOx over the approximately 2 years between the Project Opening Year (2021) and full implementation of the Truck and Bus Regulation in 2023. This marginal reduction in emissions that may result from the commentor’s proposed mitigation measure would not avoid nor significantly reduce Project operational-source NOx emissions, and Project NOx emissions would remain significant and avoidable.</p> <p>Further, the commentor’s proposed measure would not demonstrably reduce Basin-wide NOx emissions. That is, just because the measure would prohibit older trucks access to</p>

Recommended Measures	Remarks
	<p>the Project site, by no means does the measure preclude their operation elsewhere within the Basin. The measure would in effect direct these older vehicles and associated emissions to numerous other warehouses at other Basin locales, with no net reduction in Basin-wide NOx emissions.</p> <p>Federal and State agencies are charged with regulating and enforcing vehicle emission standards. It is not feasible for the City of Eastvale staff to effectively enforce a prohibition on trucks from entering the property that are otherwise permitted to operate in California and access other properties in the City, region, and state. Even if the City were to apply such a restriction, it would merely cause warehouse operators using older truck fleets to locate in another area within in the Basin where the restriction does not apply, thereby resulting in no improvement to regional air quality. Furthermore, if a truck that did not meet this requirement were to attempt access to the site and be denied, there would be more idling emissions and travel emissions associated with that truck. Suggesting that the City of Eastvale require more stringent NOx emissions controls than either the federal government or State of California is neither practical nor feasible for the City to effectively enforce.</p> <p>For the reasons listed above, the commentor's proposed measures are not incorporated in the EIR.</p>
Should the proposed project generate significant regional emissions, the lead agency should require	As noted above, the Project would not result in significant health risks impacts related to diesel

Recommended Measures	Remarks
<p>mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final EIR, the lead agency should require a phase-in schedule for these cleaner operating trucks to reduce any significant adverse air quality impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the lead agency.</p>	<p>emissions or diesel-powered trucks. There is no nexus between the Project diesel emissions and suggested mitigation.</p> <p>Project truck-source NOx emissions impacts are reduced to the extent feasible as noted above.</p> <p>For the reasons listed above, the commentor’s proposed measures are not incorporated in the EIR.</p>
<p>Limit the daily number of trucks allowed at the facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.</p>	<p>The Project would accommodate various light industrial warehouse occupants. CEQA requires that an EIR evaluate the proposed Project based on reasonable assumptions and foreseeable actions. The number of truck trips that the Project is expected to generate is based on Institute of Transportation Engineers (ITE) and SCAQMD recommendations, which rely on surveyed data from light industrial warehouse buildings, which is reasonable and reliable information.</p> <p>The commentor does not present any evidence that truck trips associated with the Project would be greater than disclosed in the Draft EIR. Instituting a cap on the number of trucks that can access the Project’s building is not required under CEQA, nor would it be feasible for the City of Eastvale to monitor and enforce such a requirement. The Draft EIR has made reasonable assumptions based on substantial evidence by using ITE and SCAQMD</p>

Recommended Measures	Remarks
	<p>recommendations based on the Project's design and expected occupant type.</p> <p>Additionally, imposing a trip cap would not avoid or substantially lessen the estimated NOx emissions; in fact, if trucks could be turned away for exceeding a trip cap, this measure could result in the unintended adverse effect of resulting in trucks queuing on surrounding streets in the vicinity of the project until midnight of the following day.</p> <p>Moreover, in practical terms the commentor's suggested measure already exists as a matter of law as any substantive revisions or changes to any aspect of the Project evaluated in the EIR (including, but not limited to, increased or otherwise altered truck trip generation) would be subject to additional environmental analysis.</p> <p>As discussed in the EIR, substantive revisions or changes to any aspect of the Project (including, but not limited to, increased or otherwise altered truck trip generation) not evaluated in the EIR would, at the discretion of the Lead Agency, be subject to additional environmental analysis (please refer to EIR pp. 1-3). This alone obviates the need for the measure offered by the commentor.</p> <p>For these reasons, the recommended measure is not included as mitigation.</p>

Recommended Measures	Remarks
<p>Design the industrial building such that entrances and exits are not traversing past neighbors or other sensitive receptors.</p> <p>Design the industrial building to ensure that truck traffic within the proposed project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.</p>	<p>The Project has been designed with adequate stacking at the Project entry points to assure that trucks do not queue on public streets or otherwise adversely affect vicinity properties.</p> <p>The Project site plan concept does not propose or require entrances and exits to industrial buildings proximate to sensitive receptors.</p> <p>The Project site plan concept locates industrial buildings and truck travel paths in manner that would provide safe and efficient access while minimizing effects at sensitive receptors.</p> <p>EIR Section 4.3, <i>Air Quality</i>, and the Project HRA (DEIR Appendix C) substantiate that the Project would not result in or cause potentially significant localized air quality impacts at or affecting residential areas.</p> <p>The recommended measure would not demonstrably reduce any of the Project’s potentially significant air quality impacts. The measure is therefore not included as mitigation.</p>
<p>Restrict overnight parking in residential areas.</p>	<p>The Project does not propose or require overnight parking in residential areas. The City would ensure Project parking compliance with Municipal Code parking requirements through the City’s Major Development Review process. Please refer to Municipal Code Chapter 10.20. – <i>Parking</i>. Subsequent Zoning Code enforcement actions (if necessary) would minimize the potential for off-site parking in residential areas.</p> <p>EIR Section 4.3, <i>Air Quality</i>, and the Project HRA (DEIR Appendix C) substantiate that the Project would not result in or cause potentially</p>

Recommended Measures	Remarks
	<p>significant localized air quality impacts at or affecting residential areas.</p> <p>The recommended measure would not demonstrably reduce any of the Project's potentially significant air quality impacts. The measure is therefore not included as mitigation.</p>
<p>Establish overnight parking within the industrial building where trucks can rest overnight.</p>	<p>The City would ensure Project parking compliance with Zoning Code parking requirements through the City's Major Development Review process.</p> <p>The recommended measure would not demonstrably reduce any of the Project's potentially significant air quality impacts. The measure is therefore not included as mitigation.</p>
<p>Establish area(s) within the proposed project site for repair needs.</p>	<p>The Project does not propose or require on-site vehicle repairs.</p> <p>The recommended measure would not demonstrably reduce any of the Project's potentially significant air quality impacts. The measure is therefore not included as mitigation.</p>
<p>Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.</p>	<p>The City adopted Ordinance 2018-11 on October 24, 2018, establishing truck routes. Off-site truck traffic would be restricted to designated truck routes within the City, thereby minimizing the potential for truck travel through residential neighborhoods.</p> <p>Moreover, there is no nexus between the recommended measures and the Project's potential operational-source air quality impacts. That is, the Project would not result in any significant localized impacts due to truck traffic. Designated truck travel paths within the Project</p>

Recommended Measures	Remarks
	<p>site would be clearly delineated through the City’s Major Development Review process.</p> <p>The recommended measure would not demonstrably reduce any of the Project’s potentially significant impacts. The measure is therefore not included as mitigation.</p>
<p>Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the proposed project and sensitive receptors.</p>	<p>The buffer zone cited by the commentor is intended as a screening level measure to be employed absent detailed HRA analysis, acting to ensure against potentially significant air quality (TAC, DPM) health impacts. EIR Section 4.3, <i>Air Quality</i>, and the Project HRA (DEIR Appendix C) substantiate that the Project would not result in or cause potentially significant air quality health risks.</p> <p>The recommended measure would not demonstrably reduce any of the Project’s potentially significant impacts. The measure is therefore not included as mitigation.</p>
<p>Limit delivery vehicles’ idling time to no more than five minutes. For any delivery vehicle that is expected to take longer than five minutes, the vehicle’s operator shall be required to shut off the engine. Notify the vendors of these idling requirements at the time that the delivery purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers understand the vehicle idling requirement, post signs at the facility’s entry gates stating that idling longer than five minutes is not permitted.</p>	<p>AQMD recommendations are currently incorporated in the EIR. Please refer to EIR mitigation measures 4.3.1, 4.3.2 (excerpted below).</p> <p>4.3.1 <i>The truck access gates and loading docks within the truck court on the Project site shall be posted with signs which state:</i></p> <ul style="list-style-type: none"> <li>• <i>Truck drivers shall turn off engines when not in use;</i></li> <li>• <i>Diesel delivery trucks servicing the Project shall not idle for more than five (5) minutes; and</i></li> <li>• <i>Telephone numbers of the building facilities manager and the CARB to report violations.</i></li> </ul> <p>4.3.2 <i>Final site designs shall incorporate the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Site design shall allow for trucks to check-in within the facility area to prevent queuing of</i></li> </ul>

Recommended Measures	Remarks
	<p><i>trucks outside the facility.</i></p> <ul style="list-style-type: none"> <li>• <i>Signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds (5 minutes) of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged.</i></li> </ul>

Comment AQMD-5

*Permits and Compliance with SCAQMD Rules*

*Pursuant to SCAQMD’s Rule 461 - Gasoline Transfer and Dispensing, a permit from the SCAQMD will be required, and the SCAQMD should be identified as a responsible agency in the final EIR. The assumptions for the air quality analysis in the final EIR will be the basis for permit conditions and limits. The final EIR should also demonstrate compliance with other applicable SCAQMD Rules, including, but not limited to, Rule 201 - Permit to Construct and Rule 203 - Permit to Operate. Should there be any questions on permits, please contact the SCAQMD’s Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit SCAQMD’s webpage at <http://www.aqmd.gov/home/permits>.*

Response AQMD-5

It is understood that the Applicant would comply with all applicable AQMD regulations. In addition to compliance with SCAQMD Rule 461 cited in the EIR (EIR, p. 4.3-47) it is specifically acknowledged that the Applicant would comply with pertinent provisions of SCAQMD Rule 201 – *Permit to Construct* and Rule 203 – *Permit to Operate*.

Findings and conclusions of the EIR are not affected.

Comment AQMD-6

*Conclusion*

*Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(6), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition,*

*issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091). Please contact Robert Dalbeck, Assistant Air Quality Specialist - CEQA IGR Section, at (909) 396-2139 if you have any questions regarding these comments.*

#### Response AQMD-6

Written responses to SCAQMD comments have been provided pursuant to Public Resources Code Section 21092.5, CEQA Guidelines Section 15088, and CEQA Guidelines Section 15091. Contact information provided by SCAQMD is noted.

Findings and conclusions of the EIR are not affected.



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians / Gabrieleño Tribal Council  
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

City of Eastvale  
Planning Department  
12363 Limonite Ave Suite 910  
Eastvale, CA 91752

September 24, 2018

Re: AB52 Consultation request for The Merge Retail and light Industrial Development by Orbis Real Estate Partners

Dear Eric Norris,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, sub d. [d]. Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. For this reason, the NAHC will always refer the lead agency to the respective Native American Tribe of the area. The NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and can provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area.

Additionally, CEQA now defines Tribal Cultural Resources (TCRs) as their own independent element separate from archaeological resources. Environmental documents shall now address a separate Tribal Cultural Resource section which includes a thorough analysis of the impacts to only Tribal Cultural Resources (TCRs) and includes independent mitigation measures created with Tribal input during AB-52 consultations. As a result, all mitigation measures, conditions of approval and agreements regarding TCRs (i.e. prehistoric resources) shall be handled solely with the Tribal Government and not through an Environmental/Archaeological firm.

GMI-1

In effort to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email [admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org) to schedule an appointment.

*\*\* Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>*

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Nadine Salas, Vice-Chairman

Christina Swindall Martinez, secretary

Albert Perez, treasurer |

Martha Gonzalez Lemos, treasurer |

Richard Gradias, Chairman of the Council of Elders

PO Box 393, Covina, CA 91723

[www.gabrielenoindians.org](http://www.gabrielenoindians.org)

[gabrielenoindians@yahoo.com](mailto:gabrielenoindians@yahoo.com)

Gabrieleño Band of Mission Indians – Kizh Nation  
P.O. Box 393  
Covina, CA 91723

Letter Dated September 24, 2018

Comment GMI-1

*Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, sub d. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a “no records found” for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. For this reason, the NAHC will always refer the lead agency to the respective Native American Tribe of the area. The NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and can provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area.*

*Additionally, CEQA now defines Tribal Cultural Resources (TCRs) as their own independent element separate from archaeological resources. Environmental documents shall now address a separate Tribal Cultural Resource section which includes a thorough analysis of the impacts to only Tribal Cultural Resources (TCRs) and includes independent mitigation measures created with Tribal input during AB-52 consultations. As a result, all mitigation measures, conditions of approval and agreements regarding TCRs (i.e. prehistoric resources) shall be handled solely with the Tribal Government and not through an Environmental/Archaeological firm.*

*In effort to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the*

*project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.*

*Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email [admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org) to schedule an appointment.*

*\*\*Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>*

#### Response GMI-1

The commentor provides a written request for consultation regarding the Project pursuant to Public Resources Code § 21080. 3, 1, sub d. (d). The City has commenced consultation as requested.

The commentor notes that environmental documents shall now address a separate Tribal Cultural Resource (TCR) analysis which includes a thorough analysis of the impacts to only Tribal Cultural Resources (TCRs) and includes independent mitigation measures created with Tribal input during AB52 consultations. TCR analysis is presented in EIR Section 4.9, *Cultural Resources/Tribal Cultural Resources*. There are no known TCRs existing within the Project site. The EIR provides mitigation for potential impacts to as yet unknown TCRs that may be encountered during Project development (see: EIR Mitigation Measures 4.9.3, 4.9.4). As mitigated, the Project's potential impacts to TCRs would be less-than-significant. TCRs would not otherwise be potentially adversely affected by the Project. The City will consider additional/revised Conditions of Approval or agreements that may be developed through the AB52 consultation process.

Consultation appointment scheduling and venue are noted. Commentor point of contact is noted. AB52 consultation video resources cited by the commentor will be reviewed by the City.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.



P.O. Box 79222  
 Corona, CA 92877

October 22, 2018

VIA E-MAIL

Eric Norris, Planning Director  
 Planning Department  
 City of Eastvale  
 12363 Limonite Avenue, Suite 910  
 Eastvale, CA 91752  
[enorris@eastvaleca.gov](mailto:enorris@eastvaleca.gov)

Re: *The Merge EIR (SCH Number: 2018061065)*

Dear Mr. Norris:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed The Merge 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.

EJA-1

**1.0 Summary**

As we understand it, the project proposes the development of 16 buildings. Eight industrial buildings are proposed with a total 336,501 square feet of light industrial uses and another eight

EJA-2

buildings are proposed with a total 71,100 square feet of commercial/retail uses (407,601 total square feet development footprint between 16 buildings) on an approximately 26.28-acre site.

Discretionary actions related to the development of the proposed project include: 1) General Plan Amendment to change the existing General Plan Land Use designation on 10.8 acres from Light Industrial (LI) to Commercial Retail (CR); 2) Zone Change to change the existing Zoning designation on 10.8 acres from Heavy Agricultural (A-2) to General Commercial (C-1/C-P) and for approximately 15.4 acres from Heavy Agricultural (A-2) to Industrial Park (I-P); 3) Approval of Major Development Review; 4) Approval of Tentative Parcel Map(s); 5) Approval of Conditional Use Permits (CUPs) for the sale of alcohol for off-site consumption, and for drive-throughs including restaurants, car washes, and a drugstore pick-up window; and 6) Approval of a Variance to Eastvale Municipal Code Section 120.05.040 to allow for landscape reductions.

EJA-2  
cont'd.

It must first be noted that the EIR does not include an Environmental Setting discussion which is required pursuant to CEQA § 15125.

#### **4.1 Land Use and Planning**

The Land Use and Planning Analysis does not provide any analysis regarding the proposed project's consistency with the Eastvale General Plan. The Land Use and Planning Analysis refers the reader to the Project Description, which gives general information about the proposed General Plan Amendment and Zone Change required to implement the project. The EIR concludes that the "approval of a change in designation in this regard does not signify a potential environmental effect" but does not provide any supporting evidence or CEQA documentation supporting this statement. The Land Use and Planning Analysis does not include any discussion or consistency analysis with the goals or policies of the General Plan. Specifically, the project inconsistent with the following Policies:

EJA-3

Policy LU-25: Ensure adequate separation between pollution-producing activities and sensitive emission receptors, such as hospitals, residences, senior care facilities, and schools. (The project includes significant and unavoidable Air Quality and Greenhouse Gas Emissions impacts.)

Policy LU-22: Require that commercial projects abutting residential properties protect the residential use from the nuisance impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards. (The project includes significant and unavoidable Traffic impacts.)

The EIR is inadequate as an informational document (CEQA § 15121) and must be revised to meaningfully disclose information and analysis regarding the project's proposed General Plan

Amendment and Zone Change in addition to making a finding of significance regarding the project’s inconsistency with the Eastvale General Plan.

EJA-3  
cont'd.

**4.2 Transportation/Traffic**

The EIR’s study area excludes several areas for analysis that will provide direct access to the project site, including:

EJA-4

- 1) SR- 60 at Archibald Ave. on/off ramps and queuing
- 2) SR-60 at I-15 interchange
- 3) I-15 at Ontario Ranch Rd. on/off ramps and queuing

Additionally, Table 4.2-14 Project Trip Generation (PCE) and Table 4.2-15 Project Trip Generation (Actual Vehicles) inaccurately analyze the proposed square footage of each land use type. The EIR includes a total of 10,000 sf of Fast Food Restaurants with Drive Thru while the Traffic analysis includes 8,500 sf of Fast Food Restaurants with Drive Thru (including the Coffee/Donut Shop with Drive Thru). The Traffic analysis includes 7,750 sf of Fast-Food Restaurants without Drive- Through Window while the EIR does not describe any Fast Food Restaurants without Drive Thru proposed as part of the project.

EJA-5

The Traffic analysis modeled only 4,750 sf of Shopping Center uses which is much less than the 9,500 sf of General Commercial uses proposed by the project which must be included in the Shopping Center Traffic modeling. The Traffic Analysis and EIR misrepresents the proposed project and is misleading to the public and decision-makers. The EIR must be revised to include a Traffic Analysis that accurately presents the proposed project and provides meaningful analysis of the potentially significant traffic impacts.

Mitigation Measure 4.2.1 requires the project to pay its fair share of fees towards improvements. Tables 1-5 and 1-6 of the Traffic Impact Analysis (Appendix B) indicate that only 12 of the proposed improvements are included in an existing mitigating program such as the TUMF. 98 of the proposed improvements are fair share fee payments, the applicant will construct 2 of the improvements, and 1 improvement is already under construction. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will

EJA-6

actually result. The EIR finds this a significant impact and cumulatively considerable impact, but only at a few of the impacted areas. The EIR must be revised to include a finding of significance and cumulatively considerable impacts at each of the study area segments/intersections/roadways/freeway mainlines in order to accurately and meaningfully disclose the project's significant traffic impacts. The proposed mitigation measures represent uncertain mitigation and are improperly deferred in violation of CEQA. In order to reasonably achieve mitigation, the mitigation measures could require the improvements to be constructed by the project applicant prior to building occupancy.

EJA-6  
cont'd.

### 4.3 Air Quality

Appendix C indicates that the CalEEMod analysis is not consistent with information disclosed in the EIR. The EIR states that there will be 752 surface parking spaces but only 447 surface parking spaces were included for analysis. Also, the EIR and the project site plan provided do not indicate whether Pad 2 and Pad 3 will also include additional parking spaces.

EJA-7

The project proposes a 16 pump Gas Station and 3,000 sf Convenience Market. These land uses must be entered into CalEEMod accordingly because they are both significant in size. The CalEEMod output sheets indicate the Gas Station/Convenience Market was input as a Convenience Market with Gas Pumps, which is defined by CalEEMod as "These markets sell or dispense motor vehicle fuels (e.g., gasoline and diesel), convenience foods, newspapers, magazines and often beer and wine. This includes convenience markets with motor vehicle fueling dispensers where the primary business is the selling of convenience items, not the fueling of motor vehicles<sup>1</sup>." The proposed 16 pump Gas Station and 3,000 sf Convenience Market is primarily engaged in both fueling of motor vehicles and selling convenience items. These land uses are both significant and must be analyzed separately in CalEEMod as a Gasoline/Service Station with 16 pumps and a 3,000 sf Convenience Market. Additionally, the output sheets indicate only 2,258 sf of Convenience Market was modeled while 3,000 sf is proposed.

EJA-8

Further, the CalEEMod analysis for the proposed Fast Food Restaurants is not consistent with information provided in the EIR. The EIR includes a total of 10,000 sf of Fast Food Restaurants with Drive Thru while the CalEEMod analysis includes 13,750 sf of Fast Food Restaurants with Drive Thru and 2,500 sf of Fast Food Restaurants without Drive Thru. The EIR does not describe any Fast Food Restaurants without Drive Thru proposed as part of the project.

EJA-9

<sup>1</sup> CalEEMod User Guide [http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01\\_user-39-s-guide2016-3-1.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01_user-39-s-guide2016-3-1.pdf?sfvrsn=2)

Appendix 1.1 of Appendix C states that a proposed 2,500 sf “Coffee Shop with Drive-Through Window will be analyzed under the Fast-Food Restaurant without Drive-Through Window subtype.” There is no evidence or reasoning provided to support this analysis. If the Coffee Shop has a Drive Thru, it must be modeled under the Fast Food Restaurant with Drive Thru land use type.

EJA-9  
cont'd.

The CalEEMod analysis modeled only 4,750 sf of Regional Shopping Center uses which is much less than the 9,500 sf of General Commercial uses proposed by the project which must be modeled as Regional Shopping Center. The AQA and EIR misrepresents the proposed project and is misleading to the public and decision-makers.

EJA-10

Finally, the AQA assumes all 336,501 sf of the proposed Light Industrial uses will be utilized as Unrefrigerated Warehouse - No Rail. The EIR states that the 8 proposed Industrial buildings will be utilized as “Light Industrial” and does not specify that any or all of the buildings will be utilized for warehousing. The 8 Industrial buildings have an existing Zoning designation of Heavy Agricultural (A-2) which is proposed to be changed to to Industrial Park (I-P) as part of the project. The I-P Zoning designation permits a variety of Industrial, Manufacturing, Retail, Business Operations and Services, and Public Use Classifications<sup>2</sup>. The CalEEMod Analysis and AQA are inconsistent with information provided in the EIR. The CalEEMod Analysis must be revised to utilize the Industrial Park land use type in order to provide an accurate analysis that is consistent with the information provided about the project in the EIR.

