

March 21, 2013

Mr. John C. Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Objections and comments regarding drainage impacts of the World Logistics Center (WLC) that should be, but are not addressed in the Draft EIR (SCH #2012021045) and conditions for the project regarding drainage onsite and downstream. Planning Cases PA 12-0011, 0012, 0013, and 0015.

Dear John,

The World Logistics Center will have many more impervious surfaces than the residential uses that were part of the existing general plan for this area. As a result, it will greatly increase the size of the drainage facilities that will be required downstream if World Logistics Center does not provide adequate drainage basins onsite. The increased runoff will greatly affect the size of the drainage facilities in this area. Therefore, a portion of the Draft EIR (DEIR) should discuss the impacts on drainage on adjacent properties and all downstream projects and drainage facilities.

The Draft EIR should also discuss the affect of changes to the existing drainage basins brought about by the World Logistics Center. As one example, the World Logistics Center will grade out the existing 30+ acre drainage basin located at the Northeast corner of Alessandro Blvd and Merwin Street. The City of Moreno Valley has asked that County of Riverside Flood Control move the drainage basin to properties located at the Northeast corner of Wilmot Street and Cactus Ave. This location is on property owned by Multivac Inc., my client. This location is also shown on the revised Moreno Master Drainage Plan as the Cactus Basin. Riverside County Flood Control is presently preparing a Draft EIR for the revisions to the Moreno Master Drainage Plan.

Wrongfully, the World Logistics Center DEIR has utilized a proposed change to the Moreno Master Drainage Plan as if it has been passed and accepted by the Riverside County Board of Supervisors. It also utilizes this change to the Master Drainage Plan to avoid discussing these changes as an effect of their development. Of particular note this preliminary drainage plan shows a 30 acre debris basin relocated from the Northeast corner of Alessandro Blvd and Merwin Street to the Cactus Basin location, which is on Multivac Inc.'s, property. No mention of the relocation of this drainage basin is mentioned in the Draft EIR for World Logistics Center nor is it mentioned in any of the appendices. There are five such drainage basins shown relocated on

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revised Moreno Master Drainage Plan. Are the locations of all five of the basins designated in the revised Moreno Master Drainage Plan actually the relocation of existing basins caused by construction of the World Logistics Center project?

I was told by City Engineering staff that the location of the Cactus Basin on the revised Moreno Master Drainage Plan is merely conceptual and would vary in location. I was also told that the City of Moreno Valley had no intention of taking Multivac's property without due compensation.

In talking with Kris Flanagan of Riverside County Flood Control I was told the same thing, that the input for the basin locations came from the City of Moreno Valley and the intent was that unlike pipelines, channels and box structures, these basins were located only conceptually and the text of the DEIR for the basin would reflect this. Kris advised me that the actual location would be wherever the City and Flood Control could purchase the appropriate land for the basin. However, I disagree, because in reality, engineers always fight over which side of the street a pipe is shown or on which portion of which particular property the drainage structure is shown. The Drainage Basins proposed as part of the revised Moreno Master Drainage Plan are no different. In fact the fighting has already begun. WLC is utilizing the proposed Moreno MDP as if it has already been passed. Therefore, they are not addressing the impact of their grading out the existing basins and requiring others to provide property for these basins.

The staff of the City of Moreno Valley and the County of Riverside Flood Control seem to have made an error and allowed CEQA to be by-passed by WLC. As to my clients property, they have ignored the most feasible sites for the Cactus Drainage Basin. World Logistics Center is a very large project covering over 3,900 acres. It makes more sense that the location for such a drainage basin be on WLC property. The WLC would get credits against its drainage fees and should be in a position to build and provide the facilities for the drainage basin during its grading operations. It is only appropriate that if World Logistics Center is allowed to grade out the existing 30+ acre basin, it provide the area for a new 30+ acre basin on its property east of Merwin Street at Brodiaea Ave or leave it in the existing location.

