

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

P.O. Box 9097
Moreno Valley CA 92552-9097
www.northfriends.org

March 21, 2010

Via E-Mail and Personal Delivery

Riverside County Board of Supervisors
4080 Lemon Street- 5th Floor
Riverside, CA 92501

Board of Supervisor's Meeting
March 23, 2010, Agenda item 3.37.

Re: Final Environmental Impact Report for the Villages of Lakeview
Specific Plan No. 342, Change of Zone No. 07055, General Plan
Amendment No. 720 & 721.

Board of Supervisors:

The Friends of the Northern San Jacinto Valley submit these additional comments to be included in the administrative record for the Villages of Lakeview Project.

Attached is Agenda item # 3.3 on the March 2, 2010, Board of Supervisors Calendar. (Attachment A) Supervisor's Benoit's item is "Adoption of Resolution 2010-084 Requesting that the Governor Suspend Implementation of the California Global Warming Solutions Act of 2006 (AB#@) and Associated Statutes and Policies. (Attachment B)

This resolution states that SB 32 should be suspended because, "Should Assembly Bill 32 be implemented at this time, it is highly likely to lead to significant economic harm in the form of continued adverse economic impacts to employment, housing growth and revenues to State and local governments. Thus, in the interest of hastening an end to the State's recession, limiting stagnation of employment growth and stimulating the State's housing industry and overall economy, it is crucial that the Governor take the recommended action immediately." (B-4)

3010 NVB S3 VW 1:23

The staff report implies that the general plan and housing projects which sound similar to what the the EIR states the VOL is (but it really is not)—“master planned communities that incorporate the higher densities, promotes walkable communities and provide transit linkages that foster public transportation, which in turn reduces vehicle miles traveled, creates health Communities, and improves air quality. (B-7)

However, the resolution itself makes no claim that the County General Plan or the Villages of Lakeview are themselves already complying with SB 32.

It is apparent from the comments to the VOL EIR that this Project does not and cannot comply with the mandates of SB 32 and CEQA regarding Greenhouse Gas Emissions. This resolution appears to be nothing more than an attempt on the part of the Board of Supervisors to avoid compliance with SB 32--by suspending SB 32. This is certainly not a novel approach, but it certainly admits the obvious—the VOL EIR is fails to comply with SB 32 and CEQA and must be denied.

Susan Nash
Board Member
snash22@earthlink.net
909-228-6710

Rector, Kimberly

From: Barton, Karen
Sent: Tuesday, March 23, 2010 7:44 AM
To: Harper-Ihem, Kecia
Cc: Rector, Kimberly
Subject: FW: VOL & AIR Quality/GHG/Global Warming item 3.37 on the 3-23-10 BOS agenda (Resolution No. 2010-88)

FYI...

Best wishes,

Karen Lynn Barton

Karen L Barton
Board Assistant
Clerk of the Board of Supervisors
(951) 955-9864

~ "Always remember that the future comes one day at a time." -Dean Acheson

** Effective August 14, 2009 the County Administrative Center will be closed every Friday until further notice.
Business hours for the Clerk of the Board Office will be Monday through Thursday, 7:00 a.m. to 5:00 p.m.**

-----Original Message-----

From: george Hague [mailto:gbhague@gmail.com]
Sent: Monday, March 22, 2010 10:33 PM
To: Straite, Matt
Cc: COB
Subject: VOL & AIR Quality/GHG/Global Warming item 3.37 on the 3-23-10 BOS agenda (Resolution No. 2010-88)

Good morning Supervisors,

You have received many comments about Air Quality/GHG/Global Warming as they relate to the Villages of Lakeview (VOL) in our non-attainment area of western Riverside County. The Sierra Club has not seen how this project will reduce its impacts to these very serious issues to equal what the project area now produces. Your approval, therefore, will significantly continue to degrade our Air Quality and increase GHG/Global Warming even though some unused reasonable measures are available to reduce these impacts. The VOL's 15,000 daily commuters and the services that will have to travel to the project site will continue to affect the health of all of us. I sent you an earlier email which had a program that allowed you to search for a job while living in the Lakeview area. Essentially every job was well beyond 20 miles and therefore all your evaluations for impacts on the above issues need to be redone

As mentioned before, USC/UCLA medical studies on children living within 500 meters (1,600 feet) of a major roadway like the Ramona Expressway/Mid County Parkway show that they suffer

medical problems like asthma. Most schools within this project fall within this distance. In addition many students will also be walking within 500 meters to and from school. This project pretends to be a "healthy community", but we can easily see that you/they are willing to make children and their families suffer just to make a buck.