EJA-11

It must also be noted that the Air Quality Analysis does not state if site adjacent roadway improvements constructed as part of the project were included in the AQA. The project proposes the following roadway improvements in order to implement the project:

Archibald Avenue – Construct Archibald Avenue from the northern Project boundary to Limonite Avenue at its ultimate half-section width as a 6-lane Urban Arterial Highway (ultimate 152-foot right-of-way) in compliance with the City of Eastvale General Plan, Circulation Plan, or as otherwise required.<sup>10</sup> Any necessary interim lane configurations, striping etc., as may be required by the City would also be implemented.

EJA-12

<sup>2</sup> Eastvale Municipal Code Section 120.03.030. - Commercial and industrial permitted uses and development standards [https://library.municode.com/ca/eastvale/codes/code\\_of\\_ordinances?nodeId=PTBLADECO\\_TIT120PLZO\\_CH120.03ZODIRE\\_S120.03.030COINPEUSDEST](https://library.municode.com/ca/eastvale/codes/code_of_ordinances?nodeId=PTBLADECO_TIT120PLZO_CH120.03ZODIRE_S120.03.030COINPEUSDEST)

Limonite Avenue – Construct Limonite Avenue from Archibald Avenue to the eastern Project boundary at its ultimate half-section width as a 6-lane Urban Arterial Highway (ultimate 152-foot right-of-way) in compliance with the City of Eastvale General Plan, Circulation Plan or as otherwise required by City Conditions of Approval. Any necessary interim lane configurations, striping etc., as may be required by the City.

EJA-12  
cont'd.

The EIR must be revised to demonstrate that the roadway improvements are presented in the Air Quality Analysis in order to present an accurate analysis of the potentially significant Air Quality Impacts associated with project implementation.

Section 8.52.020 of the Eastvale Municipal Code prohibits construction activity within 0.25 miles of an inhabited dwelling between the hours of 6:00 P.M. and 6:00 A.M. during the months of June through September and between the hours of 6:00 P.M. and 7:00 A.M. during the months of October through May. Thus, the legal hours of construction at the project site are 6:00 A.M. - 6:00 P.M., June through September and 7:00 A.M. - 6:00 P.M. October through May. There are no specifications limiting construction on weekends or Federal holidays. The EIR does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 12 hours per day, 7 days per week during the summer months and 11 hours per day, 7 days per week during the winter months. It is legal for construction to occur for much longer hours and two additional days (7 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. The Air Quality modeling must be revised to account for these legally possible longer construction days and increased number of construction days.

EJA-13

Emissions associated with the Project are greatly underestimated. A revised EIR should be prepared that adequately assesses the potential impacts that operation of the Project may have on regional and local air quality and global climate change.

EJA-14

Appendix C provides information regarding the LST analysis and potentially significant impacts to nearby sensitive receptors. 3.5 total acres will be disturbed during the site preparation phase and 4.0 total acres will be disturbed during the grading phase. SCAQMD provides LST lookup tables for 1, 2, and 5 acre sites. Since the total acres disturbed per day are between the provided lookup table acres, Appendix C “methodology uses linear interpolation to determine the thresholds.” Appendix C does not provide the steps utilized to calculate the thresholds. No verification is provided to demonstrate that Appendix C’s linear interpolation resulted in accurate thresholds for LSTs.

EJA-15

The EIR determines the project will have potentially significant impacts associated with Construction-Source Emissions LSTs. Mitigation Measure 4.3.5 is provided, which is concluded to reduce the potentially significant impacts to less than significant:

*Mitigation Measure 4.3.5:* During site preparation and grading activity, all actively graded areas within the Project site shall be watered at 2.1-hour watering intervals (e.g., 4 times per day) or a movable sprinkler system shall be in place to ensure minimum soil moisture of 12% is maintained for actively graded areas. Moisture content may be verified with use of a moisture probe, or by other means determined acceptable by the Lead Agency.

EJA-16

This Mitigation Measure is unenforceable as there is no enforcement entity, field verification, or lead agency oversight component. This must be revised to include consistent and timely verification of compliance by the Lead Agency throughout the duration of project construction in order to comply with CEQA § 15126.4 (a)(2).

The Health Risk Assessment (HRA) adjusted lifetime risk values for sensitive residential receptors to account for an exposure duration of 350 days per year for a 30 year maximum exposure scenario. The HRA only provides a 30 year exposure scenario and does not include reasoning for excluding a 70 year lifetime exposure scenario. Further, there is no explanation of the HRA's reduction in the number of days exposed annually to 350 or reducing the amount of time spent at the residence to 0.85 and 0.72 when Appendix C's HRA Table 2-4 lists all receptors as modeled for 24 hours per day exposure. The EIR must be revised to include explanations for this methodology.

EJA-17

#### 4.5 Noise

The EIR states "neither the City's General Plan or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers." However, Eastvale Municipal Code Section 8.52.040 - General Sound Level Standards states, "No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in the following table<sup>3</sup>:"

EJA-18

The surrounding sensitive receptors have a General Plan land use designation of Medium Density Residential, resulting in a 55 dB maximum from 7:00 A.M. - 10:00 P.M. and 45 dB

<sup>3</sup> Eastvale Municipal Code Section 8.52.040 - General sound level standards [https://library.municode.com/ca/eastvale/codes/code\\_of\\_ordinances?nodeId=PTAGEOR\\_TIT8PUMOSA\\_CH8.52NORE\\_S8.52.040GESOLEST](https://library.municode.com/ca/eastvale/codes/code_of_ordinances?nodeId=PTAGEOR_TIT8PUMOSA_CH8.52NORE_S8.52.040GESOLEST)

maximum from 10:00 P.M. - 7:00 A.M. To present the worst-case scenario analysis, the EIR must utilize these standards when evaluating potentially significant noise impacts.

General Plan Foundation Component			Maximum Decibel Level		
Land Use Designation General Plan	Land Use Designation Name	Density	7:00 a.m.— 10:00 p.m.	10:00 p.m.— 7:00 a.m.	
Community development					EJA-18
	EDR	Estate density residential	2 acres	55	45 cont'd.
	VLDLDR	Very low-density residential	1 acre	55	45
	LDR	Low-density residential	1/2 acre	55	45
	MDR	Medium-density residential	2–5	55	45
	MHDR	Medium high-density residential	5–8	55	45
	HDR	High-density residential	8–14	55	45
	VHDR	Very high-density residential	14–20	55	45

Further, the EIR relies on a similar analysis for the City of Ontario, stating “neither the Ontario General Plan or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers.” However, Section Sec. 5-29.04 Exterior Noise Standards of the Ontario Municipal Code establishes a 65 dB maximum for single family residences from 7:00 A.M. - 10:00 P.M. and 45 dB maximum from 10:00 P.M. - 7:00 A.M. To present the worst-case scenario analysis, the EIR must utilize these standards when evaluating potentially significant noise impacts.

The EIR utilizes Caltrans’ Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects (Protocol) as a threshold of significance to determine if project-related construction noise would generate a significant impact to sensitive receptors. The Caltrans document establishes a 12 dBA Leq noise level increase as the threshold of significance for analysis. Caltrans specifically states that the purpose of the document is to “present California Department of Transportation (Caltrans) policies and procedures for applying 23CFR772 in California. 23CFR772 applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that: (1) requires FHWA approval regardless of funding sources, or (2) is funded with Federal-aid highway funds<sup>4</sup>.”

Utilizing the Caltrans threshold for new highway construction is not appropriate to the proposed project as no new highway construction, reconstruction or retrofit barrier projects are part of the project. The 12 dBA increase threshold is irrelevant as the document establishing this threshold

<sup>4</sup> Caltrans, Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects (Protocol) 2011. [http://www.dot.ca.gov/hq/env/noise/pub/ca\\_tnap\\_may2011.pdf](http://www.dot.ca.gov/hq/env/noise/pub/ca_tnap_may2011.pdf)

of significance is not applicable to the project. The EIR gives no supporting evidence or reasoning regarding the applicability of the Caltrans document and it is not discussed in the Noise Analysis Methodology section. The EIR is misleading to the public and decision makers by utilizing the Caltrans document for analysis. The EIR must be revised to utilize an appropriate threshold of significance in the Noise Analysis.

EJA-20  
cont'd.

The EIR determines there will be a significant operational noise impact related to the proposed car wash and loading docks of industrial buildings 6, 7, and 8. Mitigation Measure 4.5.1 will “construct a *minimum* 10 ft. high barrier wall between the loading docks and the adjacent sensitive receptors.” However, the EIR does not present any consistency analysis with Eastvale General Plan Policy N-12, which provides the City’s preferences for providing noise mitigation. Construction of a sound wall is described as the least preferential method of providing noise mitigation, specifically stated as “the last measure which should be considered is the use of a sound wall to reduce noise to acceptable levels.” The EIR must be revised to include analysis for consistency with General Plan Policy N-12.

EJA-21

Mitigation Measure 4.5.2 is included to reduce the noise impacts to the sensitive receptors adjacent to the car wash and prohibits car wash activities from occurring between the hours of 10:00 p.m. and 7:00 a.m. However, this mitigation measure is unenforceable as it does not include notice to be provided to sensitive receptors, a contact name and phone number for a lead agency enforcement entity to report noise violations or car wash operations conducted outside of the limited hours in order to comply with CEQA § 15126.4 (a)(2).

EJA-22

Further, the EIR states that the level of significance for impacts related to the Chino Airport are less than significant. The EIR provides Figure 4.5-6 Chino Airport Noise Contours, which is inaccurate and misleading to the public. Figure 4.5-6 only depicts the noise level contours for 65 dBA, 70 dBA and 75 dBA. The project site is located within the 55 dBA noise level contour, as depicted in Map CH-3 of the approved Riverside County Airport Land Use Compatibility Plan<sup>5</sup>.

EJA-23

**Conclusion**

For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated 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

EJA-24

<sup>5</sup> Riverside County Airport Land Use Compatibility Plan, 2008. <http://www.rcaluc.org/Portals/0/PDFGeneral/plan/newplan/09-%20Vol.%201%20Chino.pdf>

determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

EJA-24  
cont'd.

Sincerely,

A handwritten signature in black ink, appearing to read "Anfor".

Board of Directors  
Golden State Environmental Justice Alliance

Golden State Environmental Justice Alliance  
P. O. Box 79222  
Corona, CA 92877

Letter (via email) Dated October 22, 2018

Comment EJA-1

*Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed The Merge 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.*

Response EJA-1

The Lead Agency acknowledges and appreciates the commentor's participation in the Project CEQA EIR review process. The Lead Agency has considered all submitted comments – responses to specific comments are provided subsequently.

Golden State Environmental Justice Alliance has been added to the Lead Agency's notification list for Project environmental documents, public notices, public hearings, and notices of determination. Communications regarding the Project and associated environmental documents, public notices, public hearings, and notices of determination will be sent to the address provided.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-2

*1.0 Summary*

*As we understand it, the project proposes the development of 16 buildings. Eight industrial buildings are proposed with a total 336,501 square feet of light industrial uses and another eight*

*buildings are proposed with a total 71,100 square feet of commercial/retail uses (407,601 total square feet development footprint between 16 buildings) on an approximately 26.28-acre site.*

*Discretionary actions related to the development of the proposed project include: 1) General Plan Amendment to change the existing General Plan Land Use designation on 10.8 acres from Light Industrial (LI) to Commercial Retail (CR); 2) Zone Change to change the existing Zoning designation on 10.8 acres from Heavy Agricultural (A-2) to General Commercial (C-1/C-P) and for approximately 15.4 acres from Heavy Agricultural (A-2) to Industrial Park (I-P); 3) Approval of Major Development Review; 4) Approval of Tentative Parcel Map(s); 5) Approval of Conditional Use Permits (CUPs) for the sale of alcohol for off-site consumption, and for drive-throughs including restaurants, car washes, and a drugstore pick-up window; and 6) Approval of a Variance to Eastvale Municipal Code Section 120.05.040 to allow for landscape reductions.*

*It must first be noted that the EIR does not include an Environmental Setting discussion which is required pursuant to CEQA § 15125.*

#### Response EJA-2

The EIR Project Description and associated discretionary actions as summarized by the commentor are materially correct. Please refer also to the detailed Project Description and listed discretionary actions presented in EIR Section 3.0, *Project Description*.

The commentor states . . . “the EIR does not include an environmental setting discussion...”. This is incorrect. The EIR does in fact include discussions of the “environmental setting” or existing conditions relevant to the EIR analyses. Consistent with the intent and purpose of *CEQA Guidelines* Section 15125, the EIR presentation of existing conditions allows the Lead Agency to determine whether a given environmental impact may be considered potentially significant.

Existing conditions are generally described in the EIR Project Description (EIR Section 3.0, *Project Description*, pp. 3-1 – 3-8). Additionally, environmental setting, or existing conditions discussions are presented for each environmental topic evaluated in the EIR. General structure of the EIR in this regard is summarized in EIR 4.0, *Environmental Impact Analysis*, “[w]ithin each of the above [EIR] topical Sections, the discussion is typically

divided into subsections which: describe the “setting” or existing environmental conditions . . .” (EIR, p. 4-1). For example, existing conditions relevant to land use and planning are summarized in EIR Section 4.1, *Land Use and Planning*, 4.1.2, *Setting*, pp. 4.1-2 – 4.1-4. Existing conditions relevant to transportation/traffic are summarized in EIR Section 4.2, *Transportation/Traffic*, 4.2.3, *Existing Conditions*, pp. 4.2-18 – 4.2-22. Similar discussions are presented for other EIR topical discussions.

Additionally, where beneficial to the understanding and evaluation of the Project impacts, detailed discussions of existing conditions are presented for each EIR topical discussion under the heading of “Potential Impacts and Mitigation Measures.” For example, existing land uses and land use planning considerations are discussed in detail in the EIR evaluation of potential land use and planning impacts and mitigation (see: EIR Section 4.1, *Land Use and Planning*, 4.1.5, *Potential Impacts and Mitigation Measures*). Existing transportation system operating conditions are presented in detail in the EIR evaluation of potential transportation/traffic impacts and mitigation (see: EIR Section 4.2, *Transportation/Traffic*, 4.2.7, *Potential Impacts and Mitigation Measures*). Similar discussions are presented for other EIR topical discussions.

As indicated in the preceding discussions and presented in detail in the EIR, the EIR includes environmental setting/existing conditions discussions as required under *CEQA Guidelines* Section 15125.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

### Comment EJA-3

#### *4.1 Land Use and Planning*

*The Land Use and Planning Analysis does not provide any analysis regarding the proposed project’s consistency with the Eastvale General Plan. The Land Use and Planning Analysis refers the reader to the Project Description, which gives general information about the proposed General Plan Amendment and Zone Change required to implement the project. The EIR concludes that the “approval of a change in designation in this regard does not signify a potential environmental effect” but does not provide any supporting evidence or CEQA documentation supporting this*

*statement. The Land Use and Planning Analysis does not include any discussion or consistency analysis with the goals or policies of the General Plan. Specifically, the project inconsistent with the following Policies:*

- Policy LU-25: Ensure adequate separation between pollution-producing activities and sensitive emission receptors, such as hospitals, residences, senior care facilities, and schools. (The project includes significant and unavoidable Air Quality and Greenhouse Gas Emissions impacts.)*
- Policy LU-22: Require that commercial projects abutting residential properties protect the residential use from the nuisance impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards. (The project includes significant and unavoidable Traffic impacts.)*

*The EIR is inadequate as an informational document (CEQA § 15121) and must be revised to meaningfully disclose information and analysis regarding the project's proposed General Plan Amendment and Zone Change in addition to making a finding of significance regarding the project's inconsistency with the Eastvale General Plan.*

### Response EJA-3

The commentor states that the EIR does not provide any analysis of the EIR consistency with the Eastvale General Plan. This is incorrect. More specifically, the EIR notes that the Project would be required to comply with applicable City of Eastvale General Plan Policies and Zoning Ordinance requirements: "The Project would be subject to, and would be required to comply with, applicable land use plans, goals, policies, and regulations, including the City of Eastvale General Plan and Zoning Code. In many instances, compliance with existing policies and regulations eliminates, or substantially reduces, potential environmental effects" (EIR, p. 4.1-3).

With regard to General Plan Policy LU-25, to clarify for the commentor, the EIR determination that Project-source criteria air pollutant emissions would exceed SCAQMD regional thresholds, or that Project GHG emissions would exceed the

SCAQMD screening level threshold for GHG emissions does not indicate potentially adverse effects at sensitive receptors. Rather, these determinations indicate that mitigation should be applied to reduce the Project incremental contributions to regional air quality conditions, and Project incremental contributions to GHG emissions and to global climate change.

Potentially significant impacts to sensitive receptors would comprise localized exceedance of California Ambient Air Quality Standards (CAAQS) and/or National Ambient Air Quality Standards; or Project-source pollutant emissions that would comprise a significant health risk as defined by the South Coast Air Quality Management District (SCAQMD).

The EIR specifically addresses potential effects to sensitive receptors in EIR Section 4.3, *Air Quality*. The evaluation of localized air quality impacts substantiates that mitigated Project construction-source air pollutant emissions would not adversely affect any sensitive receptors; and that Project operational-source air pollutant emissions would not adversely affect any sensitive receptors (EIR, pp. 4.3-31 – 4.3-38). The Project would not cause or result in any localized CO “hot spots” and would therefore have less-than-significant CO emissions impacts at any sensitive receptors (EIR, pp. 4.3-38 – 41). Potential air pollutant health risks attributable to the Project are also substantiated to be less than-significant (EIR, pp. 4.3-41 – 4.3-39).

As summarized above, and as substantiated in detail in the EIR, the Project would therefore not result in air quality impacts that would adversely affect and sensitive receptors. The Project would therefore be consistent with Policy LU-25.

Additionally, the proposed zoning categories for the Project (C1/CP General Commercial and I-P Industrial Park) do not allow uses that would typically be considered “pollution-producing.” The I-P zoning category, for instance, allows “Manufacturing, Limited” as a permitted use (“Limited manufacturing, fabricating, processing, packaging, treating, and incidental storage . . .”) and requires a conditional use permit for “Manufacturing, Minor” (“Manufacturing, fabrication, processing, and assembly of materials . . . that . . . do not

create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons . . . on-site or on an adjacent site”). “Manufacturing, Major,” which can include uses that “. . . typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences . . .” is prohibited in the I-P zoning district. Further, any storage or use of potentially toxic or hazardous materials would be subject to local, state, and federal regulations, which would protect adjacent and nearby residents and uses from hazards.

Prior to issuance of building permits and certificates of occupancy, the Lead Agency would review the final Project designs and proposed occupancies for conformance with applicable General Plan Policies, Zoning Code, and other applicable local, state and federal requirements addressing air pollution concerns.

With regard to General Plan Policy LU-22, the significant Project-source transportation/traffic impacts identified in the EIR are area-wide level of service (LOS) effects and do not comprise nuisance impacts that would occur within the adjacent residential neighborhoods in Eastvale or Ontario, or that would adversely affect neighboring residential properties.

In addition, the City’s Major Development Review process would include a detailed review of the final Project site plan and buildings to ensure that the Project is designed to ensure that potential nuisance noise, light, traffic and any other localized effects are minimized or avoided. If necessary, this would be accomplished by modifying the Project layout; revising the size, shape, and orientation of buildings; designing lighting systems to avoid off-site spillage of light; requiring construction of screening fences and/or walls, requiring enhanced landscaping, requiring increased building/structure setbacks, and placing any potentially objectionable features of the Project in locations where they will be shielded from adjacent uses. Additionally, those Project uses subject to approval of a Conditional Use Permit (CUP) provide the City further opportunity to impose conditions or restrictions minimizing any nuisance effects that may be perceived at adjacent uses. Typical CUP conditions/requirements would include, but would not be limited to, design

features (e.g., screening/buffering) and operational limitations (e.g., restricted days/hours of operation).

It is also noted that there is no “nuisance” CEQA impact threshold adopted or otherwise applied by the Lead Agency. Nuisance effects are by definition not considered to be significant environmental impacts. Such nuisance effects if any, would be resolved through the City’s code enforcement activities. There is no indication that the Project would result in significant noise, light, fumes, odors, vehicular traffic, parking, or operational hazards impacts not already addressed in the EIR.

As summarized above, and substantiated in detail in the EIR, the Project would not conflict with or obstruct implementation of General Plan Policies LU-25, LU-22.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-4

##### *4.2 Transportation/Traffic*

*The EIR’s study area excludes several areas for analysis that will provide direct access to the project site, including:*

- 1) SR-60 at Archibald Ave. on/off ramps and queuing*
- 2) SR-60 at I-15 interchange*
- 3) I-15 at Ontario Ranch Rd. on/off ramps and queuing*

#### Response EJA-4

The commentor lists state highway system (SHS) locations/facilities not included in the EIR Traffic Impact Analysis (TIA) Study Area. The commentor implies, but does not indicate or substantiate how, the Project would result in potentially significant traffic impacts at the listed facilities.

The commentor states that the listed SHS locations/facilities would provide “direct access to the Project site.” This is not accurate. That is, the SR-60 at Archibald Avenue on/off ramps are located more than 3.5 road miles northerly of the Project site; the SR-60 at I-15

interchange is located more than 5.5 road miles northeasterly of the Project site; and the I-15 at Ontario Ranch Road [Cantu-Galleano Ranch Road] on/off ramps are located more than 4.0 miles northeasterly of the Project site. The TIA Study Area does not include these facilities/locations or other more distant entry points to the SHS. The TIA does however appropriately include analysis of the Limonite at I-15 interchange, located approximately 2.5 miles directly east of the Project site. The Limonite at I-15 interchange is the nearest and most direct access point to the SHS and would convey the predominance of Project traffic to/from SHS facilities. To otherwise assume multiple or alternative access to the SHS as suggested by the commentor would tend to underestimate and dilute the Project's potential SHS impacts.