Additionally, WLC construction could precede all development in the area, making the basin functional from the beginning of any development. For the WLC sites to be left out in the discussions for the location and the feasibility of the Cactus Basin is to ignore the best possible site for such a basin. If the CEQA process continues without a discussion of the WLC site as a possible location of the Cactus Basin, as well as leaving the basin in its present location at Alessandro Boulevard all owners downstream of the intersection of Brodiaea Ave and Merwin Street will be detrimentally affected to the great benefit of World Logistics Center.

We do not feel that the City is or should be biased toward the WLC project. Therefore, the DEIR for World Logistics Center should include discussion of the existing location and the WLC property located adjacent and east of Merwin Street as possible locations for the Cactus Basin. If this basin is sized correctly, it would mitigate all increased runoff from the World Logistics Center property and keep all downstream drainage facilities the same size as indicated on the present Moreno Area Drainage Plan. To not discuss this area as a possible location of such a basin is to require larger drainage facilities and loss of property by smaller property owners downstream of WLC. To not discuss leaving the Cactus drainage basin and the other drainage

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basins in their present location and any other location on the WLC property is also in our opinion, a violation of the CEQA requirements to discuss all effects of the proposed development. We think the other four drainage basins as shown on the revised Moreno Master Drainage Plan also need to be discussed.

We think this process of putting the relocation of drainage basins on the revised Moreno Master Drainage Plan also violates due process by inadequately informing property owners of the effect to their lands. The initial meeting to kick off the revised Master Drainage Plan was noticed in some local newspaper, which few land owners read. As a result there was little to no public turn out or input at the meeting. My clients object to this lack of notice. If we hadn't seen a copy of the revised MMDP in the appendices of WLC's DEIR we would not have known about the deleterious affect on the Multivac Inc. property. To this day, we have not received written notice of the proposed changes to the Moreno Master Drainage Plan. **We feel it is inappropriate to utilize the revision to the Moreno Master Drainage Plan as a vehicle to move drainage basins onto other people's lands without proper notification.**

Additionally, there is at this time, no mention in the DEIR for the World Logistics Center of a double 10 by 10 reinforced concrete box structure crossing Merwin Street north of Brodiaea as shown on the existing Moreno Master Drainage Plan. There is also a double 10 by 10 box culvert required in the existing MMDP crossing Alessandro Boulevard at Merwin Street that is not discussed. These items are shown on the present Moreno Area Drainage Plan and are facilities that would be the responsibility of World Logistics Center. Accordingly, the DEIR should discuss the requirement that World Logistics Center construct all facilities shown on the existing Moreno Master Drainage Plan.

We ask that all of the above drainage impacts be made a part of the DEIR text and discussions. We also ask that the following requirements be made a condition on the development of the World Logistics Center:

- 1. All runoff leaving World Logistics Center shall be designed to match the existing Moreno Master Area Drainage Plan of this area. There should be no increases in runoff from this property that could affect any downstream properties or require downstream properties to install increased or larger drainage facilities.**
- 2. World Logistics Center must be conditioned to construct all new drainage basins within their property and to replace all basins they are removing by construction of their project.**
- 3. WLC must be conditioned to replace the 30+ acre Cactus Basin on their property.**

My client, Multivac Inc. is very concerned not only about the taking of their property, but about the affect of increased runoff on its properties downstream of WLC and asks that the City be fair and impartial when locating drainage facilities. We are afraid that some bias or favoritism may enter the system as World Logistics Center is a project favored by the City Council.

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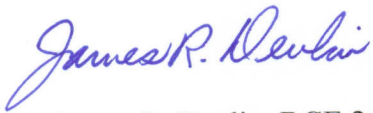
Thank you for your consideration of this matter we look forward to the discussions to follow that will be part of the EIR process.

Attached and made a part hereof, please see a letter addressed to Riverside County Flood Control objecting to the process used to develop the revised Moreno Master Drainage Plan and the notifications to property owners.

Thank you.

Sincerely,

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James R. Devlin, RCE 24655

Contact information:

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Attachment: Letter to RCFCD

cc: C. Moothart, Multivac

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March 21, 2013

Mr. Kris Flanigan
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, California 92501

Subject: Comments to be considered during the preparation of a DEIR for the Moreno Master Drainage Plan (MMDP) revision and the World Logistics Center (WLC) Draft EIR (SCH #2012021045).