Please vote NO on this project/resolution.

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

SHUTE, MIHALY & WEINBERGER LLP
ATTORNEYS AT LAW

E. CLEMENT SHUTE, JR.*
MARK I. WEINBERGER (1946-2005)
FRAN M. LAYTON
RACHEL B. HOOPER
ELLEN J. GARBER
TAMARA S. GALANTER
ANDREW W. SCHWARTZ
ELLISON FOLK
RICHARD S. TAYLOR
WILLIAM J. WHITE
ROBERT S. PERLMUTTER
OSA L. WOLFF
MATTHEW D. ZINN
CATHERINE C. ENGBERG
AMY J. BRICKER
GABRIEL M.B. ROSS
DEBORAH L. KEETH
WINTER KING
AMANDA R. GARCIA
*SENIOR COUNSEL

396 HAYES STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: (415) 552-7272
FACSIMILE: (415) 552-5816
WWW.SMWLAW.COM

HEATHER M. MINNER
ERIN B. CHALMERS
KRISTIN B. BURFORD
MARY J. REICHERT
BRIANNA R. FAIRBANKS

LAUREL L. IMPETT, AICP
CARMEN J. BORG, AICP
URBAN PLANNERS

RACHEL B. HOOPER
HOOPER@SMWLAW.COM
(415) 552-7272 Ext. 252

March 22, 2010

Via E-Mail and Federal Express

Chairman Ashley and Members of the
Board of Supervisors
Riverside County
4080 Lemon Street, 4th Floor
Post Office Box 1409
Riverside, CA 92501

Re: Villages of Lakeview Specific Plan No. 342, Change of Zone No.
07055, General Plan Amendment Nos. 720 & 721, Resolutions No.
2010-88 and 2010-89, and Related Approvals

Dear Chairman Ashley and Members of the Board:

We submit this letter on behalf of the Friends of the Northern San Jacinto Valley to urge you to deny the proposed Villages of Lakeview Project ("Project") because the Environmental Impact Report ("EIR") for the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.* and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* ("CEQA Guidelines"). In addition, the Project conflicts with Riverside County's General Plan, in violation of State Planning and Zoning Law, Govt. Code § 65000 *et seq.* Finally, there is no substantial evidence to support the findings necessary to proceed with an Extraordinary General Plan Amendment at this time.¹

¹ SMW does not reiterate many other issues which it previously raised in comments. SMW still relies on these other comments, which the County has failed to adequately address in its various responses to comments.

RECEIVED RIVERSIDE COUNTY

I. There is No Substantial Evidence to Support the Findings Necessary to Proceed With an Extraordinary General Plan Amendment.

As described in the EIR, “the Foundation Components of the RCIP [Riverside County Integrated Project, i.e., the General Plan] are the fundamental basis for land management in the County.” FEIR, Appendix B at 9. In order to ensure certainty in planning efforts, and to ensure the General Plan’s vision is not undermined by poorly planned projects, the General Plan only allows amendments to Foundation Components in two ways. They must occur either through the regular five-year review period or pursuant to a special amendment process that requires the County to make findings that extraordinary circumstances compel the need for the amendment. *Id.* As stated in the General Plan, “[t]he premise for a Foundation Amendment is that the General Plan will only be amended in any fundamental way for *significant cause.*” RCIP, Chapter 10, Interpreting the General Plan’s Intent.

“In order to implement TVOL, a Land Use Foundation Component Amendment for the conversion of approximately 642.8 acres of Rural to Open Space, 59.7 acres of Rural Community to Open Space, and 121.1 acres of Rural Community to Community Development will be required.” FEIR, Appendix B at 9. Because the Project requires these foundational amendments, Resolution No. 2010-89 contains findings that attempt to justify the alleged extraordinary events that compel the need for these foundational changes. Resolution No. 2010-89 at pp. 5-15. However, the County’s findings entirely fail to describe *any* extraordinary circumstances that justify amending foundational elements of the General Plan outside of the normal 5-year cycle.