The scope of the TIA Study Area appropriately includes those SHS facilities that the Lead Agency has determined could be adversely affected by Project traffic. As noted in the EIR, “[e]valuated Study Area freeway ramp locations were selected in consultation with City of Eastvale staff and reflect Caltrans guidance providing for evaluation of SHS facilities where a given project would contribute 25 or more peak hour trips” (EIR, p. 4.2-9); and “ a project’s traffic impact to freeway mainline segment operational conditions tends to dissipate with distance from the point of traffic entry to the State Highway System (SHS). Quantitative study of freeway segments beyond those immediately adjacent to the point of traffic entry is typically not required. Reflecting the above considerations, the TIA evaluated potentially affected freeway segments adjacent to the nearest point(s) of Project traffic entry to the SHS and at which the Project would contribute 25 or more peak hour trips” (EIR, p. 4.2-11). There is no indication that the Project would result in potentially significant impacts to the SHS system at the more distant and less accessible SHS facilities that are listed by the commentor. Lastly, Caltrans (the Responsible Agency for SHS facilities) has not indicated that the TIA scope of analysis of SHS facilities is somehow deficient or otherwise requires substantive revision. The TIA Study Area appropriately comprises those locations and facilities, including but not limited to SHS locations and facilities that could be substantively affected by Project traffic. There is no requirement for revision of the TIA Study Area or re-evaluation of the Project traffic impacts.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-5

*Additionally, Table 4.2-14 Project Trip Generation (PCE) and Table 4.2-15 Project Trip Generation (Actual Vehicles) inaccurately analyze the proposed square footage of each land use type. The EIR includes a total of 10,000 sf of Fast Food Restaurants with Drive Thru while the Traffic analysis includes 8,500 sf of Fast Food Restaurants with Drive Thru (including the Coffee/Donut Shop with Drive Thru). The Traffic analysis includes 7,750 sf of Fast-Food Restaurants without Drive- Through Window while the EIR does not describe any Fast Food Restaurants without Drive Thru proposed as part of the project.*

*The Traffic analysis modeled only 4,750 sf of Shopping Center uses which is much less than the 9,500 sf of General Commercial uses proposed by the project which must be included in the Shopping Center Traffic modeling. The Traffic Analysis and EIR misrepresents the proposed project and is misleading to the public and decision-makers. The EIR must be revised to include a Traffic Analysis that accurately presents the proposed project and provides meaningful analysis of the potentially significant traffic impacts.*

Response EJA-5

The commentor notes certain differences between the facilities listed in the EIR Project Description and the facilities described in the TIA. The commentor then concludes that on this basis that the TIA and EIR misrepresent[s] the proposed project and is misleading to the public and decision-makers. This is inaccurate.

The trip generation and analysis in the TIA were based on the preliminary site plan at the time of the preparation of the TIA. The TIA included a total of 72,600 square feet of industrial/commercial uses. The proposed land use mix shown in the DEIR includes a total of 71,100 square feet of industrial commercial uses which would generate fewer trips than been analyzed in the TIA. Further, trips generated by the minor increase in the retail square footage currently proposed by the Project is more than offset by corresponding reduction in the Project restaurant square footage. It is noted here that it is not unusual for development concepts to be modified and refined over the course of an EIR

preparation. If such modifications would result in increased impacts, supporting technical analyses and EIR discussions would be modified accordingly. In this case however, the EIR analysis overstates rather than under-reports the Project's likely traffic impacts and no revision to the EIR is required. This is illustrated and summarized in the following Tables 1/1A and 2/2A. As indicated, the total trips and peak hour trips evaluated in the TIA are greater than those that would result from the uses proposed reflected in the EIR Project Description development concept.

Tables 1 and 1A (following) show the EIR Project trip generation summary based on the site plan provided at the time the EIR was prepared. Trip generation is expressed in terms of Passenger Car Equivalents (PCE) in Table 1, and in terms of Actual Vehicles in Table 1A. As shown in Table 1, the EIR Project (as described in EIR Section 3.0, *Project Description*) would generate a net total of 6,261 PCE trip-ends per day, 478 PCE AM peak hour trips and 598 PCE PM peak hour trips. The EIR Project would generate a net total of 6,081 actual vehicle trip-ends per day with 461 AM peak hour trips and 580 PM peak hour trips (see Table 1A).

In comparison, as indicated in subsequent Tables 2 and 2A (DEIR Tables 4.2-14, 4.2-15), the TIA analyzed a net total of 6,917 PCE trip-ends per day, 558 PCE AM peak hour trips and 617 PCE PM peak hour trips and a net total of 6,737 actual vehicle trip-ends per day with 541 AM peak hour trips and 599 PM peak hour trips. As such, the trip generation and traffic analysis included in the TIA and reflected in the EIR discussions presented in EIR Section 4.2, *Transportation/Traffic* likely overstate traffic impacts of the Project as summarized in EIR Section 3.0, *Project Description*.

**Table 1**  
**Project Uses as Summarized in EIR Section 3.0: Trip Generation (PCE)**

Project Land Uses	Quantity	Units <sup>1</sup>	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Warehousing	336,501	TSF							
Passenger Cars:			35	10	45	14	37	51	468
Internal Capture (Office to Retail) <sup>2</sup> :			-1	-3	-4	-4	-7	-11	-101
Internal Capture (Office to Restaurant) <sup>2</sup> :			-5	-6	-11	-4	-1	-5	-46
- Net Passenger Car Trips			29	1	30	6	29	35	321
Truck Trips:									
2-axle:			2	1	3	1	3	4	29
3-axle:			3	1	4	1	4	5	48
4+-axle:			16	5	21	6	17	23	220
- Total Truck Trips (PCE)			21	7	28	8	24	32	297
Warehousing Total <sup>3</sup> :			50	8	58	14	53	67	618
Shopping Center	9,500	TSF	6	3	9	17	19	36	359
Internal Capture (Retail to Office) <sup>2</sup> :			0	0	0	0	0	0	-4
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-1	-2	-3	-4	-3	-7	-52
Net External Trips:			5	1	6	13	16	29	303
Pass-by Reduction (PM/Daily: 34%):			0	0	0	-4	-4	-8	-103
Shopping Center Total:			5	1	6	9	12	21	200
Supermarket	30,000	TSF	69	46	115	141	136	277	3,203
Internal Capture (Retail to Office) <sup>2</sup> :			-1	-1	-2	-3	-2	-5	-39
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-7	-10	-17	-24	-18	-42	-460
Net External Trips:			61	35	96	114	116	230	2,704
Pass-by Reduction (PM/Daily: 36%):			0	0	0	-41	-41	-82	-973
Supermarket Total:			61	35	96	73	75	148	1,731
Gasoline/Service Station w/Convenience Mkt.	16	VFP	162	162	324	179	179	358	3,171
Internal Capture (Retail to Office) <sup>2</sup> :			-1	0	-1	-3	-2	-5	-38
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-9	-13	-22	-30	-23	-53	-456
Net External Trips:			152	149	301	146	154	300	2,677
Pass-by Reduction (AM: 62%; PM/Daily: 56%):			-92	-92	-184	-82	-82	-164	-1,499
Gasoline/Service Station w/Conven. Mkt. Total:			60	57	117	64	72	136	1,178
Pharmacy/Drugstore w/Drive-Thru Window	14,600	TSF	30	26	56	75	75	150	1,594
Internal Capture (Retail to Office) <sup>2</sup> :			0	0	0	-1	0	-1	-19
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-4	-6	-10	-14	-10	-24	-229
Net External Trips:			26	20	46	60	65	125	1,346
Pass-by Reduction (PM/Daily: 49%):			0	0	0	-29	-29	-58	-659
Pharmacy/Drugstore w/Drive-Thru Window Total:			26	20	46	31	36	67	687
Fast-Food Restaurant with Drive-Through Window	7,500	TSF	154	148	302	127	118	245	3,532
Internal Capture (Restaurant to Retail) <sup>2</sup> :			-21	-14	-35	-35	-48	-83	-1,197
Internal Capture (Restaurant to Office) <sup>2</sup> :			-5	-4	-9	-1	-3	-4	-58
Net External Trips:			128	130	258	91	67	158	2,278
Pass-by Reduction (AM: 49%, PM: 50%, Daily: 50%):			-63	-63	-126	-34	-34	-68	-1,139
Fast-Food Restaurant with Drive-Through Window Total:			65	67	132	57	33	90	1,139
Automated Car Wash	4,000	TSF	N/A	N/A	N/A	28	28	56	568
Coffee/Donut Shop with Drive-Through Window	2,500	TSF	113	109	222	54	54	108	2,051
Internal Capture (Restaurant to Retail) <sup>2</sup> :			-10	-7	-17	-16	-22	-38	-722
Internal Capture (Restaurant to Office) <sup>2</sup> :			-2	-2	-4	-1	-2	-3	-57
Net External Trips:			101	100	201	37	30	67	1,272
Pass-by Reduction (AM/PM/Daily: 89%):			-89	-89	-178	-27	-27	-54	-1,132
Coffee/Donut Shop with Drive-Through Window Total:			12	11	23	10	3	13	140
<b>Total Net Trips (PCE)</b>			<b>279</b>	<b>199</b>	<b>478</b>	<b>286</b>	<b>312</b>	<b>598</b>	<b>6,261</b>

<sup>1</sup> TSF = thousand square feet<sup>2</sup> TOTAL NET TRIPS (PCE) = Net Passenger Cars + Total Truck Trips (PCE).<sup>3</sup> Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

**Table 1A**  
**Project Land Uses as Summarized in EIR Section 3.0: Trip Generation (Actual Vehicles)**

Project Land Uses	Quantity	Units <sup>1</sup>	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Warehousing	336,501	TSF							
Passenger Cars:			35	10	45	14	37	51	468
Internal Capture (Office to Retail) <sup>2</sup> :			-1	-3	-4	-4	-7	-11	-101
Internal Capture (Office to Restaurant) <sup>2</sup> :			-5	-6	-11	-4	-1	-5	-46
- Net Passenger Car Trips			29	1	30	6	29	35	321
Truck Trips:									
2-axle:			1	0	1	1	2	3	20
3-axle:			2	1	3	1	2	3	24
4+ axle:			5	2	7	2	6	8	73
- Total Truck Trips (Actual Vehicles)			8	3	11	4	10	14	117
Warehousing Total <sup>2</sup> :			37	4	41	10	39	49	438
Shopping Center	9,500	TSF	6	3	9	17	19	36	359
Internal Capture (Retail to Office) <sup>2</sup> :			0	0	0	0	0	0	-4
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-1	-2	-3	-4	-3	-7	-52
Net External Trips:			5	1	6	13	16	29	303
Pass-by Reduction (PM/Daily: 34%) <sup>2</sup> :			0	0	0	-4	-4	-8	-103
Shopping Center Total:			5	1	6	9	12	21	200
Supermarket	30,000	TSF	69	46	115	141	136	277	3,203
Internal Capture (Retail to Office) <sup>2</sup> :			-1	-1	-2	-3	-2	-5	-39
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-7	-10	-17	-24	-18	-42	-460
Net External Trips:			61	35	96	114	116	230	2,704
Pass-by Reduction (PM/Daily: 36%) <sup>2</sup> :			0	0	0	-41	-41	-82	-973
Supermarket Total:			61	35	96	73	75	148	1,731
Gasoline/Service Station w/Convenience Mkt.	16	VFP	162	162	324	179	179	358	3,171
Internal Capture (Retail to Office) <sup>2</sup> :			-1	0	-1	-3	-2	-5	-38
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-9	-13	-22	-30	-23	-53	-456
Net External Trips:			152	149	301	146	154	300	2,677
Pass-by Reduction (AM: 62%; PM/Daily: 56%) <sup>2</sup> :			-92	-92	-184	-82	-82	-164	-1,499
Gasoline/Service Station w/Conven. Mkt. Total:			60	57	117	64	72	136	1,178
Pharmacy/Drugstore w/Drive-Thru Window	14,600	TSF	30	26	56	75	75	150	1,594
Internal Capture (Retail to Office) <sup>2</sup> :			0	0	0	-1	0	-1	-19
Internal Capture (Retail to Restaurant) <sup>2</sup> :			-4	-6	-10	-14	-10	-24	-229
Net External Trips:			26	20	46	60	65	125	1,346
Pass-by Reduction (PM/Daily: 49%) <sup>2</sup> :			0	0	0	-29	-29	-58	-659
Pharmacy/Drugstore w/Drive-Thru Window Total:			26	20	46	31	36	67	687
Fast-Food Restaurant with Drive-Through Window	7,500	TSF	154	148	302	127	118	245	3,532
Internal Capture (Restaurant to Retail) <sup>2</sup> :			-21	-14	-35	-35	-48	-83	-1,197
Internal Capture (Restaurant to Office) <sup>2</sup> :			-5	-4	-9	-1	-3	-4	-58
Net External Trips:			128	130	258	91	67	158	2,278
Pass-by Reduction (AM: 49%, PM: 50%, Daily: 50%) <sup>2</sup> :			-63	-63	-126	-34	-34	-68	-1,139
Fast-Food Restaurant with Drive-Through Window Total:			65	67	132	57	33	90	1,139
Automated Car Wash	4,000	TSF	N/A	N/A	N/A	28	28	56	568
Coffee/Donut Shop with Drive-Through Window	2,500	TSF	113	109	222	54	54	108	2,051
Internal Capture (Restaurant to Retail) <sup>2</sup> :			-10	-7	-17	-16	-22	-38	-722
Internal Capture (Restaurant to Office) <sup>2</sup> :			-2	-2	-4	-1	-2	-3	-57
Net External Trips:			101	100	201	37	30	67	1,272
Pass-by Reduction (AM/PM/Daily: 89%) <sup>2</sup> :			-89	-89	-178	-27	-27	-54	-1,132
Coffee/Donut Shop with Drive-Through Window Total:			12	11	23	10	3	13	140
<b>Total Net Trips (Actual Vehicles)</b>			<b>266</b>	<b>195</b>	<b>461</b>	<b>282</b>	<b>298</b>	<b>580</b>	<b>6,081</b>

<sup>1</sup> TSF = thousand square feet<sup>2</sup> TOTAL NET TRIPS (Actual Vehicles) = Net Passenger Cars + Total Truck Trips (Actual Vehicles).<sup>3</sup> Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

**Table 2**  
**TIA Project Land Uses: Trip Generation (PCE)**

Land Use	Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Warehousing	336.501	TSF							
Passenger Cars:			35	10	45	14	37	51	468
Internal Capture (Office to Retail) <sup>3</sup> :			-1	-3	-4	-4	-7	-11	-101
Internal Capture (Office to Restaurant) <sup>3</sup> :			-5	-6	-11	-4	-1	-5	-46
- Net Passenger Car Trips			29	1	30	6	29	35	321
Truck Trips:									
2-axle:			2	1	3	1	3	4	29
3-axle:			3	1	4	1	4	5	48
4+-axle:			16	5	21	6	17	23	220
- Total Truck Trips (PCE)			21	7	28	8	24	32	297
Warehousing Total <sup>2</sup> :			50	8	58	14	53	67	618
Shopping Center	4.750	TSF	3	2	5	9	9	18	179
Internal Capture (Retail to Office) <sup>3</sup> :			0	0	0	0	0	0	-2
Internal Capture (Retail to Restaurant) <sup>3</sup> :			-1	-1	-2	-4	-2	-6	-21
Net External Trips:			2	1	3	5	7	12	156
Pass-by Reduction (PM/Daily: 34%):			0	0	0	-2	-2	-4	-53
Shopping Center Total:			2	1	3	3	5	8	103
Supermarket	30.000	TSF	69	46	115	141	136	277	3,203
Internal Capture (Retail to Office) <sup>3</sup> :			-1	-1	-2	-3	-2	-5	-40
Internal Capture (Retail to Restaurant) <sup>3</sup> :			-7	-10	-17	-36	-26	-62	-368
Net External Trips:			61	35	96	102	108	210	2,795
Pass-by Reduction (PM/Daily: 36%):			0	0	0	-37	-37	-74	-1,006
Supermarket Total:			61	35	96	65	71	136	1,789
Gasoline/Service Station w/Convenience Mkt.	16	VFP	162	162	324	179	179	358	3,171
Internal Capture (Retail to Office) <sup>3</sup> :			-1	0	-1	-3	-2	-5	-39
Internal Capture (Retail to Restaurant) <sup>3</sup> :			-9	-13	-22	-46	-34	-80	-365
Net External Trips:			152	149	301	130	143	273	2,767
Pass-by Reduction (AM: 62%; PM/Daily: 56%):			-92	-92	-184	-73	-73	-146	-1,549
Gasoline/Service Station w/Convenience Mkt. Total:			60	57	117	57	70	127	1,218
Pharmacy/Drugstore w/Drive-Thru Window	14.600	TSF	30	26	56	75	75	150	1,594
Internal Capture (Retail to Office) <sup>3</sup> :			0	0	0	-1	0	-1	-20
Internal Capture (Retail to Restaurant) <sup>3</sup> :			-4	-6	-10	-20	-15	-35	-183
Net External Trips:			26	20	46	54	60	114	1,391
Pass-by Reduction (PM/Daily: 49%):			0	0	0	-26	-26	-52	-682
Pharmacy/Drugstore w/Drive-Thru Window Total:			26	20	46	28	34	62	709
Fast-Food Restaurant with Drive-Through Window	6.000	TSF	123	118	241	102	94	196	2,826
Internal Capture (Restaurant to Retail) <sup>3</sup> :			-11	-7	-18	-27	-38	-65	-937
Internal Capture (Restaurant to Office) <sup>3</sup> :			-3	-2	-5	-1	-2	-3	-43
Net External Trips:			109	109	218	74	54	128	1,846
Pass-by Reduction (AM: 49%, PM: 50%, Daily: 50%):			-53	-53	-106	-27	-27	-54	-923
Fast-Food Restaurant with Drive-Through Window Total:			56	56	112	47	27	74	923
Automated Car Wash	4.000	TSF	N/A	N/A	N/A	28	28	56	568
Fast-Food Restaurant w/o Drive-Through Window	7.750	TSF	117	78	195	110	110	220	2,683
Internal Capture (Restaurant to Retail) <sup>3</sup> :			-14	-9	-23	-33	-45	-78	-951
Internal Capture (Restaurant to Office) <sup>3</sup> :			-3	-3	-6	-1	-2	-3	-37
Net External Trips:			100	66	166	76	63	139	1,695
Pass-by Reduction (AM: 49%, PM: 50%, Daily: 50%):			-32	-32	-64	-32	-32	-64	-848
Fast-Food Restaurant without Drive-Through Window Total:			68	34	102	44	31	75	847
Coffee/Donut Shop w/Drive-Through Window	2.500	TSF	113	109	222	54	54	108	2,051
Internal Capture (Restaurant to Retail) <sup>3</sup> :			-7	-5	-12	-16	-22	-38	-722
Internal Capture (Restaurant to Office) <sup>3</sup> :			-2	-2	-4	-1	-1	-2	-38
Net External Trips:			104	102	206	37	31	68	1,291
Pass-by Reduction (AM/PM/Daily: 89%):			-91	-91	-182	-28	-28	-56	-1,149
Coffee/Donut Shop with Drive-Through Window Total:			13	11	24	9	3	12	142
<b>Total Net Trips (PCE)</b>			<b>336</b>	<b>222</b>	<b>558</b>	<b>295</b>	<b>322</b>	<b>617</b>	<b>6,917</b>

Source: The Merge Traffic Impact Analysis, City of Eastvale (Urban Crossroads, Inc.) August 24, 2018.