Dear Kris,

My client, Multivac, Inc. objects to the process Flood Control has used to develop the proposed revision to the Moreno Master Drainage Plan (MMDP). My clients like so many other property owners did not receive any notification of the initial proceedings. We feel that notification of the Draft EIR review should be handled more appropriately with adequate notification given to each property owner that is affected by the project. Putting a notice in the paper and hoping that the thousands of affected property owners would get word is completely inadequate. This is particularly true of the Drainage Basins proposed on the revision to the Moreno Master Drainage Plan. In our phone conversation, you mentioned that there was a very low turnout at the kickoff meeting for this project. We believe this is a direct result of inadequate notification to the affected land owners.

We also feel Flood Control has located the drainage basins on the proposed master drainage study inappropriately. We have been told that the location of the basins is conceptual only and that the location could vary. However in the past, engineers and contractors have argued strongly on the location of the facilities as to what side of the street the line is drawn, and on what portion of what lot the facility was drawn. We feel the drainage basins will be no different. In fact, World Logistics Center, a 3,914 acre project abutting Merwin Street seems to have utilized your revised Moreno MDP plans as if it is already adopted and exempts its site from building the Cactus basin. Drawing these "conceptual" basins over one property versus another amounts to a taking of the land without compensation.

In regards to the Cactus Basin, it is our opinion that the city has requested this Basin location in order to facilitate the World Logistics Center project. The Cactus Basin is basically a relocation of a 30+ acre basin that exists at the Northeast Corner of Alessandro Blvd and Merwin Street. World Logistics Center will be grading over the existing basin

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and as a result, the City needs to relocate this basin. This may be the reason the other four drainage basins have been requested on the revised MMDP. The Moreno Master Drainage Plan becomes a convenient instrument to accomplish these changes. World Logistics Center does not have to discuss the effects of grading out and moving the drainage basins. Notification to the public is limited and the World Logistics Center is not viewed as the bad guy nor is the City of Moreno Valley. Isn't this a violation of CEQA guidelines?

There are several locations for the Cactus Basin. One location is for it to remain in its existing location at the Northeast corner of Alessandro and Merwin Street. A second location would be to relocate it south of Alessandro Blvd, but North of Brodiaea Ave, which would keep it on World Logistics Center property. A third alternative is to move it to the location suggested on the revision to the Moreno Master Plan of Drainage, which is an area bounded on the east by Redlands Blvd, on the west by Wilmot Street, on the south by Cactus Ave and on the north by Brodiaea Ave.

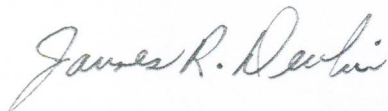
In regards to the Cactus Basin placed as shown on the proposed MMDP, Flood Control has missed the most feasible, logical and reasonable location on the East side of Merwin Street at Brodiaea Ave. World Logistics Center has a 3,918 acre project along the east side of Merwin Street. They will be responsible for providing drainage fees to RCFCD for their 3,918 acres. They could gain credit toward these fees for design and building the Cactus basin within their project. In this way, the basin can be provided at the very beginning of the construction of World Logistics Center and would help mitigate their increased runoff from the impervious building and pavement they will be constructing.

To leave this area out of the discussions for location of the Cactus drainage basin is to ignore the best possible site, one which is immediately accessible to build the facilities. Additionally, it would add greenbelt area to a project of warehouses that could blight the area indefinitely. Lastly, 30+ acres out of 3,918 or so would not have a significant effect on their project, unlike my clients property which will be taken completely if the revision to the Moreno Master Drainage Plan is approved.

I am enclosing a copy of a letter to the City of Moreno Valley regarding the DEIR on World Logistics Center. It has bearing on the location of the Cactus drainage basin shown on the proposed revision to the MMDP and as attached is made a part of this letter.

Sincerely,

Devlin Engineering



James R. Devlin, RCE 24655

attachment: Letter to City of Moreno Valley
cc: C. Moothart, Multivac Inc.