As an initial matter, there is no compelling reason why the Project, and the foundational amendments necessary for it, must be approved now instead of during the ongoing 5-year General Plan amendment process. The General Plan makes clear that Extraordinary Amendments may occur only in the most urgent of circumstances. General Plan, Chapter 10, Amendment Cycles: Extraordinary Amendment Event (if an Extraordinary Amendment is requested, “the Board must make a determination that the degree of urgency justifies an amendment consideration . . .”). As detailed below, the Board has made no such finding of urgency. Nor could it, given the situation.

First, the County is currently engaged in its scheduled 5-year General Plan review. *See* Riverside County Planning Dept. website, attached as Exh. 1. This process is expected to conclude within approximately the next two years. *See* e-mail from Mehta-Cooper, Mitra to George Hague of March 11, 2010, attached as Exh. 2. Thus, the Extraordinary Amendments sought by the Project proponent and County could easily be accomplished within the next year or so during this ongoing 5-year review process. Second, this Project, with all of its alleged benefits for transportation improvements and

open space preservation, will not be built in the foreseeable future. As the EIR admits, neither the County nor developer knows when Project construction will begin. FEIR at 2.0/23-28. However, the County admits that it will not be until home prices in the area rebound at least to the level of August 2007 pricing, which is at least 25% above current levels. Fiscal Impact Analysis, January 19, 2009 Update, at 6; DEIR at 5.11-5. Further, many infrastructure improvements that the County claims as justification for its Extraordinary Amendment findings, *see* Resolution 2010-89 at 6, FEIR Appendix B at 11-12, will not be built until after Project construction commences. *See, e.g.*, DEIR at 2.0-48 to 2.0-50 (stating that various transportation mitigation measures, including widening of Ramona Expressway, will not be required until after a few thousand residential occupancy permits have been issued). Given that neither the Project nor associated infrastructure improvements will commence in the foreseeable future, there is no urgent need to proceed with the Extraordinary Amendment now instead of through the normal 5-year update process.

This flaw undermines all of the County's findings regarding the Extraordinary Amendment. In order to legally proceed with the proposed Extraordinary Amendment, the County must make all three of the findings, listed below, and each finding must be supported by substantial evidence. If *any one* of them is invalid, the County may not proceed. As detailed below, all three of the County's findings are irrational and are not supported by substantial evidence. *See* Resolution 2010-89 at 6-8 (containing the findings supporting the Foundation Amendment change). The County therefore has no basis on which to proceed with the proposed Extraordinary Amendment.

Further, the proposed Extraordinary Amendment is a dangerous, precedent-setting maneuver that undermines the certainty of the General Plan. As explained by Supervisor Buster at the June 13, 2006 hearing at which the Board allowed the developer to proceed with planning this Project, there are other development projects straddling the transportation corridor that is planned for expansion. FEIR, Appendix B, transcript of June 13, 2006 Board Hearing at 13. Just like VOL, other developers have claimed that their projects should qualify for Extraordinary Amendments because the projects will help the County achieve transportation benefits that it wants. *Id.* Supervisor Buster put it well when he stated that "from the standpoint of fairness, what seems to the planning department to be not precedent setting is a very different matter when you talk to other property owners who . . . are hurting because they can't advance a project" through an Extraordinary Amendment process, even though their projects may have benefits similar to the VOL's alleged benefits. *Id.* at 33. Given the precedent-setting nature of this amendment, it makes no sense to proceed with this Extraordinary Amendment since the County will not be "gaining anything more substantially [sic] out of this project in terms of infrastructure and community benefits and open space than we would if we waited for the normal course of events . . ." *Id.* at 13.

Below are the three findings the County must make to justify the Extraordinary Amendment:

- A. a) "The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan."

General Plan, Chap. 10.

The County cites no evidence whatsoever, much less ample evidence, to support this necessary finding. Instead, Resolution 2010-89 merely recites this finding word for word. Resolution 2010-89 at 6. Although the County attempts, unsuccessfully, to marshal evidence to support the other two findings (below), the County makes no such attempt here. Nor could it. First, there are no new conditions or circumstances that justify amending the General Plan to allow more sprawl development far from urban centers and transit. Indeed, the General Plan states in no uncertain terms that its intent is to "[c]oncentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County . . ." Policy LU 2.1(e). Yet this Project is not in or near an urban area; rather, it is surrounded by rural land. *See, e.g.*, DEIR at 5.9-27; Annotated EIR at 6.0-17. Nor are there new conditions requiring a massive housing development that will worsen the area's jobs/housing imbalance. To the contrary, this part of the County is in great need of more jobs, not more housing. DEIR at 5.11-15 ("the unincorporated portion of Western Riverside County is projected to be a jobs-poor area," and the area in which the "proposed project is located [] will be housing-rich in 2030.").