Notes: <sup>1</sup> TSF = thousand square feet; <sup>2</sup> TOTAL NET TRIPS (PCE) = Net Passenger Cars + Total Truck Trips (PCE); <sup>3</sup> Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

**Table 2A**  
**TIA Project Land Uses: Trip Generation (Actual Vehicles)**

Land Use	Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Warehousing	336,501	TSF							
Passenger Cars:									
Internal Capture (Office to Retail) <sup>3</sup> :			35	10	45	14	37	51	468
Internal Capture (Office to Restaurant) <sup>3</sup> :			-1	-3	-4	-4	-7	-11	-101
- Net Passenger Car Trips			-5	-6	-11	-4	-1	-5	-46
Truck Trips:			29	1	30	6	29	35	321
2-axle:			1	0	1	1	2	3	20
3-axle:			2	1	3	1	2	3	24
4+-axle:			5	2	7	2	6	8	73
- Total Truck Trips (Actual Vehicles)			8	3	11	4	10	14	117
Warehousing Total <sup>2</sup> :			37	4	41	10	39	49	438
Shopping Center	4,750	TSF							
Internal Capture (Retail to Office) <sup>3</sup> :			3	2	5	9	9	18	179
Internal Capture (Retail to Restaurant) <sup>3</sup> :			0	0	0	0	0	0	-2
Net External Trips:			-1	-1	-2	-4	-2	-6	-21
Pass-by Reduction (PM/Daily: 34%):			2	1	3	5	7	12	156
Shopping Center Total:			0	0	0	-2	-2	-4	-53
Supermarket	30,000	TSF							
Internal Capture (Retail to Office) <sup>3</sup> :			69	46	115	141	136	277	3,203
Internal Capture (Retail to Restaurant) <sup>3</sup> :			-1	-1	-2	-3	-2	-5	-40
Net External Trips:			-7	-10	-17	-36	-26	-62	-368
Pass-by Reduction (PM/Daily: 36%):			61	35	96	102	108	210	2,795
Supermarket Total:			0	0	0	-37	-37	-74	-1,006
Gasoline/Service Station w/Convenience Mkt.	16	VFP							
Internal Capture (Retail to Office) <sup>3</sup> :			162	162	324	179	179	358	3,171
Internal Capture (Retail to Restaurant) <sup>3</sup> :			-1	0	-1	-3	-2	-5	-39
Net External Trips:			-9	-13	-22	-46	-34	-80	-365
Pass-by Reduction (AM: 62%; PM/Daily: 56%):			152	149	301	130	143	273	2,767
Gasoline/Service Station w/Convenience Mkt. Total:			-92	-92	-184	-73	-73	-146	-1,549
Pharmacy/Drugstore w/Drive-Thru Window	14,600	TSF							
Internal Capture (Retail to Office) <sup>3</sup> :			30	26	56	75	75	150	1,594
Internal Capture (Retail to Restaurant) <sup>3</sup> :			0	0	0	-1	0	-1	-20
Net External Trips:			-4	-6	-10	-20	-15	-35	-183
Pass-by Reduction (PM/Daily: 49%):			26	20	46	54	60	114	1,391
Pharmacy/Drugstore w/Drive-Thru Window Total:			0	0	0	-26	-26	-52	-682
Fast-Food Restaurant with Drive-Through Window	6,000	TSF							
Internal Capture (Restaurant to Retail) <sup>3</sup> :			123	118	241	102	94	196	2,826
Internal Capture (Restaurant to Office) <sup>3</sup> :			-11	-7	-18	-27	-38	-65	-937
Net External Trips:			-3	-2	-5	-1	-2	-3	-43
Pass-by Reduction (AM: 49%; PM: 50%; Daily: 50%):			109	109	218	74	54	128	1,846
Fast-Food Restaurant with Drive-Through Window Total:			-53	-53	-106	-27	-27	-54	-923
Automated Car Wash	4,000	TSF							
Internal Capture (Restaurant to Retail) <sup>3</sup> :			N/A	N/A	N/A	28	28	56	568
Net External Trips:			117	78	195	110	110	220	2,683
Pass-by Reduction (AM: 49%; PM: 50%; Daily: 50%):			-14	-9	-23	-33	-45	-78	-951
Fast-Food Restaurant without Drive-Through Window Total:			-3	-3	-6	-1	-2	-3	-37
Coffee/Donut Shop with Drive-Through Window	2,500	TSF							
Internal Capture (Restaurant to Retail) <sup>3</sup> :			100	66	166	76	63	139	1,695
Net External Trips:			-32	-32	-64	-32	-32	-64	-848
Fast-Food Restaurant without Drive-Through Window Total:			68	34	102	44	31	75	847
Internal Capture (Restaurant to Retail) <sup>3</sup> :			113	109	222	54	54	108	2,051
Net External Trips:			-7	-5	-12	-16	-22	-38	-722

**Table 2A**  
**TIA Project Land Uses: Trip Generation (Actual Vehicles)**

Land Use	Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Internal Capture (Restaurant to Office) <sup>3</sup> :			-2	-2	-4	-1	-1	-2	-38
Net External Trips:			104	102	206	37	31	68	1,291
Pass-by Reduction (AM/PM/Daily: 89%):			-91	-91	-182	-28	-28	-56	-1,149
Coffee/Donut Shop with Drive-Through Window Total:			13	11	24	9	3	12	142
<b>Total Net Trips (Actual Vehicles)</b>			<b>323</b>	<b>218</b>	<b>541</b>	<b>291</b>	<b>308</b>	<b>599</b>	<b>6,737</b>

Source: The Merge Traffic Impact Analysis, City of Eastvale (Urban Crossroads, Inc.) August 24, 2018.

Notes: <sup>1</sup> TSF = thousand square feet; <sup>2</sup> TOTAL NET TRIPS (Actual Vehicles) = Net Passenger Cars + Total Truck Trips (Actual Vehicles). <sup>3</sup> Internal capture per NCHRP 684.

It is further noted that since the preparation of the EIR and the TIA, the Project scope has been further reduced consistent with requirements of the Airport Land Use Commission (ALUC), and based on input from City staff and actions initiated by the Applicant. In these regards, since preparation of the EIR, one of the Project drive-through pads has been deleted due to ALUC restrictions; and the application for the proposed car wash has been withdrawn by the Applicant (please refer to Final EIR Attachment A “Car Wash Letter of Withdrawal”).

The Project concept as currently reflected in applications on file with the City would therefore result in further reductions in traffic impacts when compared to either the Project land uses described in EIR Section 3.0, or the Project land uses as evaluated in the TIA. As also noted in the EIR, “[a]ny future variations or any substantive change to the Project evaluated in this EIR would, at the discretion of the Lead Agency, be subject to subsequent environmental analyses. In any case, ultimate configuration and orientation of the Project uses would be subject to City review and approval” (EIR, p. 1-3).

The EIR does not misrepresent the Project. Neither is the EIR analysis somehow misleading to the public and decision-makers. There is no requirement for revisions to the TIA or re-evaluation of the Project traffic impacts.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-6

*Mitigation Measure 4.2.1 requires the project to pay its fair share of fees towards improvements. Tables 1-5 and 1-6 of the Traffic Impact Analysis (Appendix B) indicate that only 12 of the proposed improvements are included in an existing mitigating program such as the TUMF. 98 of*

*the proposed improvements are fair share fee payments, the applicant will construct 2 of the improvements, and 1 improvement is already under construction. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. The EIR finds this a significant impact and cumulatively considerable impact, but only at a few of the impacted areas. The EIR must be revised to include a finding of significance and cumulatively considerable impacts at each of the study area segments/ intersections/roadways/freeway mainlines in order to accurately and meaningfully disclose the project’s significant traffic impacts. The proposed mitigation measures represent uncertain mitigation and are improperly deferred in violation of CEQA. In order to reasonably achieve mitigation, the mitigation measures could require the improvements to be constructed by the project applicant prior to building occupancy.*

**Response EJA-6**

The commentor states that the EIR does not accurately disclose the Project’s significant traffic impacts (“The EIR finds this a significant impact and cumulatively considerable impact, but only at a few of the impacted areas”); and that the proposed mitigation measures represent uncertain mitigation and are improperly deferred in violation of CEQA. This is incorrect.

All significant traffic impacts are disclosed and discussed in detail in the EIR. Significant traffic impacts are summarized in EIR Table 1.9-1, reproduced in pertinent part below.

**Table 1.9-1  
Summary of Significant and Unavoidable Impacts**

Environmental Topic	Comments
<b>Transportation/ Traffic</b>	To address potentially significant impacts affecting Study Area facilities, the Applicant would pay all requisite fees, offsetting the Project’s proportional contributions to cumulative traffic impacts thereby fulfilling the Applicant mitigation responsibilities. Notwithstanding, payment of fees consistent with TUMF, RBBB, and DIF mandates, and fair share fees required under the EIR Mitigation Measures would not ensure timely completion of required improvements at affected Study Area facilities. Moreover, there are no current plans to improve the affected facilities, and the City does not have an existing agreement with extra-jurisdictional agencies regarding the funding of improvements, construction of improvements, or timing of improvements at locations along, or beyond the City corporate boundaries. Thus, while the physical improvements identified in the EIR and TIA would be capable of mitigating potentially significant impacts, these improvements cannot be timely assured.

**Table 1.9-1  
Summary of Significant and Unavoidable Impacts**

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**Table 1.9-1  
Summary of Significant and Unavoidable Impacts**

Environmental Topic	Comments
	<ul style="list-style-type: none"> <li>• I-15 Freeway Northbound, Off-Ramp at Limonite Ave. (#6) – LOS E AM peak hour only</li> </ul>

The above significant impacts are discussed in detail in EIR Section 4.2, *Transportation/Traffic, 4.2.7, Potential Impacts and Mitigation Measures*.

Additionally, contrary to the commentor’s statements, the EIR mitigation is not uncertain, and mitigation is in no case deferred. The EIR transportation/traffic impact mitigation measures are reproduced below:

*4.2.1 Prior to building permit issuance for each building, the Project Applicant shall pay that building’s fair share fee amounts toward the construction of City of Eastvale improvements required under Existing With Project Conditions listed in EIR Table 4.2-19. Where intersection improvements require additional through lanes, fees shall also be applied to construction of required through lane/roadway segment improvements.*

*4.2.2 Prior to building permit issuance for each building, the Project Applicant shall pay that building’s fair share fee amounts toward the construction of City of Eastvale improvements required under Opening Year With-Project Conditions listed in EIR Table 4.2-24. Where intersection improvements require additional through lanes, fees shall also be applied to construction of required through lane/roadway segment improvements. The greatest fair share fee shall be paid at each potentially affected facility. Duplicate fees for improvements previously funded under Mitigation Measure 4.2.1 shall not be required.*

*4.2.3 Prior to building permit issuance for each building, the Project Applicant shall pay that building’s fair share fee amounts toward the construction of City of Eastvale improvements required under Horizon Year With-Project Conditions listed in EIR Tables 4.2-32, 4.2-34. Where intersection improvements require additional through lanes, fees shall also be applied to construction of required through lane/roadway segment improvements. The greatest fair share fee shall be paid at each potentially affected facility. Duplicate fees for improvements previously funded under Mitigation Measures 4.2.1 and 4.2.2 shall not be required.*

As indicated, EIR Mitigation Measures 4.2.1 through 4.2.3 definitively require Applicant payment of fair share traffic impact mitigation fees prior to building permit issuance for each building. Payment of these fees fulfills the Applicant's mitigation responsibilities. Additionally, the City would collect other traffic impact fees (City DIF, TUMF, and RBBB Fees) as stipulated by ordinance. There is no indication that assessment and collection of fees would not be timely executed. The EIR also fully discloses that payment of fees would not ensure timely implementation of required traffic mitigation improvements, and on this basis, concludes that pending completion of the required improvements, impacts would be significant and unavoidable. Please refer to excerpted text from EIR Table 1.9-1 (below). Similar discussions are presented elsewhere in the EIR.

To address potentially significant impacts affecting Study Area facilities, the Applicant would pay all requisite fees, offsetting the Project's proportional contributions to cumulative traffic impacts thereby fulfilling the Applicant mitigation responsibilities. Notwithstanding, payment of fees consistent with TUMF, RBBB, and DIF mandates, and fair share fees required under the EIR Mitigation Measures would not ensure timely completion of required improvements at affected Study Area facilities. Moreover, there are no current plans to improve the affected facilities, and the City does not have an existing agreement with extra-jurisdictional agencies regarding the funding of improvements, construction of improvements, or timing of improvements at locations along, or beyond the City corporate boundaries. Thus, while the physical improvements identified in the EIR and TIA would be capable of mitigating potentially significant impacts, these improvements cannot be timely assured. On this basis, pending completion of required improvements, Project impacts at the facilities listed below would be cumulatively considerable, and impacts would be cumulatively significant (EIR p., 1-26, Table 1.9-1).

The EIR Mitigation Monitoring Program (MMP) provides the Lead Agency the mechanism to facilitate and monitor implementation of the EIR Mitigation Measures. The

MMP is presented in Section 4.0 of this Final EIR. In summary, the MMP accomplishes the following:

- Assigns responsibility for, and furthers proper implementation of the EIR mitigation measures;
- Assigns responsibility for, and provides for monitoring and reporting of compliance with the EIR mitigation measures; and
- Provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

As summarized above, the EIR identifies and discloses all significant and unavoidable transportation/traffic impacts anticipated to result from the Project. The EIR also provides definitive mitigation that would to the extent feasible, mitigate potentially significant transportation/traffic impacts anticipated to result from the Project. If the Project were to be approved, the City Council would be required to provide findings (per *CEQA Guidelines* Section 15091) and adopt a Statement of Overriding Considerations (per *CEQA Guidelines* Section 15093) for the Project's significant and unavoidable transportation/traffic impacts.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-7

##### *4.3 Air Quality*

*Appendix C indicates that the CalEEMod [sic] analysis is not consistent with information disclosed in the EIR. The EIR states that there will be 752 surface parking spaces but only 447 surface parking spaces were included for analysis. Also, the EIR and the project site plan provided do not indicate whether Pad 2 and Pad 3 will also include additional parking spaces.*

#### Response EJA-7

The commentor notes differences between the Project parking concept described in EIR Section 3.0, and CalEEMod quantified parking estimates. CalEEMod populates parking estimates per default CalEEMod modeling protocols. The actual number of parking

spaces does not substantively affect the air quality modeling results or conclusions based on those results.

The commentor notes that the Project Site Plan Concept for Pad 2 and Pad 3 does not specify parking requirements for these uses. Site plans or application for development of Pads 2 and 3 have not been submitted to the City. Specific uses for these Pads have not been, and would not be, approved by the City absent an application for development. If ultimate development of these pads could result in impacts not evaluated in the EIR, the City would require additional environmental analysis.

As a general note, all Project parking would be provided as required by City Ordinance. It is further noted here that the *CEQA Guidelines* does not require analysis of parking or parking adequacy.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-8

*The project proposes a 16 pump Gas Station and 3,000 sf Convenience Market. These land uses must be entered into CalEEMod [sic] accordingly because they are both significant in size. The CalEEMod [sic] output sheets indicate the Gas Station/Convenience Market was input as a Convenience Market with Gas Pumps, which is defined by CalEEMod [sic] as "These markets sell or dispense motor vehicle fuels (e.g., gasoline and diesel), convenience foods, newspapers, magazines and often beer and wine. This includes convenience markets with motor vehicle fueling dispensers where the primary business is the selling of convenience items, not the fueling of motor vehicles<sup>1</sup>." The proposed 16 pump Gas Station and 3,000 sf Convenience Market is primarily engaged in both fueling of motor vehicles and selling convenience items. These land uses are both significant and must be analyzed separately in CalEEMod [sic] as a Gasoline/Service Station with 16 pumps and a 3,000 sf Convenience Market. Additionally, the output sheets indicate only 2,258 sf of Convenience Market was modeled while 3,000 sf is proposed.*

Response EJA-8

The commentor states that the EIR improperly modeled potential air quality impacts of the Project gas station with convenience market. This is incorrect. The commentor misinterprets and misapplies CalEEMod modeling protocols.

CalEEMod air quality modeling reflects land uses based on Institute of Transportation Engineers Trip Generation Manual (ITE Manual) land use definitions and associated trip generation rate information. In this regard, CalEEMod inputs for the Project appropriately reflect ITE Land Use Code 945. As described in the ITE Manual, ITE Land Use Code 945 “. . . includes gasoline/service stations with convenience stores where the primary business is the fueling of motor vehicles.” The commentor inaccurately and inappropriately cites excerpts from the CalEEMod User Manual for the ITE 853 Land Use Code described as “. . . convenience markets with motor vehicle fueling dispensers where the primary business is the selling of convenience items, not the fueling of motor vehicles.” This is not the case for the Project.

Moreover, the ITE Manual does not disaggregate fueling and convenience store operations for the 945 Land Use Code as is suggested by the commentor. Nor, as is suggested by the commentor, are the trip generation estimates for the fueling function and convenience store function additive. That is, ITE trip generation estimates for the referenced land use type are presented as either a function of the number of fueling points, or the area of the associated convenience market, not both.

Trip generation for the ITE 945 Land Use as presented in the Project TIA is modeled as a function of the number fueling points, not the building area associated with any ancillary convenience store function. Appropriately, ITE 945 Land Use trip generation from the Project TIA is the input reflected in the Project CalEEMod air quality modeling.

Regarding discrepancies between the CalEEMod building area output for the gas station convenience store component vs. the building area, the EIR Project Description identifies for the gas station convenience store component – as described above, trip generation and air quality impacts of the Project gasoline station with convenience store are a function of

the number of fueling points, not the area of any ancillary convenience store. The difference in square footage reported under CalEEMod (2,228 sf) vs. that described for the EIR Project (3,000 sf) has no material effect on the Project air quality modeling.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-9

*Further, the CalEEMod [sic] analysis for the proposed Fast Food Restaurants is not consistent with information provided in the EIR. The EIR includes a total of 10,000 sf of Fast Food Restaurants with Drive Thru while the CalEEMod [sic] analysis includes 13,750 sf of Fast Food Restaurants with Drive Thru and 2,500 sf of Fast Food Restaurants without Drive Thru. The EIR does not describe any Fast Food Restaurants without Drive Thru proposed as part of the project. Appendix 1.1 of Appendix C states that a proposed 2,500 sf “Coffee Shop with Drive-Through Window will be analyzed under the Fast-Food Restaurant without Drive-Through Window subtype.” There is no evidence or reasoning provided to support this analysis. If the Coffee Shop has a Drive Thru, it must be modeled under the Fast Food Restaurant with Drive Thru land use type.*

Response EJA-9

The commentor again notes that the development analyzed in the EIR technical analyses (in this case, the EIR Air Quality Impact Analysis [AQIA]) does not correspond precisely with the Project uses described in EIR Section 3.0, *Project Description*. The AQIA appropriately models the uses and the trip generation reflected in the TIA. As discussed previously in Response EJA-5, the TIA traffic generation estimates are greater than would result from the Project described in EIR Section 3.0, *Project Description*; and greater than would result from the Project applications currently on file with the City. The predominance (more than 97 percent by weight) of operational-source criteria air pollutants resulting from the Project would be generated by mobile sources (traffic). Because the AQIA modeling is based on the trip generation estimates reflected in the TIA, and the TIA trip generation estimates are greater than would result from the Project described in EIR Section 3.0, *Project Description*, the AQIA likely overstates rather than understates the likely maximum criteria pollutant air quality impacts of the Project uses

identified in EIR Section 3.0. There is no requirement to revise the Project AQIA or associated air quality modeling.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-10

*The CalEEMod [sic] analysis modeled only 4,750 sf of Regional Shopping Center uses which is much less than the 9,500 sf of General Commercial uses proposed by the project which must be modeled as Regional Shopping Center. The AQA and EIR misrepresents the proposed project and is misleading to the public and decision-makers.*

Response EJA-10

The commentor again notes that the development analyzed in the AQIA does not correspond precisely with the Project uses described in EIR Section 3.0, *Project Description*. The AQIA appropriately models the uses and the trip generation reflected in the TIA. As discussed previously in Responses EJA-5 and EJA-9, the TIA traffic generation estimates are greater than would result from the Project described in EIR Section 3.0, *Project Description*; and greater than would result from the Project applications currently on file with the City. The AQIA likely overstates rather than understates the likely maximum criteria pollutant air quality impacts of the Project uses identified in EIR Section 3.0. The EIR and AQIA do not misrepresent the Project and do not mislead the public or decision-makers.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-11

*Finally, the AQA assumes all 336,501 sf of the proposed Light Industrial uses will be utilized as Unrefrigerated Warehouse - No Rail. The EIR states that the 8 proposed Industrial buildings will be utilized as "Light Industrial" and does not specify that any or all of the buildings will be utilized for warehousing. The 8 Industrial buildings have an existing Zoning designation of Heavy Agricultural (A-2) which is proposed to be changed to Industrial Park (I-P) as part of the project. The I-P Zoning designation permits a variety of Industrial, Manufacturing, Retail, Business Operations and Services, and Public Use Classifications. The CalEEMod [sic] Analysis and*

*AQA are inconsistent with information provided in the EIR. The CalEEMod [sic] Analysis must be revised to utilize the Industrial Park land use type in order to provide an accurate analysis that is consistent with the information provided about the project in the EIR.*

Response EJA-11

The commentor states . . . “the CalEEMod Analysis and AQA are inconsistent with information provided in the EIR.” This is incorrect. Though a range of light industrial uses are permitted under the City’s I-P Zoning designation, the Project does not propose light industrial buildings other than the warehouse buildings reflected in the Project AQIA. The Project AQIA accurately and appropriately models potential air quality of the uses that would be implemented based on the current Project designs. If the Project Applicant were to somehow propose a use or occupancy that is different than what is analyzed in the EIR and underlying technical studies, the City would require additional analysis to determine if the proposed use is more impactful than what has been evaluated in the EIR. As noted in the EIR . . . “[a]ny future variations or any substantive change to the Project evaluated in this EIR would, at the discretion of the Lead Agency, be subject to subsequent environmental analyses. In any case, ultimate configuration and orientation of the Project uses would be subject to City review and approval” (EIR, p. 1-3). There is no need to revise the EIR CalEEMod Analysis.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-12

*It must also be noted that the Air Quality Analysis does not state if site adjacent roadway improvements constructed as part of the project were included in the AQA. The project proposes the following roadway improvements in order to implement the project:*

*Archibald Avenue – Construct Archibald Avenue from the northern Project boundary to Limonite Avenue at its ultimate half-section width as a 6-lane Urban Arterial Highway (ultimate 152-foot right-of-way) in compliance with the City of Eastvale General Plan, Circulation Plan, or as otherwise required. Any necessary interim lane configurations, striping etc., as may be required by the City would also be implemented.*

*Limonite Avenue – Construct Limonite Avenue from Archibald Avenue to the eastern Project boundary at its ultimate half-section width as a 6-lane Urban Arterial Highway (ultimate 152-foot right-of-way) in compliance with the City of Eastvale General Plan, Circulation Plan or as otherwise required by City Conditions of Approval. Any necessary interim lane configurations, striping etc., as may be required by the City.*

*The EIR must be revised to demonstrate that the roadway improvements are presented in the Air Quality Analysis in order to present an accurate analysis of the potentially significant Air Quality Impacts associated with project implementation.*

#### Response EJA-12

The commentor states: “The EIR must be revised to demonstrate that the roadway improvements are presented in the Air Quality Analysis in order to present an accurate analysis of the potentially significant Air Quality Impacts associated with project implementation.” The EIR already acknowledges and evaluates potential air quality impacts that may result from off-site improvements including, but not limited to, the roadway improvements noted by the commentor. More specifically, as stated in the Project AQIA, “[c]onstruction-source air pollutant emissions impacts associated with implementation of any offsite utility and infrastructure improvements activities would not exceed maximum emissions impacts identified for Project-related construction activities. As such, no impacts beyond what has already been identified in this report are expected to occur (AQIA, p. 42).