Further, to the extent new conditions have arisen in the few years since this Project was first proposed, these conditions reflect less need for housing and more need for development to be sited close to transit and existing urban areas. For instance, the Legislature passed, and the governor signed, SB 375 in September 2008. This bill aims to reduce greenhouse gases by requiring smarter growth patterns that will keep people from having to drive everywhere. *Governor Schwarzenegger Signs Sweeping Legislation to Reduce Greenhouse Gas Emissions through Land-Use*, Sept. 30, 2008, attached as Exh. 3. Yet this Project takes Riverside County in exactly the wrong direction. The Project will require residents to commute long distances to work in their cars. *See* RTC at 2.0/28-86 and DEIR Technical Report at 49 (average work-based commute trip distance for Project residents will be more than 22 miles). It will result in 294 million vehicle miles traveled (VMT), with all of the associated emissions and pollutants that come with those miles traveled. FEIR at 28-88(Table 4-25). Moreover, the County is in a

housing crisis, but not due to a shortage of housing; rather, there are plenty of empty and foreclosed homes. *See* Tamara Keith, *Walking One Block Damaged By The Housing Crisis*, March 8, 2010, attached as Exh. 4. This new circumstance hardly justifies building thousands of new homes, especially ones that will be priced at 2007 levels or higher. People cannot afford their current homes, so there is no reason to believe that more homes priced at 2007 levels will be affordable or necessary. *Id.*

In addition, the Project would both fundamentally conflict with the overall Riverside County Vision and would create internal inconsistencies among the elements of the General Plan. Most critically, the Project would conflict with the County's Vision and policies regarding creating a jobs/housing balance and developing near existing urban and suburban areas. *See* General Plan, Chapter 2, A Vision for Riverside County Jobs and the Economy ("Jobs/housing balance is significantly improved overall, as well as within subregions of the County."); *id.* at Policy LU 2.1(e) (policy to concentrate growth near existing communities). Further, the Project would conflict with numerous other policies and goals as well; these inconsistencies were discussed in detail in Shute, Mihaly & Weinberger's ("SMW") comment letter of December 15, 2009.

Lastly, although Resolution 2010-89 does not contain any evidence to support its finding on this subject, the FEIR, Appendix B contains a list of purported justifications to support the proposed General Plan Foundation Amendment. However, these additional rationales lend no support to the County's findings. For instance, the County discusses California's alleged housing shortage and the need for more housing to address Riverside County's growing population. Appendix B at 11. However, the County does not claim that this is a "new condition[] or circumstance[] disclosed in the review process." General Plan, Chap. 10. On the contrary, the County cites 2002 data to show that there was an alleged housing shortage. *Id.* Given that the General Plan was adopted in 2003, this information was available during the General Plan review process and presumably was incorporated into the *existing* General Plan. Because it is not a new circumstance that was discovered during the proposed Extraordinary Amendment review process, it cannot be used to justify changes to the General Plan's Foundational Elements.

- B. b) "A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such an amendment may involve private properties, public properties or both."

The County claims that the “unusually compelling” event justifying the proposed extraordinary General Plan Amendment is the:

opportunity that is presented by having 2,786 acres under the control of one entity that wants to pursue a comprehensive master plan to address not only the land uses, but the infrastructure and open space needs as well and which in doing so will assist the County in compliance with the MSHCP and furthering the objectives of the General Plan.

Resolution 2010-89 at 6-7. The FEIR discusses these justifications in more depth, stating that the developer will be able not only to pay fees so that public facilities will be built, but will itself “build facilities and build them early, if possible.” FEIR, Appendix B at 14. However, the County offers no justification regarding why there is an urgent need to proceed with the Extraordinary Amendment now as opposed to waiting for the normal 5-year update process, which is expected to conclude within a year. As described above, the Project is not going to be built in the near future; thus, the size of the acquired parcels under the developer’s control and the infrastructure and open space needs are irrelevant in terms of urgency. Waiting for the regular 5-year cycle to amend the General Plan will not delay Project implementation in the least. Thus, even assuming for the sake of argument that assemblage of 2,800 contiguous acres is a compelling circumstance, there is no urgency to proceed with an Extraordinary Amendment to facilitate a Project that will not be built immediately, if it is ever built at all.

As Supervisor Buster stated at the hearing of June 13, 2006, at which the Board allowed the developer to proceed with planning the Project, the Project location is also “one of the last places that we should develop because it is so distant from roads, jobs, and it doesn’t have the infrastructure.” FEIR, Appendix B, hearing transcript at 25. Even the developer admitted that “[t]oday if you drive there [to the Project site], you would say it’s far out. . . .” *Id.* at 26. The developer went on to justify the Project’s location by saying that, over the lifetime of the Project, which will stretch until 2020 or 2025, it won’t seem so far out because other nearby job centers are in the planning stages. *Id.* However, the developer admits that these job centers are “not going to happen tomorrow.” *Id.* Thus, once again, there is no compelling urgency for this Extraordinary Amendment. The alleged job centers for which this Project could provide housing are still in the earliest planning stages, and the Extraordinary Amendment could wait for the regular 5-year cycle.

Moreover, the mere assemblage of a large parcel is hardly an “extraordinary justification.” General Plan, Chapter 10. Nor is it unusually compelling given that more than forty other large developments are currently permitted or planned in the immediate area. DEIR at 8.0-11, Figure 8-1. Also, as explained above and in SMW’s comment

letter of December 15, 2009, the Project does not further the overall goals of the General Plan; rather, it fundamentally conflicts with the Plan's vision to place new development in close proximity to existing urban areas and to reduce the jobs/housing imbalance. Lastly, as explained in comment letters from the Center for Biological Diversity, the Project also does not assist the County in complying with the MSHCP. On the contrary, it conflicts with the MSHCP. *See generally*, comments to the Board by The Center for Biological Diversity.

- C. h) "A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in this General Plan, and that could not be accomplished by a lesser change in the General Plan."

General Plan, Chapter 10.

As with the previous findings, the County fails to support this finding with substantial evidence. For instance, although it describes why the Project and related General Plan Amendment might make it easier for the County to implement the widening of Cajalco Road, it does not provide evidence that this Extraordinary Amendment is *necessary* to facilitate such construction. *See* Resolution 2010-89 at 7; FEIR, Appendix B at 15-18. On the contrary, Appendix B of the FEIR lists "six reasons why the CETAP corridor will benefit from TVOL and its Foundation Component Amendment." p. 15. However, there is a big difference between "benefit" and "necessity." The County has explained why it the Project would be useful to the County, but has not disclosed why the Project and Extraordinary Amendment are necessary. This finding of necessity should not be taken lightly. As described in the General Plan, Extraordinary Amendments are meant to be rare events. They must "have extraordinary justification. This type of event is properly considered an exception to normal General Plan considerations because of its serious cause and potentially serious impacts on the General Plan." General Plan, Chapter 10. The County has not met this standard.

In order to meet the standard of showing that the Extraordinary Amendment is necessary, the County would have needed to do numerous things, all of which it failed to do. The County has provided no data showing that the widening of Ramona Expressway could not happen or would be unreasonably delayed without the Extraordinary Amendment. Nor has it provided evidence regarding the County's budget or the lack of funds to be able to carry out the desired improvements. Likewise, the County has not disclosed how much funding it expects to receive from other proposed developments, of which there are many. DEIR at 8.0-11, Figure 8-1. Without this data, the County has not shown the necessity of the Extraordinary Amendment and Project.

Further, the County's findings and the EIR do not contain evidence regarding the inability to construct the desired improvements with a smaller change in the General Plan. For instance, the proposed Extraordinary Amendment would allow for nearly nine times the housing density currently allowed under the existing General Plan. DEIR Section 5., Table 5.9-A. But neither Resolution 2010-89 nor the EIR discloses whether these improvements could be constructed with a lesser change in the General Plan—for instance, if dense development was allowed in a smaller area. Accordingly, there is no evidence to support the County's assertion that the implementation of transportation corridor or open space designations could not be accomplished with a lesser change to the General Plan.

Lastly, as with the other findings, the County has made no finding of urgency. Given that the Project admittedly will not begin soon, and that transportation improvements will not occur until sometime—possibly a long time—after commencement of Project construction, there is no need to push through an Extraordinary Amendment. *See, e.g.*, DEIR at 2.0-48 to 2.0-50 (stating that various transportation mitigation measures, including widening of Ramona Expressway, will not be required until after a few thousand residential occupancy permits have been issued).