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-13

*Section 8.52.020 of the Eastvale Municipal Code prohibits construction activity within 0.25 miles of an inhabited dwelling between the hours of 6:00 P.M. and 6:00 A.M. during the months of June through September and between the hours of 6:00 P.M. and 7:00 A.M. during the months of October through May. Thus, the legal hours of construction at the project site are 6:00 A.M. - 6:00 P.M., June through September and 7:00 A.M. - 6:00 P.M. October through May. There are no specifications limiting construction on weekends or Federal holidays. The EIR does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 12*

*hours per day, 7 days per week during the summer months and 11 hours per day, 7 days per week during the winter months. It is legal for construction to occur for much longer hours and two additional days (7 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. The Air Quality modeling must be revised to account for these legally possible longer construction days and increased number of construction days.*

#### Response EJA-13

The commentor states that the EIR “Air Quality modeling must be revised to account for these legally possible longer construction days and increased number of construction days.” This is incorrect. While the commentor is correct that construction activities are permitted to occur up to eleven (11) hours per day pursuant to the City’s zoning code, the identified construction equipment would not be used during every hour of the day. Rather, the AQIA, consistent with industry standards and typical construction practices, assumes that each piece of equipment listed in AQIA would operate up to a total of eight (8) hours per day, or approximately two-thirds (2/3) of the period during which construction activities are allowed pursuant to the zoning code. For example, during grading operations water trucks would not operate continuously over a 11-hour period but would instead be used as necessary to minimize fugitive dust. In fact, most pieces of equipment likely would operate for fewer hours per day than indicated in the Draft EIR. With respect to weekends, the South Coast Air Quality Management District (SCAQMD) thresholds of significance are based on daily emissions; thus, air quality effects during weekends would be the same as during the normal work week.

Moreover, all Project air quality modeling conforms to SCAQMD and CalEEMod modeling protocols. Analysis methods suggested by the commentor are not required by the Lead Agency nor the SCAQMD. It is noted here that SCAQMD, the Responsible Agency for air quality concerns has not indicated that the AQIA scope or methodology is somehow deficient or otherwise requires substantive revision.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-14

*Emissions associated with the Project are greatly underestimated. A revised EIR should be prepared that adequately assesses the potential impacts that operation of the Project may have on regional and local air quality and global climate change.*

Response EJA-14

The commentor states: “Emissions associated with the Project are greatly underestimated. A revised EIR should be prepared that adequately assesses the potential impacts that operation of the Project may have on regional and local air quality and global climate change.” This is incorrect. The commentor provides no substantiation or evidence in support of these statements. Potential air quality and greenhouse gas emissions of the Project are accurately presented in the EIR and supporting technical analyses. Please refer to EIR Section 4.3, *Air Quality*; Section 4.4, *Global Climate Change and Greenhouse Gas Emissions*; Appendix C, *Air Quality Impact Analysis*; and Appendix D, *Greenhouse Gas Analysis*.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-15

*Appendix C provides information regarding the LST analysis and potentially significant impacts to nearby sensitive receptors. 3.5 total acres will be disturbed during the site preparation phase and 4.0 total acres will be disturbed during the grading phase. SCAQMD provides LST lookup tables for 1, 2, and 5 acre sites. Since the total acres disturbed per day are between the provided lookup table acres, Appendix C “methodology uses linear interpolation to determine the thresholds.” Appendix C does not provide the steps utilized to calculate the thresholds. No verification is provided to demonstrate that Appendix C’s linear interpolation resulted in accurate thresholds for LSTs.*

Response EJA-15

The commentor requests additional clarification regarding the AQIA Localized Significance Threshold (LST) analysis and methodology. The EIR and underlying AQIA appropriately disclose the methodology in which the look-up tables were interpolated – based on linear interpolation as recommended by the SCAQMD. The AQIA provides the source to this as the SCAQMD’s LST Guidance. The methodology and identified

threshold values used in the AQIA based on the SCAQMD's LST Guidance. The methodology is also cited in the EIR. See EIR Table 4.3-7 Note: "Localized thresholds are interpolated values from the SCAQMD "Look Up" Table thresholds based on Project site disturbance acreages. For example, during site preparation, Project site disturbance would total approximately 3.5 acres/day. The nearest receptor per the SCAQMD LST methodology is established at 25 meters. The Look Up Table NOx threshold for SRA 22, 5 acres disturbance, receptor distance 25 meters is 270 lbs. per day. The Look Up table NOx threshold for SRA 22, 2 acres disturbance, receptor distance 25 meters is 170 lbs. per day. The interpolated SRA 22 NOx threshold value for 3.5 acres disturbance, receptor distance 25 meters is 220 lbs./day. Other threshold values are similarly established" (EIR p. 4.3-37, Table 4.3-7). For further clarification, the commentor is referred to the SCAQMD's Sample Construction Scenarios for Projects Less Than Five Acres in Size (June 2005) (<http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-sample-construction-scenario-report.pdf?sfvrsn=2>), which is an appendix to the SCAQMD's LST Guidance. More specifically, Page 2-5, and K-1 provide a summary of the how linear interpolation can be applied along with a sample calculation.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-16

*The EIR determines the project will have potentially significant impacts associated with Construction-Source Emissions LSTs. Mitigation Measure 4.3.5 is provided, which is concluded to reduce the potentially significant impacts to less than significant:*

*Mitigation Measure 4.3.5: During site preparation and grading activity, all actively graded areas within the Project site shall be watered at 2.1-hour watering intervals (e.g., 4 times per day) or a movable sprinkler system shall be in place to ensure minimum soil moisture of 12% is maintained for actively graded areas. Moisture content may be verified with use of a moisture probe, or by other means determined acceptable by the Lead Agency.*

*This Mitigation Measure is unenforceable as there is no enforcement entity, field verification, or lead agency oversight component. This must be revised to include consistent and timely*

*verification of compliance by the Lead Agency throughout the duration of project construction in order to comply with CEQA § 15126.4 (a)(2).*

#### Response EJA-16

The commentor states that EIR Mitigation Measure 4.3.5 is “unenforceable as there is no enforcement entity, field verification, or lead agency oversight component.” This is incorrect. EIR Mitigation Measure 4.3.5, and all EIR Mitigation Measures are fully enforceable through the EIR Mitigation Monitoring Program (MMP), Final EIR Section 4.0. The EIR MMP provides the Lead Agency the mechanism to facilitate and monitor implementation of the EIR Mitigation Measures. In summary, the MMP accomplishes the following:

- Assigns responsibility for, and furthers proper implementation of the EIR mitigation measures;
- Assigns responsibility for, and provides for monitoring and reporting of compliance with the EIR mitigation measures; and
- Provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

The EIR mitigation measures comply with provisions of *CEQA Guidelines* Section 15126.4 (a)(2).

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-17

*The Health Risk Assessment (HRA) adjusted lifetime risk values for sensitive residential receptors to account for an exposure duration of 350 days per year for a 30 year maximum exposure scenario. The HRA only provides a 30 year exposure scenario and does not include reasoning for excluding a 70 year lifetime exposure scenario. Further, there is no explanation of the HRA’s reduction in the number of days exposed annually to 350 or reducing the amount of time spent at the residence to 0.85 and 0.72 when Appendix C’s HRA Table 2-4 lists all receptors as modeled for 24 hours per day exposure. The EIR must be revised to include explanations for this methodology.*

Response EJA-17

The commentor requests additional clarification regarding the Health Risk Assessment (HRA) analysis and methodology. The EIR and underlying HRA correctly evaluate the Project's potential health risks to the surrounding community.

The 30-year maximum exposure scenario is discussed in the HRA and is based on recommended guidance from the Office of Environmental Health Hazard Assessment (OEHHA) (<https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>) which the SCAQMD acknowledges as appropriate guidance for conducting CEQA-level HRA analysis. OEHHA guidance explicitly states that a 30-year duration corresponds to the high-end of residency time recommended by the U.S. EPA. OEHHA further goes on to state (see Page 8-1 of the 2015 OEHHA Guidance Manual):

*“OEHHA is recommending that a 30-year exposure duration be used as the basis for estimating cancer risk at the maximum exposed individual resident (MEIR) in the Hot Spots Program. This exposure duration represents the time of residency for 90 to 95% of Californians at a single location and should provide adequate public health protection against individual risk.”*

Additionally, the HRA correctly utilizes an exposure duration of 350 days (consistent with OEHHA guidance) which is based on the following reasons (1) it is unlikely that the Project would operate 365 days per year due to scheduled federal holidays as well as staff vacation time and (2) even if the Project were to operate 365 days per year, the average person takes vacation and is out of the home for approximately 15 days per year. The time spent at the residence is adjusted based on OEHHA guidance as discussed in the HRA report (see Page 18 and Table 2-4).

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

**Comment EJA-18**

**4.5 Noise**

The EIR states “neither the City’s General Plan or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers.” However, Eastvale Municipal Code Section 8.52.040 - General Sound Level Standards states, “No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in the following table:”

The surrounding sensitive receptors have a General Plan land use designation of Medium Density Residential, resulting in a 55 dB maximum from 7:00 A.M. - 10:00 P.M. and 45 dB maximum from 10:00 P.M. - 7:00 A.M. To present the worst-case scenario analysis, the EIR must utilize these standards when evaluating potentially significant noise impacts.

General Plan Foundation Component			Maximum Decibel Level		
Land Use Designation General Plan	Land Use Designation Name	Density	7:00 a.m.— 10:00 p.m.	10:00 p.m.— 7:00 a.m.	
Community development					
	EDR	Estate density residential	2 acres	55	45
	VLDR	Very low-density residential	1 acre	55	45
	LDR	Low-density residential	½ acre	55	45
	MDR	Medium-density residential	2—5	55	45
	MHDR	Medium high-density residential	5—8	55	45
	HDR	High-density residential	8—14	55	45
	VHDR	Very high-density residential	14—20	55	45

**Response EJA-18**

The commentor states that the EIR must employ City of Eastvale Municipal Code Section 8.52.040 - General Sound Level Standards in evaluating Project construction-source noise. This is incorrect. The commentor misinterprets and misapplies noise standards presented in the City Municipal Code.

The City of Eastvale Municipal Code exempts noise levels generated by construction in Section 8.52.020 *Exemptions*. Further, neither the City’s General Plan or Municipal Code identify construction-specific noise level standards.

Lead Agencies have discretion to formulate their own significance thresholds. For the purpose of the EIR and supporting Noise Impact Analysis, the Lead Agency has

employed a substantiated threshold for the purposes of evaluating potential construction-source noise impacts. More specifically, the threshold used in the Noise Study is based on the National Institute for Occupational Safety and Health (NIOSH) 85 dBA  $L_{eq}$  noise level limit which is specific to construction activities. This threshold is consistent with similar construction noise level thresholds identified by the Federal Transit Administration (FTA) that are specific to noise-sensitive residential uses. The FTA *Transit Noise and Vibration Impact Assessment* identifies a daytime construction noise level threshold of 90 dBA  $L_{eq}$  for general assessment. As such, the NIOSH 85 dBA  $L_{eq}$  threshold used in the Noise Study to identify potential impacts is more conservative than the FTA threshold which is specific to construction noise at residential receiver locations.

In addition, the NIOSH threshold has been used in other technical noise studies and environmental impact reports prepared by the City of Eastvale. For example, the Lewis Retail at Polopolus Property Final Environmental Impact Report (Certified on June 27<sup>th</sup>, 2018) included a Noise Impact Analysis utilizing the same NIOSH 85 dBA  $L_{eq}$  construction-source noise threshold employed in The Merge Project Noise Impact Analysis. The Merge Project Noise Impact Analysis and associated EIR discussions are consistent with recent environmental documents certified by the City of Eastvale.

Further, the EIR construction-source noise impact analysis represents conservative conditions which assume the greatest construction equipment reference noise levels at the edge of primary construction activity nearest each sensitive receiver location. This scenario is unlikely to occur during typical construction activities and likely overstates the construction noise levels which will be experienced at each receiver location. The EIR and supporting noise impact analysis appropriately and accurately evaluate Project construction-source noise impacts. There is no requirement to, and it would be inaccurate to, evaluate Project construction-source noise under City of Eastvale Municipal Code Section 8.52.040 - *General Sound Level Standards* as is suggested by the commentor.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-19

*Further, the EIR relies on a similar analysis for the City of Ontario, stating “neither the Ontario General Plan or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers.” However, Section Sec. 5-29.04 Exterior Noise Standards of the Ontario Municipal Code establishes a 65 dB maximum for single family residences from 7:00 A.M. - 10:00 P.M. and 45 dB maximum from 10:00 P.M. - 7:00 A.M. To present the worst-case scenario analysis, the EIR must utilize these standards when evaluating potentially significant noise impacts.*

Response EJA-19

The commentor states that the EIR must employ City of Ontario Municipal Code Section Sec. 5-29.04 *Exterior Noise Standards* in evaluating Project construction-source noise. This is incorrect. The commentor misinterprets and misapplies noise standards presented in the City of Ontario Municipal Code.

As with the City of Eastvale Municipal Code, the City of Ontario Municipal Code exempts construction noise levels (City of Ontario Municipal Code Section 5-29.06 *Exemptions*). Therefore, as indicated in the Response EJA-18, the NIOSH threshold of 85 dBA  $L_{eq}$  is employed.

Further, as previously stated in Response EJA-18, the EIR construction-source noise impact analysis represents conservative conditions which assume the greatest construction equipment reference noise levels at the edge of primary construction activity, nearest each sensitive receiver location. This scenario is unlikely to occur during typical construction activities and likely overstates the construction noise levels which will be experienced at each receiver location. The EIR and supporting noise impact analysis appropriately and accurately evaluate Project construction-source noise impacts. There is no requirement to, and it would be inaccurate to, evaluate Project construction-source noise under City of Ontario Municipal Code Section Sec. 5-29.04 *Exterior Noise Standards* as is suggested by the commentor. Please refer also to Response EJA-18.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-20

*The EIR utilizes Caltrans' Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects (Protocol) as a threshold of significance to determine if project-related construction noise would generate a significant impact to sensitive receptors. The Caltrans document establishes a 12 dBA Leq noise level increase as the threshold of significance for analysis. Caltrans specifically states that the purpose of the document is to "present California Department of Transportation (Caltrans) policies and procedures for applying 23CFR772 in California. 23CFR772 applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that: (1) requires FHWA approval regardless of funding sources, or (2) is funded with Federal-aid highway funds."*

*Utilizing the Caltrans threshold for new highway construction is not appropriate to the proposed project as no new highway construction, reconstruction or retrofit barrier projects are part of the project. The 12 dBA increase threshold is irrelevant as the document establishing this threshold of significance is not applicable to the project. The EIR gives no supporting evidence or reasoning regarding the applicability of the Caltrans document and it is not discussed in the Noise Analysis Methodology section. The EIR is misleading to the public and decision makers by utilizing the Caltrans document for analysis. The EIR must be revised to utilize an appropriate threshold of significance in the Noise Analysis.*

Response EJA-20

The commentor states: "The EIR is misleading to the public and decision makers by utilizing the Caltrans document for analysis. The EIR must be revised to utilize an appropriate threshold of significance in the Noise Analysis." This is incorrect.

Similar to Responses EJA-18 and EJA-19 regarding the NIOSH 85 dBA Leq construction-source noise threshold, the Caltrans 12 dBA Leq temporary construction-source noise threshold is a substantiated threshold employed by the City as the Lead Agency. This same threshold has been used in other technical noise studies and environmental impact reports prepared by the City (e.g., Certified Lewis Retail at Polopolus Property Final Environmental Impact Report).

Moreover, the Caltrans Traffic Noise Protocol defines a “substantial” noise level increase as 12 dBA  $L_{eq}$ . Paralleling the Caltrans Traffic Noise Protocol, the Lead Agency considers this to comprise a substantial temporary noise level increase as described in *CEQA Guidelines* Appendix G.

It is important to note that the 12 dBA  $L_{eq}$  temporary increase threshold is used to supplement the compliance-based NIOSH threshold of 85 dBA  $L_{eq}$  for construction noise. The NIOSH 85 dBA  $L_{eq}$  threshold is an absolute construction noise level limit which does not account for the increase over existing ambient conditions. In contrast, the Caltrans 12 dBA  $L_{eq}$  threshold allows for an evaluation of the potentially substantial temporary noise level increases at nearby sensitive receiver locations.

Further, as previously stated in the Responses EJA-18 and EJA-19, the construction noise analysis presented in the Noise Study represents conservative conditions which assume the greatest construction equipment reference noise levels at the edge of primary construction activity, nearest each sensitive receiver location. This scenario is unlikely to occur during typical construction activities and likely overstates the construction noise levels which will be experienced at each receiver location. Based on the preceding, the EIR does not mislead the public and decision makers by utilizing the Caltrans document for analysis. The EIR Noise Impact Analysis need not be revised.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-21

*The EIR determines there will be a significant operational noise impact related to the proposed car wash and loading docks of industrial buildings 6, 7, and 8. Mitigation Measure 4.5.1 will “construct a minimum 10 ft. high barrier wall between the loading docks and the adjacent sensitive receptors.” However, the EIR does not present any consistency analysis with Eastvale General Plan Policy N-12, which provides the City’s preferences for providing noise mitigation. Construction of a sound wall is described as the least preferential method of providing noise mitigation, specifically stated as “the last measure which should be considered is the use of a sound*

*wall to reduce noise to acceptable levels.” The EIR must be revised to include analysis for consistency with General Plan Policy N-12.*

Response EJA-21

The ten-foot-high barrier is proposed to be constructed at the loading docks, not at the Project boundary. This avoids potential visual intrusion of the wall on vicinity residential uses. In addition, the Project loading docks have been oriented to face away from the adjacent residential neighborhood, further reducing potential noise impacts. As the commentor notes, the City prefers to use other methods to reduce noise (e.g., providing more distance between the noise source and adjacent receptors), but in City Staff’s analysis these alternative methods were not available in this case, and were not needed if the proposed on-site sound barriers were constructed. The Applicant is now proposing a combination of masonry wall and tubular steel fencing along the northern Project boundary (please refer to following Exhibit 1).

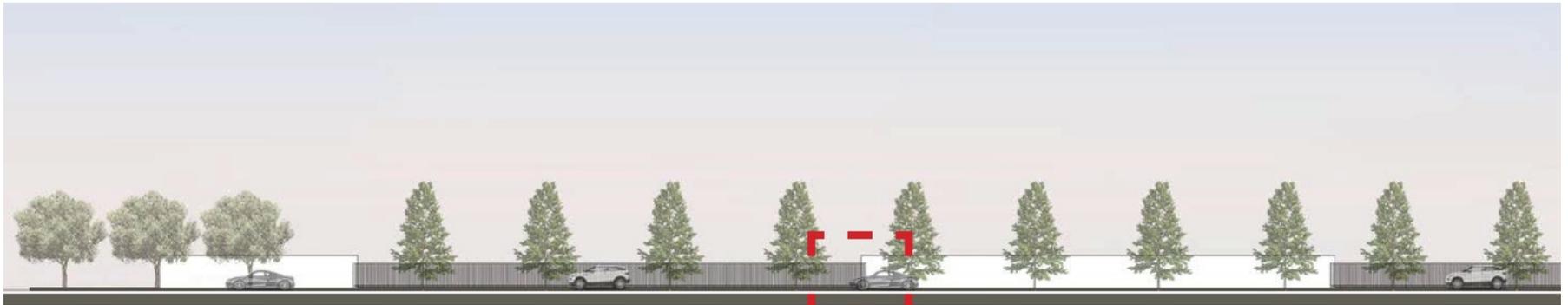
No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-22

*Mitigation Measure 4.5.2 is included to reduce the noise impacts to the sensitive receptors adjacent to the car wash and prohibits car wash activities from occurring between the hours of 10:00 p.m. and 7:00 a.m. However, this mitigation measure is unenforceable as it does not include notice to be provided to sensitive receptors, a contact name and phone number for a lead agency enforcement entity to report noise violations or car was operations conducted outside of the limited hours in order to comply with CEQA § 15126.4 (a)(2).*

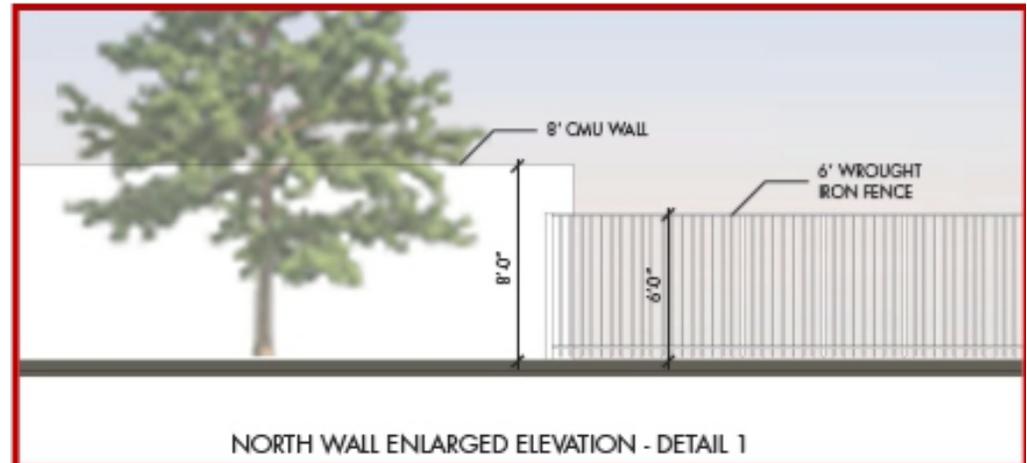
Response EJA-22

The commentor states that EIR Mitigation Measure 4.5.2 is unenforceable. This is incorrect. EIR Mitigation Measure 4.5.2, and all EIR Mitigation Measures, are fully enforceable through the EIR Mitigation Monitoring Program (MMP), Final EIR Section 4.0. The EIR MMP provides the Lead Agency the mechanism to facilitate and monitor implementation of the EIR Mitigation Measures.



NORTH WALL ELEVATION 1

1
-



NORTH WALL ENLARGED ELEVATION - DETAIL 1

In summary, the MMP accomplishes the following:

- Assigns responsibility for, and furthers proper implementation of the EIR mitigation measures;
- Assigns responsibility for, and provides for monitoring and reporting of compliance with the EIR mitigation measures; and
- Provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

The EIR mitigation measures comply with provisions of *CEQA Guidelines* Section 15126.4 (a)(2).