II. The Various Project Approvals Violate State Planning and Zoning Law.

As described in SMW's letter of December 15, 2009, State Planning and Zoning Law (Govt. Code § 65000 *et seq.*) requires that development decisions be consistent with the jurisdiction's general plan. This includes the requirements that zoning must be consistent with the general plan, Govt. Code § 65860 and that specific plans and other development plans must be consistent, *id.* at §§ 65359, 65454. For all of the reasons described in this letter, SMW's previous letters to the Board, and various other public comments, the proposed Project, including Specific Plan No. 342 and Change of Zone No. 07055, are inconsistent with the County's General Plan. In addition, General Plan Amendment Nos. 720 and 721 create internal inconsistencies within the General Plan. Thus, the proposed approvals are unlawful and in violation of State Planning and Zoning Law.

A. Land Use Policies Pertaining to Local Employment Levels.

The General Plan contains many policies that attempt to increase local employment opportunities. As the General Plan clearly acknowledges, "traffic patterns on the major east-west transportation routes indicate that Riverside County serves as a bedroom community that supplies a substantial portion of the labor pool for the Los Angeles-Orange County metropolitan area." *See* RCIP at H-78. The General Plan goes on to state that "the unincorporated area shows a severe shortage of jobs, however, with

only 0.47 jobs per household in the western county and 0.30 jobs per household in the eastern county in 1997.” *Id.*

Two policies, in particular, best address the County’s vision for increasing employment levels:

- LU10.1: Provide sufficient commercial and industrial development opportunities in order to increase local employment levels and thereby minimize long-distance commuting.
- Policy 7.3: Promote the development of focused employment centers rather than inefficient strip commercial development.

The EIR correctly determines that the Project would be inconsistent with Policy LU 10.1: “[s]ince the project area in [sic] situated in a rural area, outside of an existing urban core, the number of available jobs in the area is currently limited. Although this project will increase local employment opportunities, many of the residents of the proposed project will need to commute outside of the community.” DEIR, Table 5.9-C at 5.9-28. Despite the EIR’s clear analysis and conclusion, the County’s CEQA Findings come to the opposite conclusion: the Project would be overall consistent with this General Plan policy “despite [the] fact that the amount of commercial/industrial development proposed is limited and may not fully address the goals of this policy.” CEQA Findings at 226. Inasmuch as this project would generate at most 1,000 low-wage retail jobs while adding about 34,000 residents (*id.* at 225), it is inevitable that Project residents will need to travel long distances to seek meaningful employment. There can be no debate that the Project is inconsistent with policy LU 10.1. In addition, inasmuch as the Project proposes strip retail uses rather than a “focused employment center”, the Project is also flatly inconsistent with Policy 7.3.

B. Policies Pertaining to Concentrating Growth Near or Within Existing and Suburban Areas.

In our December 15, 2009 letter, we explained that approval of the Project would be directly at odds with the General Plan’s cornerstone principle of directing new development to existing and suburban areas. Specifically, Policy LU 2.1 (e) calls for “[concentrating] growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible.” In response to this comment, the EIR confirms that the Project will present a change in residential densities next to existing rural properties and is not located adjacent to any existing urban or suburban area. *See* Response to SMW’s December 15, 2009 letter at 49. The EIR thus finds the Project to be inconsistent with the General Plan. *Id.*

Yet, in a desperate attempt to force the Project's consistency with this General Plan policy, the County's CEQA Findings suggest that since the Project site is next to an area that is currently dairies and agriculture but is planned to ultimately be developed with commercial/industrial and residential uses, the Project is consistent with the General Plan. CEQA Findings at 201. Following this convoluted reasoning, the County could authorize unlimited sprawl development so long as other sprawl development was on the drawing boards. Such a conclusion is clearly ill-founded.

Moreover, the County's logic that the Project would not be inconsistent with the General Plan because another jurisdiction's plans also contemplate farmland conversion violates CEQA. CEQA requires that the significance of impacts be measured against a baseline of existing conditions, not future conditions. 14 Cal Code Regs § 15125 (a); *see also, Woodward Park Homeowners Ass'n v. City of Fresno*, 150 Cal App 4th 683, 707 (2007) (EIR must "compare what will happen if the project is built with what will happen if the site is left alone."). The fact that planning documents acknowledge that farmland conversion may occur in the future is irrelevant to the analysis of whether the proposed Project is inconsistent with polices calling for growth to be located near or within *existing* suburban areas.

C. Policies Pertaining to the Protection of Sensitive Land Uses From Effects of Adjacent Pollution-Producing Activities.

The General Plan includes numerous policies intended to protect sensitive land uses from the environmentally harmful effects of adjacent land uses. These include the following:

- RCIP LU6.4: *Retain and enhance the integrity of existing residential, employment, agricultural, and open spaces areas by protecting them from encroachment of land uses re impacts from noise, noxious fumes, glare, shadowing, and traffic.*
- RCIP LU 10.2: *Ensure adequate separation between pollution producing activities and sensitive emission receptors, such as hospitals, residences, and schools.*
- N 1.2: *Guide tolerant land uses into areas irrevocably committed to land uses that are noise producing, such as transportation corridors, or within the projected noise contours of adjacent airports.*

- N 1.5: *Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise-sensitive uses of Riverside County.*

As regards the Project's consistency with the General Plan policies intended to protect sensitive land uses from the effects of excessive noise (e.g., Policy N 1.2 and N 1.5), the EIR fails to actually analyze these inconsistencies. Although an appendix to the DEIR does conclude that the Project would be inconsistent with Policy N 1.2 because it places residential land uses in with commercial uses, and also places sensitive land uses next to Ramona Expressway, (DEIR Appendix N at 12), the EIR is deficient because it fails to actually present this analysis in the text of the EIR. *See Santa Clarita Organization for Planning the Environment v. County of L.A. ("SCOPE")* (2003) 106 Cal. App. 4th 715, 722 (agency's analysis must be contained in the EIR, not "scattered here and there in EIR appendices"). Had the EIR authors actually conducted this analysis, they would have concluded that the Project's inconsistency with Policy N 1.2 constitutes a significant impact. Consequently, the EIR should be revised and recirculated.

Equally troubling, the County's CEQA Findings conclude that the Project would be consistent with noise policies N 1.2 and N 1.5 based on the incorrect assumption that noise impacts would be mitigated to less than significant levels through construction barriers and/or modification to building construction. *See CEQA Findings at 244.* Yet, the EIR (and indeed a separate section of the CEQA Findings) arrives at the exact opposite conclusion -- noise impacts would be incapable of being fully mitigated and would therefore constitute significant and unavoidable impacts of the Project:

The project will create a substantial increase in ambient noise levels in the project vicinity above levels existing without the project. No feasible mitigation measures will reduce those impacts to below a level of significance. Because these increases in noise are as a result generally of vehicle trips and ambient noise created by additional vehicular trips, there are no physical structures, such as soundwalls, or berming, or landscape buffering that could feasibly reduce the increase in ambient noise to less than significant.

CEQA Findings at 132 (identifying the EIR's significant and unavoidable impacts).

The EIR fares no better in regards to its analysis of the Project's consistency with General Plan policies intended to protect sensitive land uses from adverse health effects

(e.g., Policy LU 6.4 and 10.2). Indeed, the DEIR fails altogether to analyze the Project's consistency with Policy LU 10.2. As with Policy N 1.2 discussed above, the only "analysis" of the Project's consistency (or lack thereof) with the General Plan is buried in the EIR's appendix, which states: "The Ramona Expressway is anticipated to produce pollution, in the form of diesel exhaust, which sensitive receptors will not be adequately separated from causing an inconsistency with this policy. *See* DEIR Appendix N. As discussed above, it is not sufficient for the analysis to be located in a technical appendix; it must be included in the EIR itself. The Project's inconsistency with this policy constitutes a significant impact; consequently, the EIR should be revised and recirculated.

While the EIR does analyze the Project's consistency with Policy LU 6.4, the EIR incorrectly finds the Project to be consistent with this policy (*see* Table 5.9D at 5.9-42, 43). Yet, inasmuch as the analysis of LU 10.2 concluded that the Project would be inconsistent with the General Plan because it would result in significant health effects resulting from diesel exhaust emissions generated by vehicles traveling along the Ramona Expressway, the EIR has no basis to conclude that the Project would be consistent with Policy 6.4. Both policies are intended to protect sensitive land uses from pollution producing activities. Finally, notwithstanding the EIR appendix's clear admission that the Project would be inconsistent with the General Plan because it would expose sensitive receptors to diesel exhaust emissions (Appendix N), the CEQA Findings include the following absurd statement:

The siting of residential uses within 500 feet of major arterials and the Ramona Expressway is, however, a condition that occurs throughout the County's General Plan, therefore, the project's siting of residential uses is consistent with the County's General Plan's siting of land uses, despite this individual situation.