Because the car wash application has been withdrawn, this potential noise source is not included in the proposed project and no noise impacts will be created.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

#### Comment EJA-23

*Further, the EIR states that the level of significance for impacts related to the Chino Airport are less than significant. The EIR provides Figure 4.5-6 Chino Airport Noise Contours, which is inaccurate and misleading to the public. Figure 4.5-6 only depicts the noise level contours for 65 dBA, 70 dBA and 75 dBA. The project site is located within the 55 dBA noise level contour, as depicted in Map CH-3 of the approved Riverside County Airport Land Use Compatibility Plan.*

#### Response EJA-23

The commentor states that the EIR Figure 4.5-6, *Chino Airport Noise Contours* . . . “is inaccurate and misleading to the public.” This is not correct. EIR Figure 4.5-6 appropriately indicates the greatest noise levels and noise contours that could affect the Project site. The ALUCP 55 dBA contour cited by the commentor is the most permissive ALUCP noise contour. The majority of the City of Eastvale lies within the ALUCP 55 dBA contour area. None of the Project uses would be constrained or otherwise affected by location within the 55 dBA noise contour. The Project would not substantively affect or be affected by the ALUCP 55 dBA noise contour. Presence of the ALUCP 55 dBA noise

contour is not a potentially significant environmental impact. The EIR evaluates potentially significant airport-source noise impacts, not impacts that would be less-than-significant.

Moreover, the Project has been reviewed by the Riverside County Airport Land Use Commission (ALUC) for conformance with the Chino Airport Use Compatibility Plan (ALUCP). Per the *County of Riverside Airport Land Use Commission Staff Report*, September 13, 2018 (Staff Report), ALUC Staff “recommends that the Commission find the proposed General Plan Amendment and Change of Zone consistent with the 2008 Chino Airport Land Use Compatibility Plan, and find the proposed Major Development Review, Tentative Parcel Map, and Conditional Use Permit consistent, subject to the conditions included herein.” The Project would be implemented consistent with requirements of the September 13, 2018 ALUC Staff Report and conditions identified in the subsequent September 20, 2018 ALUC *Airport Land Use Commission (ALUC) Development Review Memo* (Determination and Conditions Memo). The September 13, 2018 Staff Report and September 20, 2018 Determination and Conditions Memo are included as Final EIR Attachment B. As part of the City’s Major Development Review process, and prior to issuance of building permits, the City would review the Project final site plans and building plans for conformance with ALUC requirements. Based on the preceding, the EIR is not inaccurate and/or misleading regarding potential conformance with the Chino Airport Land Use Compatibility Plan.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment EJA-24

*Conclusion*

*For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated 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.*

Response EJA-24

As supported by the previous Responses and information presented in the EIR, the EIR accurately and appropriately evaluates and discloses the Project's potential environmental impacts. Contrary to the commentor's statements otherwise, the EIR is not flawed and an amended EIR need not be prepared.

Golden State Environmental Justice Alliance has been added to the Lead Agency's notification list for Project environmental documents, public notices, public hearings, and notices of determination. Communications regarding the Project and associated environmental documents, public notices, public hearings, and notices of determination will be sent to the address provided.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

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**Palm Desert Office**

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**OFFICE OF THE DISTRICT ENGINEER**

W.O. No.: 2016-1010/ph 6050

November 2, 2018

City of Eastvale Planning Department  
Attn: Eric Norris, Planning Director  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

*Via email: enorris@eastvaleca.gov*

RE: Jurupa Community Services District Comments on the Draft EIR for  
Project No. PLN18-20026 – The Merge Retail and Light Industrial  
Development by Orbis Real Estate Partners  
(SCH No. 2010061065)

Dear Mr. Norris:

On behalf of the Jurupa Community Services District (JCSD or the District), Albert A. Webb Associates (WEBB), as consultants to the District, has reviewed the Draft Environmental Impact Report (EIR) for The Merge Retail and Light Industrial Development. JCSD is responsible for providing water and sewer service to the city of Eastvale and portions of the city of Jurupa Valley.

WEBB-1

We note that neither of the options to protect the groundwater wells owned by the Chino Desalter Authority (CDA) that were requested in the Interagency Review letter from JCSD (Seungwon Won) to the .city of Eastvale (attn.: Kanisha Kith) dated April 17, 2018,<sup>1</sup> have been incorporated into the project or identified in the Draft EIR. Therefore, we request the Draft EIR be revised as follows.

1. Revise the first paragraph on page 4.7-16 of the Draft EIR as shown below (next text is underscored) and add a figure that shows the location of the project site in relation to the CDA wells such as the figure attached to the April 17, 2018 Interagency Review letter. (Interagency Review letter is attached.)

Additionally, the Project would utilize underground storage tanks (USTs) to store gas and diesel fuel on the Project site associated with the proposed gas station. The USTs would consist of double-walled, fiberglass fuel storage tanks with leak detection sensors. All Project USTs would be designed, installed, inspected, maintained, and monitored consistent with federal, State, and local regulatory requirements. The containment system design is subject to design review by the JCSD related to protection of its water facilities such as nearby municipal wells, as shown in Figure 4.7-1. Protection of the municipal wells from Project USTs shall be provided by implementation of mitigation measure 4.7.1, which requires installation of a non-permeable fabric between native soil and the bedding

WEBB-2

<sup>1</sup> The Notice of Preparation for the Draft EIR is dated June 29, 2018, approximately two months after receipt of the Interagency Review Letter.

Mr. Eric Norris  
November 2, 2018  
Page 2 of 2

material for the bedded tanks, or, installation of monitoring wells and appropriate sampling as stated in said mitigation measure.

2. Change the Level of Significance determination on page 4.7-17 as follows:

**Level of Significance:** ~~Less-Than~~ Potentially Significant

3. Add mitigation measure 4.7.1 as follows:

4.7.1 To protect groundwater wells owned by the Chino Desalter Authority (CDA) one of the following protection options shall be implemented:

a. In order to retain any fuel spilled for easier clean-up and to keep any spilled fuel out of the aquifer, a non-permeable fabric shall be installed in the backfill between the native soil and the bedding materials for the buried tanks, OR

b. Install two monitoring wells within 50–100 feet of the buried fuel storage tanks on the project site. Once installed, the wells shall be sampled by the Developer or their representative, prior to any fuel being brought onto the project site. The Developer or their representative shall consult with CDA staff to determine the constituents to be analyzed. The results of the initial sampling shall serve as the baseline for all future sampling. The monitoring wells shall be sampled a minimum of once a year or once per quarter (three months) after any leak that is suspected to have reached the soil in a quantity of one gallon or greater. Sampling shall continue as long as the underground storage tanks are in place.

4. Add **Level of Significance After Mitigation:** Less-Than-Significant following mitigation measure 4.7.1.

5. Revise Draft EIR Table 1.1-1, Summary of Impacts and Mitigation to reflect the above-requested revisions.

WEBB-2  
cont'd.

If you have any questions regarding this letter please do not hesitate to contact the undersigned at [cheryl.degano@webbassociates.com](mailto:cheryl.degano@webbassociates.com) or 951-686-1070.

WEBB-3

Sincerely yours,  
**ALBERT A. WEBB ASSOCIATES**



Cheryl DeGano  
Principal Environmental Analyst

c: JCSD



Betty A. Anderson, President  
Jane F. Anderson, Vice President  
Richard "Dickie" Simmons, Director  
Betty Folsom, Director  
Kenneth J. McLaughlin, Director

April 17, 2018

City of Eastvale  
12363 Limonite Avenue, Suite # 910  
Eastvale, CA 91752  
Attn: Kanisha Kith

RE: Inter-Agency Review for City of Jurupa Valley Project No. PLN 18-20015, located on the Northeast corner of Archibald Avenue and Limonite Avenue (APN 164-010-019).

Dear Ms. Kith:

The Jurupa Community Services District and the Chino Basin Desalter Authority (CDA) have a considerable investment in wells and infrastructure in the potentially impacted area of the proposed fueling station on the northeast corner Archibald Avenue and Limonite Avenue. The wells that are within range of this project include CDA Chino II Well 11 within 680 feet, CDA Chino II Well 10 within 2,850 feet, and CDA Chino I Well 13 is also within 2,850 feet of the proposed site (see attached exhibit). Our water treatment facility is not designed for nor is easily retrofitted for treatment removal of gasoline or diesel fuels. The Developer shall provide materials to help us understand the proposed fueling station and the safeguards in place to alert of a fuel spill. Additionally, CDA is also requesting one of the following protection options to protect the groundwater.

- Install a non-permeable fabric in the backfill between the native soil and the bedding materials for the buried tanks. This would hold and retain any fuel spilled for easier clean-up and keep it out of the aquifer.
- Install two monitoring wells within 50-100 feet of the buried fuel storage tanks, on proposed property, that will be sampled, by Developer or their representatives, before any fuel is brought on-site, as a baseline for all future sampling. Annual sampling of this well water would need to occur at a minimum of once a year or quarterly after any leak that is suspected to have reached the soil in one gallon or more quantity. CDA staff will work with the Developer Representative to determine the constituents to be analyzed.

Kanitha Kish  
April 17, 2018  
Page 2

Please contact me, Seungwon Won, Development Engineer, PE, at (951)685-7434, x101, or [swon@jcsd@jcsd.us](mailto:swon@jcsd@jcsd.us)

Please contact Todd Minten (CDA) Operations Manager) at (909)218-3731 or [tminten@chinodesalter.org](mailto:tminten@chinodesalter.org) if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Seungwon Won". The signature is written in a cursive, flowing style.

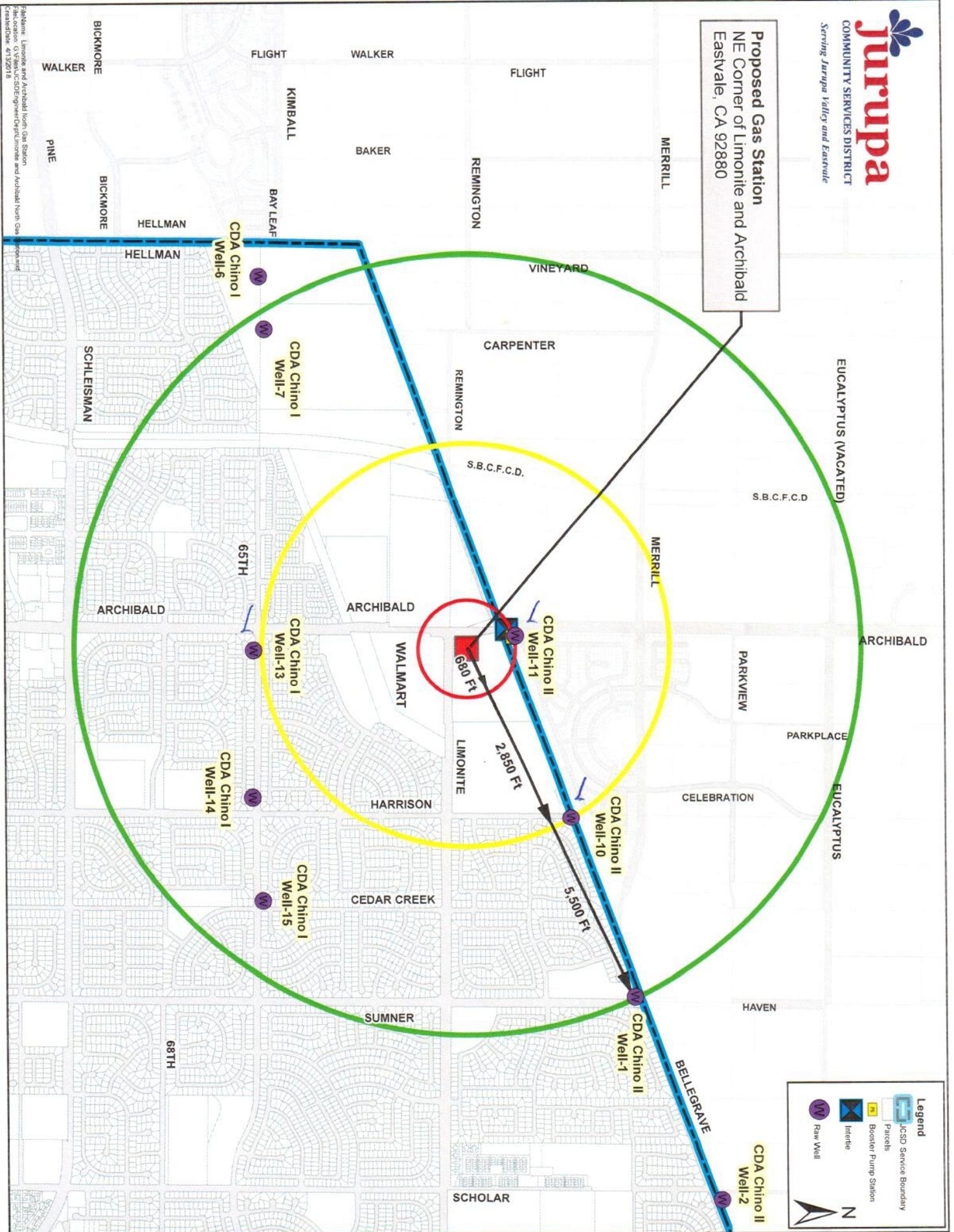
Seungwon Won  
Development Engineer, PE

BT/SW/nh

cc: Todd Minten



**Proposed Gas Station**  
 NE Corner of Limonite and Archibald  
 Eastvale, CA 92880



File Name: Limonite and Archibald North Gas Station  
 File Location: G:\Users\JCSD\Engineer\Dept\Limonite and Archibald North Gas Station.mxd  
 Created Date: 4/13/2018

Albert A. Webb Associates  
3788 McCray Street  
Riverside, CA 92506

Letter Dated November 2, 2018

Comment WEBB-1

*On behalf of the Jurupa Community Services District (JCSD or the District), Albert A. Webb Associates (WEBB), as consultants to the District, has reviewed the Draft Environmental Impact Report (EIR) for The Merge Retail and Light Industrial Development. JCSD is responsible for providing water and sewer service to the city of Eastvale and portions of the city of Jurupa Valley.*

Response WEBB-1

Albert A. Webb Associates (WEBB) is recognized as the responding consultant representing the Jurupa Community Services District (JCSD). Comments provided by WEBB are addressed in these Responses.

Comment WEBB-2

*We note that neither of the options to protect the groundwater wells owned by the Chino Desalter Authority (CDA) that were requested in the Interagency Review letter from JCSD (Seungwon Won) to the city of Eastvale (attn.: Kanisha Kith) dated April 17, 2018,<sup>2</sup> have been incorporated into the project or identified in the Draft EIR. Therefore, we request the Draft EIR be revised as follows.*

- 1. Revise the first paragraph on page 4.7-16 of the Draft EIR as shown below (next text is underscored) and add a figure that shows the location of the project site in relation to the CDA wells such as the figure attached to the April 17, 2018 Interagency Review letter. (Interagency Review letter is attached.)*

---

<sup>2</sup> The Notice of Preparation for the Draft EIR is dated June 29, 2018, approximately two months after receipt of the Interagency Review Letter.

*Additionally, the Project would utilize underground storage tanks (USTs) to store gas and diesel fuel on the Project site associated with the proposed gas station. The USTs would consist of double-walled, fiberglass fuel storage tanks with leak detection sensors. All Project USTs would be designed, installed, inspected, maintained, and monitored consistent with federal, State, and local regulatory requirements. The containment system design is subject to design review by the JCSD related to protection of its water facilities such as nearby municipal wells, as shown in Figure 4.7-1. Protection of the municipal wells from Project USTs shall be provided by implementation of mitigation measure 4.7.1, which requires installation of a non-permeable fabric between native soil and the bedding material for the bedded tanks, or, installation of monitoring wells and appropriate sampling as stated in said mitigation measure.*

2. Change the Level of Significance determination on page 4.7-17 as follows:

Level of Significance: ~~Less Than~~ Potentially Significant

3. Add mitigation measure 4.7.1 as follows:

4.7.1 To protect groundwater wells owned by the Chino Desalter Authority (CDA) one of the following protection options shall be implemented:

- a. In order to retain any fuel spilled for easier clean-up and to keep any spilled fuel out of the aquifer, a non-permeable fabric shall be installed in the backfill between the native soil and the bedding materials for the buried tanks, OR
- b. Install two monitoring wells within 50-100 feet of the buried fuel storage tanks on the project site. Once installed, the wells shall be sampled by the Developer or their representative, prior to any fuel being brought onto the project site. The Developer or their representative shall consult with CDA staff to determine the constituents to be analyzed. The results of the initial sampling shall serve as the baseline for all future sampling. The monitoring wells shall be sampled a minimum of once a year or once per quarter (three months) after any leak that is suspected to have reached the soil in a quantity of one gallon or greater. Sampling shall continue as long as the underground storage tanks are in place.

4. Add Level of Significance After Mitigation: Less-Than-Significant following mitigation measure 4.7.1.

5. *Revise Draft EIR Table 1.1-1, Summary of Impacts and Mitigation to reflect the above-requested revisions.*

#### Response WEBB-2

The commentor notes previous correspondence provided by JCSD to the City. The referenced correspondence was received outside the context of the EIR and prior to the EIR NOP. The commentor requests various revisions to the EIR indicating that the Project would result in potentially significant groundwater/well contamination impacts.

The City acknowledges JCSD concerns regarding potential groundwater contamination that could result from leakage from underground storage tanks (USTs) generally. However, no such contamination is anticipated from the Project gas station use.

As noted in the EIR, and cited by the commentor: “All Project USTs would be designed, installed, inspected, maintained, and monitored consistent with federal, State, and local regulatory requirements. The containment system design is subject to design review by the JCSD related to protection of its water facilities such as nearby municipal wells” (EIR, p. 4.7-16). These measures would reduce the potential for the Project gas stations to result in groundwater/well contamination to levels that would be less-than-significant.

Consistent with the EIR analysis, and to further provide for protection of wells consistent with specified JCSD requirements (local regulatory requirements noted above), the following are included as Project Conditions of Approval:

To protect groundwater wells owned by the Chino Desalter Authority (CDA) one of the following protection options shall be implemented:

- a. In order to retain any fuel spilled for easier clean-up and to keep any spilled fuel out of the aquifer, a non-permeable fabric shall be installed in the backfill between the native soil and the bedding materials for the buried tanks, OR

b. Install two monitoring wells within 50–100 feet of the buried fuel storage tanks on the project site. Once installed, the wells shall be sampled by the Developer or their representative, prior to any fuel being brought onto the project site. The Developer or their representative shall consult with CDA staff to determine the constituents to be analyzed. The results of the initial sampling shall serve as the baseline for all future sampling. The monitoring wells shall be sampled a minimum of once a year or once per quarter (three months) after any leak that is suspected to have reached the soil in a quantity of one gallon or greater. Sampling shall continue as long as the underground storage tanks are in place.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment WEBB-3

*If you have any questions regarding this letter please do not hesitate to contact the undersigned at [cheryl.degano@webbassocates.com](mailto:cheryl.degano@webbassocates.com) or 951-686-1070.*

Response WEBB-3

Point of contact provided by the commentor is noted.

Findings and conclusions of the EIR are not affected.

**From:** Sharon Pon <[love2teach72@hotmail.com](mailto:love2teach72@hotmail.com)>

**Sent:** Wednesday, October 17, 2018 2:02 PM

**To:** Andrea Hove; Josh Lee; Daryl Charlson; Howard Feng; Larry Oblea; Clint Lorimore; Todd Rigby; Joe Tessari; Brandon Plott; Adam Rush

**Subject:** The Merge, Eastvale

Good afternoon!

I am looking forward to this evening's Planning Commission meeting in hopes of hearing more regarding The Merge project proposal in Eastvale. I have reviewed the proposed plans and am curious as to the possibilities of a sound wall at the North side next to the wash, denser landscaping along the wash walk, no idling trucks, and the least amount of light pollution as possible. I hope that these concerns and requests will be addressed and that the voices of Ontario residents are as important as the Eastvale residents.

Please let me know who we need to communicate our concerns with regarding this project and the future of this development.

SP-1

Sincerely,  
Sharon Pon

Sharon Pon  
love2teach72@hotmail.com

Email Dated October 17, 2018

Comment SP-1

*I am looking forward to this evening's Planning Commission meeting in hopes of hearing more regarding The Merge project proposal in Eastvale. I have reviewed the proposed plans and am curious as to the possibilities of a sound wall at the North side next to the wash, denser landscaping along the wash walk, no idling trucks, and the least amount of light pollution as possible. I hope that these concerns and requests will be addressed and that the voices of Ontario residents are as important as the Eastvale residents.*

*Please let me know who we need to communicate our concerns with regarding this project and the future of this development.*

Response SP-1

The City appreciates the commentor's engagement in the Project design and the City's development review processes. The commentor provides recommendations regarding landscaping, and screening along the Project north boundary. The City will consider the commentor's requests and recommendations in their continuing review of the Project. The commentor expresses general concerns regarding truck idling and light pollution.

Measures that would reduce environmental effects of idling trucks are provided in EIR Mitigation Measures 4.3.1, 4.3.2 (below).

4.3.1 *The truck access gates and loading docks within the truck court on the Project site shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
  - *Diesel delivery trucks servicing the Project shall not idle for more than five (5) minutes;*
- and*

- *Telephone numbers of the building facilities manager and the CARB to report violations (EIR, p. 1-47, Table 1.11-1).*

4.3.2 *Final site designs shall incorporate the following:*

- *Site design shall allow for trucks to check- in within the facility area to prevent queuing of trucks outside the facility.*
- *Signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds (5 minutes) of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged (EIR, p. 1-47, Table 1.11-1).*

Please refer also to EIR Section 4.3, *Air Quality*.

Potential light pollution impacts of the Project are reduced to levels that would be less-than-significant through mandated compliance with Eastvale Zoning Code Section 5.5, *Outdoor Lighting*. This Zoning Code Section requires that all outdoor lighting fixtures for commercial use undergo development review approval by the City. All outdoor lighting must be fully shielded and/or recessed and directed downward to reduce light trespass to adjoining properties. All lighting must be designated to illuminate at the minimum level necessary for safety and security. Additionally, the height of all pole-mounted lighting fixtures would be limited based on proximity to residential uses. Please refer also to EIR Section 1.6, *Impacts Not Found to be Potentially Significant*.

The commentor does not express specific concerns regarding the EIR. No revisions to the EIR are required. Results and conclusions of the EIR are not affected.

On 10/18/18, 1:50 PM, "Michelle Reyes" <[lamicki76@hotmail.com](mailto:lamicki76@hotmail.com)> wrote:

City of Eastvale  
Planning Services  
Mr. Eric Norris  
Planning Commission  
Mr. Howard Feng  
Mr. Larry Oblea  
Mr. Daryl Charlson  
Mr. John Lee  
Ms. Andrea Hove  
Mr. Russell Toler

Dear Ladies and Gentlemen,

Thank you for taking the time to listen to our concerns pertaining to the Merge Project. It was reassuring to see how receptive you were to our comments and concerns.

As you are aware several of us Park Place residents who's homes back up to the wash, north of the Merge Project, are very concerned with noise, light and pollution from that project. As requested, by several Park Place residents, we ask that you please keep in mind that we would like dense landscaping, a sound wall with landscaping on both sides of it, and no idling of trucks. It is imperative that you please install landscaping that is esthetically pleasing, north of the wall, as that is what our view will be. If you take a look behind the wall on the north side of the Sendero property, the side that faces Park Place, you will see that it is bare without plants or trees. It is very unattractive and we do not want that to be the case with the Merge project. We also ask that you please consider not putting in a gas station at the Merge. Gas Stations generate lots of extra traffic, they tend to attract loiterers and risk the possibility of fires and robberies.

Lastly I would like to share an idea with you. Last night after leaving the meeting, I drove to Chino Hills to pick up my son from church. I took the streets through Chino and noticed several light industrial buildings along the way. Some of which were near to residential areas similar to ours. What caught my attention is the large mature trees, grass slopes, bushes and decorative rock, with only pedestrian access, and dim lights, on the sides of the buildings that face residential homes. In some areas the buildings were hardly noticeable. If you would consider moving the proposed access road to south of the buildings rather than north of them, as is currently depicted in the Site Plan Concept, you would eliminate the possibility of 18 wheelers driving in out directly behind our homes. Emergency response vehicles, would still be able to access the north side of the buildings because of the existing dirt road that runs along the wash for flood control. Not sure how feasible this is but its just an idea and I thought I'd share it with you. I am available to meet with your for further explanation or understanding on my part if needed.

MR-1

Whatever you decide to do, I ask that you please take our concerns into account and that you please make the project esthetically pleasing to look at from our location. Our backyards have rod iron fences with a direct views of the project from our yards, family rooms and bedroom windows.

Thank you for being good neighbors and listening to our concerns.  
Thank you for bringing Sprouts to our area, for less drive-thru restaurants and for working on bringing in more natural food restaurants.

Sincerely,

Michelle Reyes  
323-497-0977 cell  
2814 E. Arbor Lane  
Ontario, Ca 91762

Michelle Reyes  
2814 E. Arbor Lane  
Ontario, CA 91762

Email Dated October 18, 2018

Comment MR-1

*Thank you for taking the time to listen to our concerns pertaining to the Merge Project. It was reassuring to see how receptive you were to our comments and concerns.*

*As you are aware several of us Park Place residents who's homes back up to the wash, north of the Merge Project, are very concerned with noise, light and pollution from that project. As requested, by several Park Place residents, we ask that you please keep in mind that we would like dense landscaping, a sound wall with landscaping on both sides of it, and no idling of trucks. It is imperative that you please install landscaping that is esthetically pleasing, north of the wall, as that is what our view will be. If you take a look behind the wall on the north side of the Sendero property, the side that faces Park Place, you will see that it is bare without plants or trees. It is very unattractive and we do not want that to be the case with the Merge project. We also ask that you please consider not putting in a gas station at the Merge. Gas Stations generate lots of extra traffic, they tend to attract loiterers and risk the possibility of fires and robberies.*

*Lastly I would like to share an idea with you. Last night after leaving the meeting, I drove to Chino Hills to pick up my son from church. I took the streets through Chino and noticed several light industrial buildings along the way. Some of which were near to residential areas similar to ours. What caught my attention is the large mature trees, grass slopes, bushes and decorative rock, with only pedestrian access, and dim lights, on the sides of the buildings that face residential homes. In some areas the buildings were hardly noticeable. If you would consider moving the proposed access road to south of the buildings rather than north of them, as is currently depicted in the Site Plan Concept, you would eliminate the possibility of 18 wheelers driving in out directly behind our homes. Emergency response vehicles, would still be able to access the north side of the buildings because of the existing dirt road that runs along the wash for flood control. Not sure how feasible*

*this is but its just an idea and I thought I'd share it with you. I am available to meet with your for further explanation or understanding on my part if needed.*

*Whatever you decide to do, I ask that you please take our concerns into account and that you please make the project esthetically pleasing to look at from our location. Our backyards have rod iron fences with a direct views of the project from our yards, family rooms and bedroom windows.*

*Thank you for being good neighbors and listening to our concerns.*

*Thank you for bringing Sprouts to our area, for less drive-thru restaurants and for working on bringing in more natural food restaurants.*

#### Response MR-1

The City appreciates the commentor's engagement in the Project design and the City's development review processes. The commentor expresses general concerns regarding noise, light, and pollution that could result from the Project. The commentor provides recommendations regarding landscaping, screening, and access. The commentor requests the City consider exclusion of the Project gas station use, citing concerns regarding traffic, loiterers, and risk of the possibility of fires and robberies. The City will consider the commentor's requests and recommendations in their continuing review of the Project.

Potential environmental impacts of the Project, including but not limited to concerns expressed by the commentor, are addressed in the EIR. More specifically, noise impacts are addressed in EIR Section 4.5, *Noise*; light and glare impacts are addressed in EIR Section 1.6, *Impacts Not Found to be Potentially Significant*; air pollution impacts are addressed in EIR Section 4.3, *Air Quality*; traffic impacts are addressed in EIR Section 4.2; *Transportation/Traffic*; and impacts to police and fire services are addressed in EIR 4.10, *Public Services and Utilities*. The commentor does not express specific concerns regarding the EIR analysis.

No revisions to the EIR are required. Results and conclusions of the EIR are not affected.

**From:** Eduardo Salazar <[eduardo.salazar@gmail.com](mailto:eduardo.salazar@gmail.com)>  
**Date:** Wednesday, October 17, 2018 at 1:40 PM  
**To:** "rtoler@mbakerintl.com" <[rtoler@mbakerintl.com](mailto:rtoler@mbakerintl.com)>  
**Cc:** Eric Norris <[Enorris@eastvaleca.gov](mailto:Enorris@eastvaleca.gov)>  
**Subject:** Re: Concerns about development project no. PLN18-20051, The Merge

Dear Messrs Toler and Norris,

It strikes me that in my previous email I could have been more specific in enumerating the steps that I think can be taken to protect my investment in my new home here in Ontario. I would like for The Merge to include a solid sound wall on the project's northern border and for heavy and dense landscaping too on that northern border, to best reduce any nuisance commercial vehicles would otherwise provide. And I'd like a rule set in place that those commercial vehicles are not to idle, to further reduce the noise and pollution that reaches my home.

ES-1

Thank you very much for providing an avenue to share my comments and concerns. It's very exciting to see the area grow and I wish you much success with this development project and others in the future.

Sincerely,

Eduardo Salazar

On Wed, Oct 17, 2018 at 1:25 PM Eduardo Salazar <[eduardo.salazar@gmail.com](mailto:eduardo.salazar@gmail.com)> wrote:

Dear Messrs Toler and Norris,

My name is Eduardo Salazar and I am writing in response to a notice I received via mail about the City of Eastvale's hearing about the development project The Merge.

Via this email I am providing, in writing, my concerns about noise, light, and pollution levels that may result from the construction of warehouses and retail structures at The Merge, and any negative effect on the surrounding property values that would result therefrom. I'll be attending tonight's public hearing, at which I hope to learn what my neighbors and I can expect in the form of sound and light abatement and mitigation.

ES-2

Sincerely,

Eduardo Salazar

--

Eduardo D. Salazar  
[eduardo.salazar@gmail.com](mailto:eduardo.salazar@gmail.com)  
(650) 885-1075

Eduardo Salazar

[eduardo.salazar@gmail.com](mailto:eduardo.salazar@gmail.com)

Email Dated October 17, 2018

Comment ES-1

*It strikes me that in my previous email I could have been more specific in enumerating the steps that I think can be taken to protect my investment in my new home here in Ontario. I would like for The Merge to include a solid sound wall l on the project's northern border and for heavy and dense landscaping too on that northern border, to best reduce any nuisance commercial vehicles would otherwise provide. And I'd like a rule set in place that those commercial vehicles are not to idle, to further reduce the noise and pollution that reaches my home.*

*Thank you very much for providing an avenue to share my comments and concerns.*

*It's very exciting to see the area grow and I wish you much success with this development project and others in the future.*

Response ES-1

The commentor provides Project design recommendations (screening wall and heavy landscaping along the Project northern boundary) as means to reduce nuisance effects resulting from commercial vehicles accessing the Project site. The commentor requests establishment of a rule to restrict commercial vehicle idling to reduce noise and pollution effects. The City will consider the commentor's design recommendations in their continuing review of the Project. Idling restrictions and other measures that would reduce environmental effects of commercial delivery trucks such as those noted by the commentor are provided in EIR Mitigation Measures 4.3.1, 4.3.2 (below).

4.3.1 *The truck access gates and loading docks within the truck court on the Project site shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*

- *Diesel delivery trucks servicing the Project shall not idle for more than five (5) minutes; and*
- *Telephone numbers of the building facilities manager and the CARB to report violations (EIR, p. 1-47, Table 1.11-1).*

4.3.2 *Final site designs shall incorporate the following:*

- *Site design shall allow for trucks to check- in within the facility area to prevent queuing of trucks outside the facility.*
- *Signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds (5 minutes) of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged (EIR, p. 1-47, Table 1.11-1).*

Commentor engagement in the City development review process is acknowledged and appreciated, and general support for the Project is recognized.

The commentor does not express specific concerns regarding the EIR. Potential impacts to property values, unless resulting in significant adverse physical effects, are not a CEQA environmental concern.

No revisions to the EIR are required. Findings and conclusions of the EIR are not affected.

Comment ES-2

*My name is Eduardo Salazar and I am writing in response to a notice I received via mail about the City of Eastvale’s hearing about the development project The Merge. Via this email I am providing, in writing, my concerns about noise, light, and pollution levels that may result from the construction of warehouses and retail structures at The Merge, and any negative effect on the surrounding property values that would result therefrom. I’ll be attending tonight’s public hearing, at which I hope to learn what my neighbors and I can expect in the form of sound and light abatement and mitigation.*

Response ES-2

The City appreciates the commentor's engagement in the Project design and the City's development review process. The commentor expresses general concerns regarding noise, light, and air pollution impacts that may result from the Project, and potential negative effect on surrounding property values.

Potential environmental impacts of the Project, including but not limited to concerns expressed by the commentor, are addressed in the EIR. More specifically, noise impacts are addressed in EIR Section 4.5, *Noise*; light and glare impacts are addressed in EIR Section 1.6, *Impacts Not Found to be Potentially Significant*; and air pollution impacts are addressed in EIR Section 4.3, *Air Quality*. The commentor does not express specific concerns regarding the EIR analysis.

No revisions to the EIR are required. Results and conclusions of the EIR are not affected.

Please refer also to Response ES-1.

## **4.0 MITIGATION MONITORING PROGRAM**

## 4.0 MITIGATION MONITORING PROGRAM

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### 4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a mitigation monitoring program has been developed pursuant to state law. This Mitigation Monitoring Program (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and timing for implementation of mitigation measures. As described in *CEQA Guidelines* §15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and further proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section in Table 4.2-1.

## 4.2 MITIGATION MONITORING AND REPORTING

### **Mitigation Monitoring and Responsibilities**

As the Lead Agency, the City of Eastvale is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractors, Building Owner/Lessee/Operators or combinations thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<b><u>Traffic and Circulation</u></b>				
4.2.1 <i>Prior to building permit issuance for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Existing With Project Conditions listed in EIR Table 4.2-19. Where intersection improvements require additional through lanes, fees shall also be applied to construction of required through lane/roadway segment improvements.</i>	Fees shall be paid prior to issuance of each Building Permit.	Applicant	City of Eastvale: Public Works Department	City shall verify receipt of fees prior to issuance each Building Permit.
4.2.2 <i>Prior to building permit issuance for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Opening Year With-Project Conditions listed in EIR Table 4.2-24. Where intersection improvements require additional through lanes, fees shall also be applied to construction of required through lane/roadway segment improvements. The greatest fair share fee shall be paid at each potentially affected facility. Duplicate fees for improvements previously funded under Mitigation Measure 4.2.1 shall not be required.</i>	Fees shall be paid prior to issuance of each Building Permit.	Applicant	City of Eastvale: Public Works Department	City shall verify receipt of fees prior to issuance each Building Permit.

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.2.3 Prior to building permit issuance for each building, the Project Applicant shall pay that building's fair share fee amounts toward the construction of City of Eastvale improvements required under Horizon Year With-Project Conditions listed in EIR Tables 4.2-32, 4.2-34. Where intersection improvements require additional through lanes, fees shall also be applied to construction of required through lane/roadway segment improvements. The greatest fair share fee shall be paid at each potentially affected facility. Duplicate fees for improvements previously funded under Mitigation Measures 4.2.1 and 4.2.2 shall not be required.</p>	<p>Fees shall be paid prior to issuance of each Building Permit.</p>	<p>Applicant</p>	<p>City of Eastvale: Public Works Department</p>	<p>City shall verify receipt of fees prior to issuance each Building Permit.</p>
<p><b><u>Air Quality</u></b></p>	<p>Informational sign locations shall be incorporated in the Final Project Master Site Plan, and reflected in individual development plans for each affected Project building. Prior to issuance of building permit(s), general contractor(s) shall designate construction liaison officer(s) whose responsibilities shall</p>	<p>Applicant; Contractors; Building Owner/Lessee/ Operator</p>	<p>City of Eastvale: Building and Safety Division; Planning Department</p>	<p>City shall verify implemented informational signs prior to issuance of Certificate of Occupancy for each affected site, and prior to issuance of final Project Certificate of Occupancy. On-going compliance monitoring by construction liaison officer. City/SCAQMD to respond to any community air quality concerns.</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing include on-going monitoring of construction activities for compliance with the EIR air quality mitigation measures.	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><b><u>4.3.1.1 Information regarding available incentives promoting use of alternatively fueled trucks; and use of zero-emissions or near-zero emission trucks shall appear on all grading plans, and construction specifications. See also: <a href="https://www.arb.ca.gov/fuels/altfuels/incentives/incentives.htm">https://www.arb.ca.gov/fuels/altfuels/incentives/incentives.htm</a></u></b></p>	<p>Notation to appear on all grading plans, construction specifications, and bid documents.</p>	<p>Applicant</p>	<p>City of Eastvale: Building &amp; Safety Division; Planning Department</p>	<p>City shall verify inclusion of notation(s) on grading plans, construction and specifications at issuance of permits.</p>
<p>4.3.2 Final site designs shall incorporate the following:</p> <ul style="list-style-type: none"> <li>• Site design shall allow for trucks to check-in within the facility area to prevent queuing of trucks outside the facility.</li> <li>• Signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds (5 minutes) of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged.</li> </ul>	<p>Truck queuing areas/lanes and informational sign locations shall be incorporated in the Final Project Master Site Plan, and reflected in individual development plans for each affected Project building.</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Building &amp; Safety Division; Planning Department</p>	<p>City shall verify constructed truck queuing areas/lanes and implemented informational signs prior to issuance of Certificate of Occupancy for each affected site, and prior to issuance of final Project Certificate of Occupancy.</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
4.3.3 <i>The Final Project site design shall incorporate electric vehicle charging stations. A minimum of 10 charging stations shall be provided, distributed throughout the Project site.</i>	Charging station designs and locations shall be incorporated in the Final Project Master Site Plan, and reflected in individual development plans for each affected Project building.	Applicant; Contractors	City of Eastvale: Building & Safety Division; Planning Department	City shall verify EV charging station completion prior to issuance of Certificate of Occupancy for each affected site, and prior to issuance of final Project Certificate of Occupancy.
4.3.4 <i>The Final Project site design shall incorporate preferential parking spaces assigned to employee carpool vehicles. A minimum of 20 preferential parking spaces for employee carpools shall be provided, with the majority of these spaces provided in the light industrial portion of the Project site.</i>	Preferential parking spaces assigned to employee carpool vehicles shall be incorporated in the Final Project Master Site Plan, and reflected in individual development plans for each affected Project building.	Applicant; Contractors	City of Eastvale: Building & Safety Division; Planning Department	City shall verify completion employee carpool parking spaces prior to issuance of Certificate of Occupancy for each affected site, and prior to issuance of final Project Certificate of Occupancy.
4.3.5 <i>During site preparation and grading activity, all actively graded areas within the Project site shall be watered at 2.1-hour watering intervals (e.g., 4 times per day) or a movable sprinkler system shall be in place to ensure minimum soil moisture of 12% is maintained for actively graded areas. Moisture content may be verified with use of a moisture</i>	Prior to issuance of building permit(s), general contractor(s) shall designate construction liaison officer(s) whose responsibilities shall	Applicant; Contractors	City of Eastvale: Building & Safety Division	On-going compliance monitoring by construction liaison officer. City/SCAQMD to respond to any community air quality concerns.

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>probe, or by other means determined acceptable by the Lead Agency.</p>	<p>include on-going monitoring of construction activities for compliance with the EIR air quality mitigation measures.</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Building &amp; Safety Division; Planning Department</p>	<p>City shall verify screen wall (noise barrier) completion prior to issuance of Certificate of Occupancy for each affected site, and prior to issuance of final Project Certificate of Occupancy.</p>
<p><b>Noise</b></p> <p>4.5.1 Minimum 10-foot high screen walls (noise barriers) shall be constructed at the eastern warehouse building loading docks (Buildings 6, 7, and 8), as shown in EIR Figure 4.5-4. The barriers shall provide a weight of at least four pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways, and a minimum transmission loss of 20 dBA. The barriers shall consist of a solid face from top to bottom. All gaps (except for weep holes) should be filled with grout or caulking. The noise barriers shall be constructed using the following materials:</p> <ul style="list-style-type: none"> <li>• Masonry block;</li> <li>• Earthen berm;</li> <li>• Or any combination of construction materials capable of the minimum weight of four pounds per square foot and a minimum transmission loss of 20 dBA.</li> </ul>	<p>Screen wall (noise barrier) locations and orientations shall be incorporated in the Final Project Master Site Plan, and reflected in individual development plans for each affected Project building. Screen wall designs and engineering specifications shall be incorporated in the wall(s) final Building Plan(s).</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Building &amp; Safety Division; Planning Department</p>	<p>City shall verify screen wall (noise barrier) completion prior to issuance of Certificate of Occupancy for each affected site, and prior to issuance of final Project Certificate of Occupancy.</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.5.2 No car wash activities shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. [Note: Effective September 2018, the Applicant no longer proposes a car wash use for the Project, and has withdrawn the CUP application for the car wash use.]</p>	<p>Ongoing per CUP Requirements.</p>	<p>Applicant; Building Owner/Lessee/ Operator</p>	<p>City of Eastvale: Building &amp; Safety Division</p>	<p>Ongoing per CUP requirements. City to respond to any community noise concerns.</p>
<b><u>Cultural Resources</u></b>				
<p>4.9.1 If previously-unidentified archaeologic or historic resources of potential significance are encountered during grading and/or other ground-disturbing activities, a qualified archaeologist shall be contacted to identify and interpret the encountered resources. Monitoring shall be considered complete and may be discontinued at the conclusion of grading/ground-disturbing activities, or at an earlier date should the qualified professional determine that on-site activities would not disturb cultural resources of potential significance.</p>	<p>On-going monitoring for potential archaeologic or historic resources shall be conducted during ground disturbing activities. Should potential resources be encountered, construction activities in the affected areas shall be halted immediately and a qualified archaeologist shall be contacted to identify and interpret the encountered resources.</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Planning Department; Building &amp; Safety Division; Project Archaeological Monitor</p>	<p>On-going monitoring shall be conducted throughout ground-disturbing activities and at the discretion/direction of the Project Archaeological Monitor(s).</p>
<p>4.9.2 Any excavation exceeding eight feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are</p>	<p>A qualified paleontologist shall be present and shall conduct monitoring for</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Planning Department; &amp; Safety Division;</p>	<p>On-going monitoring shall be conducted per the conditions noted under "Mitigation Timing." The</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. The paleontological monitoring program shall be developed in accordance with the provisions of CEQA as well as the proposed guidelines of the Society of Vertebrate Paleontology (2010) and should be developed prior to the ground-altering activities. The paleontological monitor shall have the authority to temporarily halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered and analyzed in accordance with standard guidelines, and curated with the appropriate facility.</p>	<p>potential paleontological resources under the following conditions:</p> <ul style="list-style-type: none"> <li>-During excavation activities at depths of 8 feet below ground surface (bgs) or greater;</li> <li>or</li> <li>-If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are encountered.</li> </ul>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Planning Department; Building &amp; Safety Division; Project Archaeologist; Tribal Representative(s)</p>	<p>paleontological monitor shall report monitoring findings to the City. The paleontological monitor and City shall ensure that any encountered paleontological resources are recovered and analyzed in accordance with standard guidelines, and curated with the appropriate facility.</p>
<p>4.9.3 <b>Tribal Monitoring – General.</b> Prior to the issuance of a grading permit, the Project Applicant shall contact the consulting tribes with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present on the site. The agreements shall include, but not be limited to, outlining</p>	<p>Prior to issuance of grading permit(s):</p> <ul style="list-style-type: none"> <li>-Consulting Tribes shall be notified regarding commencement of grading activities.</li> </ul>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Planning Department; Building &amp; Safety Division; Project Archaeologist; Tribal Representative(s)</p>	<p>On-going monitoring shall be conducted per the conditions noted under “Mitigation Timing.” Completion/compliance with requirements of Tribal Cultural Resources</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>provisions and requirements for addressing the handling of tribal cultural resources; Project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains, discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the agreement shall be provided to the City of Eastvale Planning Department prior to the issuance of a grading permit.</p>	<p>-Tribal Cultural Resources Treatment and Monitoring Agreement(s) (if any), shall be entered into with consulting Tribes.</p>			<p>Treatment and Monitoring Agreement(s) (if any) per Mitigation Measure 4.9.3 shall be verified by the City and Consulting Tribes prior to issuance of the Final Project Certificate of Occupancy.</p>
<p><b>4.9.4 Tribal Cultural Resources – Archaeological Monitoring.</b> At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of Interior Standards-qualified archaeological monitor [Project Archaeologist] to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Ground-disturbing activities may include, but are not limited to: pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching. Monitoring would end when grading and excavation activities are completed, or when the monitor has</p>	<p>Secretary of Interior Standards-qualified archaeological monitor shall be retained at least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities take place.</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Planning Department, Building &amp; Safety Division; Project Archaeologist; Tribal Representative(s)</p>	<p>On-going monitoring shall be conducted per the conditions noted under “Mitigation Timing.” Completion/compliance with requirements of the Archaeological Monitoring Plan (if any) per Mitigation Measure 4.9.4 shall be verified by the City, the Project Archaeologist and Tribal Representative(s) prior to issuance of the final</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

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*Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<i>indicated that there is a low potential to encounter archeological resources.</i>	<i>On-going monitoring for Tribal archaeological resources shall occur during ground-disturbing activities.</i>			<i>Project Certificate of Occupancy.</i>
<i>The Project Archaeologist, in consultation with interested Tribes identified in Mitigation Measure 4.9.3, and the Developer, shall develop an Archaeological Monitoring Plan to address the details, timing and responsibility of all archaeological and cultural monitoring activities that will occur on the Project site.</i>				
<i>Details in the Plan shall include:</i>				
<i>A. Project grading and development scheduling.</i>				
<i>B. The development of a rotating or simultaneous schedule in coordination with the Project Applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting Tribes during grading, excavation and ground-disturbing activities on the site.</i>				
<i>C. The safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists.</i>				
<i>D. The protocols and stipulations that the Developer, Tribes 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.</i>				

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>4.9.5 <b>Treatment and Disposition of Tribal Cultural Resources.</b> <i>If tribal cultural resources are inadvertently discovered during ground-disturbing activities for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:</i></p> <p style="margin-left: 20px;">A. <i>Temporary Curation and Storage.</i> During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the Project Archaeologist. The removal of any artifacts from the Project site will need to be thoroughly inventoried by the Project Archeologist with tribal monitor oversight of the process.</p> <p style="margin-left: 20px;">B. <i>Treatment and Final Disposition.</i> The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The landowner shall relinquish the artifacts through one or more of the following methods and provide the City Planning Department with documentation of same:</p> <p style="margin-left: 40px;">a. <i>Reburial on-site.</i> Accommodate the process for on-site reburial of the discovered items with the consulting</p>	<p>On-going monitoring for Tribal Cultural Resources shall occur during ground-disturbing activities. Any curation, storage, treatment, final disposition, or reburial on-site of TCRs shall be accomplished at the direction of the Project Archeologist with tribal monitor oversight. Final Monitoring Report submitted to the City at the completion of ground-disturbing activities.</p>	<p>Applicant; Contractors</p>	<p>City of Eastvale: Planning Department, Building &amp; Safety Division; Project Archaeologist; Tribal Representative(s)</p>	<p>On-going monitoring shall be conducted per the conditions noted under "Mitigation Timing." Completion/compliance with requirements for treatment and disposition of any encountered tribal cultural resources per Mitigation Measure 4.9.5 shall be verified by the City, the Project Archaeologist, and Tribal Representative(s) prior to the issuance of the final Project Certificate of Occupancy.</p>

**Table 4.2-1  
The Merge Project  
Mitigation Monitoring Program**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

*Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><i>Tribes. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.</i></p>				
<p><i>b. Curation. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards pursuant to 36 CFR Part 79, and therefore, would be professionally curated and made available to other archaeologists or researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.</i></p>				
<p><i>c. Disposition Dispute. If more than one Tribe is involved with the Project and cannot come to a consensus as to the disposition of cultural materials, they shall be curated at the Western Science Center.</i></p>				
<p><i>d. Final Report. At the completion of grading, excavation and ground-disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the Project Archaeologist and Tribal Monitors within 60 days of completion of grading. This report shall:</i></p>				
<ul style="list-style-type: none"> <li><i>• Document the impacts to the known resources on the property;</i></li> </ul>				

**Table 4.2-1  
The Merge Project  
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*Implementation Entities shall comply with listed mitigation requirements.*

<b>Mitigation Measures</b>	<b>Mitigation Timing</b>	<b>Implementation Entity</b>	<b>Monitoring/Reporting Entity</b>	<b>Monitoring/Reporting Frequency</b>
<ul style="list-style-type: none"> <li>• Describe how each mitigation measure was fulfilled;</li> <li>• Document the type of cultural resources recovered and the disposition of such resources;</li> <li>• Provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting;</li> <li>• In a confidential appendix, include the daily/weekly monitoring notes from the archaeologist.</li> </ul>				

*All reports produced will be submitted to the City, Eastern Information Center and consulting tribes.*

**Attachment A:**  
**Car Wash Letter of Withdrawal**

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c/o Orbis Real Estate Partners  
280 Newport Center Drive, Suite 240  
Newport Beach, CA 92660  
Office: 949-330-7564

October 22, 2018

Mr. Eric Norris  
Ms. Kanika Kith  
CITY OF EASTVALE  
12363 Limonite Avenue, Suite 910  
Eastvale, CA 91752

RE: 26.28 gross acres located at northeast corner of Archibald Avenue and Limonite Avenue  
Application for a Conditional Use Permit for a Car Wash

Dear Eric and Kanika,

Please consider the application for a Conditional Use Permit ("CUP") for a car wash at the subject property to be withdrawn. At this time, The Merge Company is not seeking a CUP for the car wash use on the site.

If you have any questions, please do not hesitate to contact me.

Thank you for your help in processing the remaining applications for the project.

Sincerely,  
THE MERGE COMPANY I LLC

Raymond A. Polverini,  
Managing Director

cc: Grant Ross – Orbis Real Estate Partners  
Thomas Money – Orbis Real Estate Partners

**Attachment B:**

**ALUC September 13, 2018 Staff Report and  
September 20, 2018 Determination and Conditions Memo**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.4

**HEARING DATE:** September 13, 2018

**CASE NUMBER:** ZAP1026CH18 – The Merge Company I, LLC  
(Representative: Raymond Polverini)

**APPROVING JURISDICTION:** City of Eastvale

**JURISDICTION CASE NO:** PLN18-20026 (General Plan Amendment, Change of Zone, Major Development Review, Tentative Parcel Map, Conditional Use Permit)

**MAJOR ISSUES:** The project exceeds the Zone C single acre criterion of 150 people for the area including the Shops 1 building and a portion of the Major 1 Grocery building (169 people result). However, the applicant is proposing to incorporate risk reduction measures into the design of buildings. Specifically, both buildings will be single-story with no skylights. Additionally, the grocery store will be constructed with concrete block, windows will be limited to the southern face of the building, and the emergency exits will exceed requirements. These measures warrant a 15% bonus to the single acre criterion, resulting in an upgraded allowance of 173 people, with which the project's single acre intensity of 169 would be consistent.

**RECOMMENDATION:** Staff recommends that the Commission find the proposed General Plan Amendment and Change of Zone CONSISTENT with the 2008 Chino Airport Land Use Compatibility Plan, and find the proposed Major Development Review, Tentative Parcel Map, and Conditional Use Permit CONSISTENT, subject to the conditions included herein.

**PROJECT DESCRIPTION:** A proposal to develop a commercial/industrial center consisting of 67,822 square feet of commercial building area on 10.8 acres and 336,501 square feet of industrial building area on 15.4 acres of a 26.2 gross acre site. The applicant also proposes to amend the commercial site's General Plan land use designation from Light Industrial (LI) to Commercial Retail (CR) and change its zoning from Heavy Agricultural (A-2) to General Commercial (C-1/C-P), and to change the zoning of the industrial site from Heavy Agricultural (A-2) to Industrial Park (I-P). Also proposed is a tentative parcel map to subdivide the overall 26.2 gross acres into 17 parcels.

**PROJECT LOCATION:** The site is located on the northeast corner of Archibald Avenue and Limonite Avenue, within the City of Eastvale, approximately 9,100 feet northeasterly of the easterly end of Runway 8R-26L.

**LAND USE PLAN:** 2008 Chino Airport Land Use Compatibility Plan.

- a. Airport Influence Area: Chino Airport
- b. Land Use Policy: Zones C, D
- c. Noise Levels: A portion of the site is located within the 55 CNEL contour, with the rest of the site located outside the 55 CNEL contour

## **BACKGROUND:**

Tentative Parcel Map: The applicant proposes to subdivide 26.2 gross acres into 17 parcels, of which eight parcels will be within the Light Industrial zone, and nine parcels will be within the Commercial Retail zone. The division into parcels would not result in a significant impact to airport land use compatibility provided that the average intensity on a lot-by-lot basis does not exceed the compatibility criteria (see below).

Non-Residential Average Land Use Intensity: Pursuant to the Airport Land Use Compatibility Plan for the Chino Airport, the project site is located within Compatibility Zones C and D (12.3 acres in Zone C, 13.9 acres in Zone D). Zone C limits average intensity to 75 people per acre, and Zone D limits average intensity to 150 people per acre.

Pursuant to Appendix C, Table C-1, of the Riverside County Airport Land Use Compatibility Plan, the following rates were used to calculate the occupancy for the proposed buildings:

- Office – 1 person per 200 square feet,
- Warehouse – 1 person per 500 square feet,
- Manufacturing – 1 person per 200 square feet
- Restaurant (dining area) – 1 person per 15 square feet,
- Restaurant (kitchen area) – 1 person per 200 square feet, and
- Retail – 1 person per 115 square feet.

The project proposes 67,822 square feet of commercial building area and 336,501 square feet of industrial building area on 17 newly proposed parcels within Compatibility Zones C and D and would accommodate 1,738 people.

Overall, the commercial portion of the project proposes:

- 2,955 square foot gas station convenience store and 8 fueling stations (Zone C);
- 11,700 square foot drug store (Zone C);
- 8,800 square foot retail store [Shops 1] including 6,160 square feet in Zone C and 2,640 square feet in Zone D;
- 30,150 square foot grocery store (Zone D);
- 4,000 square foot carwash facility (Zone D);
- 2,317 square foot restaurant pad (which includes 1,117 square feet of restaurant dining area and 1,200 square feet of restaurant kitchen area) with 13 vehicle stack drive-thru (Zone C);

- 3,900 square foot retail/restaurant pad (which includes 2,900 square feet of retail area, 500 square feet of dining area, and 500 square feet of kitchen area) (Zone C); and
- 4,000 square foot retail/restaurant pad [Pad 3] (which includes 1,980 square feet of retail area in Zone C, and 1,010 square feet of dining area and 1,010 square feet of kitchen area in Zone D) with 12 vehicle stack drive-thru, including 10 in Zone C.

Overall, the industrial portion of the project proposes:

- 198,185 square feet of warehouse area,
- 80,950 square feet of manufacturing area,
- 27,366 square feet of mezzanine warehouse area, and
- 20,000 square feet of associated office area.

The Compatibility Zone C portion of the overall site includes 25,695 square feet of retail area (and 8 fueling stations), 1,617 square feet of restaurant dining area, 1,700 square feet of restaurant kitchen area, 23 vehicle stack spaces in drive-thrus, 88,442 square feet of warehouse area, 36,124 square feet of manufacturing area, 8,537 square feet of mezzanine warehouse area, and 9,000 square feet of associated office area on 12.3 acres. This would accommodate a total occupancy of 806 people, resulting in an average intensity of 66 people per acre, which is consistent with the Compatibility Zone C criterion of 75.

The Compatibility Zone D portion of the overall site plan includes 36,790 square feet of retail area, 1,010 square feet of restaurant dining area, 1,010 square feet of restaurant kitchen area, 2 vehicle stack spaces in a drive-thru, 109,743 square feet of warehouse area, 44,826 square feet of manufacturing area, 18,828 square feet of mezzanine warehouse area, and 11,000 square feet of associated office area on 13.9 acres. This would accommodate a total occupancy of 932 people, resulting in an average intensity of 67 people per acre, which is consistent with the Compatibility Zone D criterion of 150.

A second method for determining total occupancy involves multiplying the number of parking spaces provided or required (whichever is greater) by average vehicle occupancy (assumed to be 1.5 persons per vehicle). Based on the 430 parking stalls provided, the total occupancy would be estimated to be 645 people. The resulting average intensity of 25 people per acre is consistent with the Compatibility Zone C and D average criteria.

Non-Residential Single-Acre Land Use Intensity: Compatibility Zone C limits maximum single-acre intensity to 150 people, and Zone D limits maximum single-acre intensity to 450 people.

Based on the site plan provided and the occupancies as previously noted, the maximum single-acre area entirely in Zone C would consist of the 11,700 square foot drug store, and portions of Industrial Buildings 3 and 4 consisting of 5,992 square feet of 1<sup>st</sup> floor manufacturing area, 1,083 square feet of 1<sup>st</sup> floor office area, and 1,083 square feet of 2<sup>nd</sup> floor mezzanine warehouse area, accommodating 139 people, which is consistent with the Compatibility Zone C single acre criterion of 150.

Based on the site plan provided and the occupancies as previously noted, the maximum single-acre area within the overall project partially within Zone C straddles the boundary between Compatibility Zones C and D and includes the 8,800 square foot Shops 1 retail building, 10,395 square feet of Major 1 Grocery retail area, and a small portion of Industrial Building 4 consisting of 175 square feet of office area and 175 square feet of 2<sup>nd</sup> floor mezzanine warehouse area, accommodating 169 people, which is inconsistent with the Compatibility Zone C single acre criterion of 150. However, the exceedance is less than 15 percent. The applicant is proposing to incorporate risk-reduction measures into the design of buildings. Specifically, both commercial buildings will be single-story with no skylights. Additionally, the grocery store will be constructed with concrete block, windows will be limited to the southern face of the building, and an additional emergency exit has been included. These measures warrant a 15% bonus to the single acre criterion of Zone C, resulting in an upgraded allowance of 173 people, with which the project's single acre intensity of 169 people would be consistent.

All of the single-acre areas entirely within Compatibility Zone D comply with the 450-person single-acre intensity limit of that zone.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zones C and D.

Noise: The southwest portion of the site is located partially within an area that is projected in the 2008 Chino Airport Land Use Compatibility Plan to ultimately be subject to average aircraft noise levels between 55 and 60 CNEL. The remainder of the site falls below the 55 CNEL level. Typical construction design would allow for an exterior to interior noise reduction of at least 20 dbA. Interior noise levels would likely not exceed 40 CNEL for the anticipated commercial, industrial, and office uses within the proposed buildings. Therefore, no special noise mitigation measures will be required to reduce interior noise levels from aircraft operations.

Part 77: The elevation of Runway 8R-26L at its easterly terminus is approximately 636.5 feet above mean sea level (AMSL). At an approximate distance of 9,100 feet from the runway, any structure above 727.5 feet AMSL at its top point would require FAA review. The project plans indicate a finished floor elevation of 652 feet AMSL and a maximum building height of 42 feet for a maximum elevation at top point of 694 feet AMSL. Therefore, Federal Aviation Administration (FAA) obstruction evaluation review for height/elevation reasons is not required.

Open Area: The site is located within Airport Compatibility Zones C and D of the Chino Airport Influence Area, which requires projects 10 acres or larger to designate 20% (in Zone C) and 10% (in Zone D) of project area as ALUC-qualifying open area that could potentially serve as emergency landing areas. Based on the project size located within these Compatibility Zones, the project is required to provide a minimum of 3.85 acres of open area consistent with ALUC open area criteria. (Zone C requires 2.46 acres; Zone D requires 1.39 acres.) The applicant has provided 3.85 acres of open area in total (2.46 acres of open area within Zone C and 1.39 acres of open area within Zone D) within the drive aisles and parking areas. These areas are conditioned to maintain a minimum shape

of 75 feet in width and 300 feet in length, and shall be kept obstacle and obstruction free per ALUC open area definition (no objects greater than four feet in height with a diameter of four inches or greater)

**CONDITIONS:**

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, hospitals, nursing homes (skilled nursing facilities), day care centers (including children's nurseries), and libraries.
  - (f) Highly noise-sensitive outdoor nonresidential uses and hazards to flight.
3. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings, and shall be recorded as a deed notice.
4. The proposed on-site detention basin shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

5. This project has been evaluated as consisting of: (1) an industrial development consisting of 198,185 square feet of warehouse area, 80,950 square feet of manufacturing area, 27,366 square feet of mezzanine warehouse area, and 20,000 square feet of associated office area; and (2) a commercial development consisting of 2,955 square foot gas station convenience store and 8 fueling stations, 11,700 square foot drug store, 8,800 square foot retail store, 30,150 square foot grocery store, 4,000 square foot carwash facility, 2,317 square foot restaurant pad with 13 vehicle stack drive-thru, 3,900 square foot retail/restaurant pad, and 4,000 square foot retail/restaurant pad with 12 vehicle stack drive-thru. Any increase in building area, change in use or modification of the tentative parcel map lot lines and areas will require an amended review to evaluate consistency with the ALUCP compatibility criteria.
6. The maximum square footage of restaurant dining area in Pad 1 building shall not exceed 1,117 square feet.
7. The maximum square footage of restaurant dining area in Shops 2 shall not exceed 500 square feet.
8. The maximum square footage of restaurant dining area in Pad 3 shall not exceed 1,010 square feet and shall be located in the easterly portion of the building (Zone D).
9. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission.
10. At least 3.85 acres of ALUC-eligible open areas (at least 75 feet in width and 300 feet in length), as depicted on the Open Space exhibit, a copy of which is attached, shall be kept obstacle and obstruction free per ALUC open area definition (no objects greater than four feet in height with a diameter of four inches or greater).
11. The design of Major 1 Grocery store building shall incorporate the risk-reduction design measures submitted with this project (see exhibit) which includes: building material shall be constructed out of concrete block, windows are limited to the southern face of the building, no building skylights, single story building only, and the addition of emergency exits above requirements.
12. The "Shops 1" building shall be single-story with no skylights.

# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY



September 20, 2018

Ms. Kanika Kith, Planning Manager  
City of Eastvale Planning Department  
12363 Limonite Avenue, Suite 910  
Eastvale CA 91752

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[www.rcaluc.org](http://www.rcaluc.org)

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW**

File No.: ZAP1026CH18  
Related File Nos.: PLN18-20026 (General Plan Amendment, Change of Zone, Major Development Review, Tentative Parcel Map, Conditional Use Permit)  
APN: 164-010-019

Dear Ms. Kith:

On September 13, 2018, the Riverside County Airport Land Use Commission (ALUC) found City of Eastvale Case Nos. PLN18-20026 (General Plan Amendment, Change of Zone), a proposal to amend the project site's 26.2 acres General Plan land use designation from Light Industrial (LI) to Commercial Retail (CR) and change its zoning from Heavy Agricultural (A-2) to General Commercial (C-1/C-P), and to change the zoning of the industrial site from Heavy Agricultural (A-2) to Industrial Park (I-P), **CONSISTENT** with the 2008 Chino Airport Land Use Compatibility Plan.

On September 13, 2018, the Riverside County Airport Land Use Commission (ALUC) found City of Eastvale Case Nos. PLN18-20026 (Major Development Review, Tentative Parcel Map, Conditional Use Permit), a proposal to develop a commercial/industrial center consisting of 67,822 square feet of commercial building area on 10.8 acres and 336,501 square feet of industrial building area on 15.4 acres of a 26.2 gross acre site located on the northeast corner of Archibald Avenue and Limonite Avenue, **CONSISTENT** with the 2008 Chino Airport Land Use Compatibility Plan subject to the following conditions.

**CONDITIONS:**

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, hospitals, nursing homes (skilled nursing facilities), day care centers (including children's nurseries), and libraries.
  - (f) Highly noise-sensitive outdoor nonresidential uses and hazards to flight.
3. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings, and shall be recorded as a deed notice.
  4. The proposed on-site detention basin shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
  5. This project has been evaluated as consisting of: (1) an industrial development consisting of 198,185 square feet of warehouse area, 80,950 square feet of manufacturing area, 27,366 square feet of mezzanine warehouse area, and 20,000 square feet of associated office area; and (2) a commercial development consisting of 2,955 square foot gas station convenience store and 8 fueling stations, 11,700 square foot drug store, 8,800 square foot retail store, 30,150 square foot grocery store, 4,000 square foot carwash facility, 2,317 square foot restaurant pad with 13 vehicle stack drive-thru, 3,900 square foot retail/restaurant pad, and 4,000 square foot retail/restaurant pad with 12 vehicle stack drive-thru. Any increase in building area, change in use or modification of the tentative parcel map lot lines and areas will require an amended review to evaluate consistency with the ALUCP compatibility criteria.
  6. The maximum square footage of restaurant dining area in Pad 1 building shall not exceed 1,117 square feet.
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  9. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission.
  10. At least 3.85 acres of ALUC-eligible open areas (at least 75 feet in width and 300 feet in length), as depicted on the Open Space exhibit, a copy of which is attached, shall be kept obstacle and obstruction free per ALUC open area definition (no objects greater than four feet in height with a diameter of four inches or greater).

11. The design of Major 1 Grocery store building shall incorporate the risk-reduction design measures submitted with this project (see exhibit) which includes: building material shall be constructed out of concrete block, windows are limited to the southern face of the building, no building skylights, single story building only, and the addition of emergency exits above requirements.
12. The "Shops 1" building shall be single-story with no skylights.

If you have any questions, please contact Paul Rull, ALUC Urban Regional Planner IV, at (951) 955-6893 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

---

Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity

cc: The Merge Company I, LLC (applicant)  
Raymond Polverini (representative)  
DYT Family Trust c/o Peter Haringsma (property owner)  
James Jenkins, San Bernardino County Department of Airports

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