CEQA Findings at 226, 227.

Thus, the authors of the CEQA Findings would have us ignore this environmentally protective General Plan policy because apparently the County routinely ignores such policies. If this is true, then the health of County residents is already severely burdened by the County's land use practices. Consequently, the County should apply more stringent, not more lenient, enforcement of its policies to protect the health of its residents.

III. The EIR Fails to Adequately Analyze and Mitigate for Air Quality Impacts.

A. The Project's Air Quality Impacts Would Be Significantly Worse Than the EIR Discloses.

In previous comment letters we explained that the EIR should be recirculated because the FEIR disclosed that the Project's emissions of particulate matter (PM₁₀ and PM_{2.5}) from construction would be more than three times as high as identified in the DEIR. *See* SMW letter to Chairman Stone and Members of the Board, dated December 15, 2009 at 4. Upon further review of the EIR, we have determined that the document also underestimates the Project's increase in a broader array of criteria air pollutant emissions (PM₁₀, PM_{2.5}, NO_x and CO) because it relies on incorrect assumptions regarding vehicular trip length. As discussed below, the modeling for vehicular emissions assumed an unrealistically short, work-based vehicular trip length that did not account for the proposed Project's location far from job centers. Had the EIR's air quality model assumed a more accurate vehicular trip length distance, it would have arrived at substantially greater criteria air pollutant emissions than the EIR discloses.

The EIR's analysis of the Project's air quality impacts includes an evaluation of operational emissions. DEIR at 5.3-46. Operational emissions refer to on-road motor vehicle emissions from Project buildout. *Id.* According to the EIR, the cars and trucks traveling to and from the VOL site are the Project's dominant pollution generators. EIR Air Quality Technical Appendix at 14. According to the EIR, mobile source emissions were calculated using the URBEMIS 2007 model, which computes emissions based upon default factors and land use assumptions for a project. DEIR at 5.3-46; EIR Air Quality Technical Appendix at 1. URBEMIS is the standard model used for purposes of estimating VMT associated with new development, and the model incorporates anticipated vehicle trip distances associated with work commutes from such developments. *See* Response to Comments at 2.0/28-84.

In response to a public comment criticizing the EIR's emissions methodology in the context of GHG emissions modeling, the FEIR concedes that the DEIR did not assume accurate trip length distances for the project: "However, in response to this comment, a further modeling exercise was conducted *that was more precisely geared to the project* and new calculations were performed to reflect potential trip lengths specific to the project. As discussed [in the response to comment], *incorporating project-specific inputs resulted in a longer home-based work trip length, which reflects the geography of the area.*" RTC at 2.0/28-85 (emphasis added). The FEIR goes on to state: "[t]he revised trip distance *more specifically reflects the estimated commuting distances of residents of the project* from their homes to employment centers in all of Southern California." *Id.* at 2.0-28-86 (emphasis added).

The FEIR elaborates further on the methodology for the revised analysis, explaining that it relied on employment data from the Southern California Association of Governments, the San Diego Association of Governments, and the 2000 US Census travel time data for the 20-mile radius surrounding the Project. *Id.* The end result of this additional analysis confirms that the trip length used in the DEIR's analysis was considerably shorter than average work-based commute lengths in the Project vicinity. Specifically, the DEIR assumed a work-based trip length of 12.70 miles while the actual work-based commute trip distance is 22.26 miles. *See* RTC at 2.0/28-86 and DEIR Technical Report at 49. The difference in VMT is substantial: the DEIR assumed the Project's total annual VMT would be about 196 million. DEIR at 5.3-82. In contrast, the FEIR determined the VMT would be over 294 million. FEIR at 28-88 (Table 4-25). This represents a 50 percent increase in VMT in comparison to the DEIR's projections.

In subsequent responses to comments, the EIR makes an elaborate, yet feeble, attempt to discredit its own revised VMT analysis. First, the EIR preparers suggest that the substantial increase in VMT should not be considered further because the analysis was "provided as a hypothetical situation that served to answer a specific question/comment related to GHG, not as a new analysis that should be applied to the project as a whole." VOL Response to Comments at 27. Regardless of whether the revised analysis would affect the GHG calculations (although it is hard to envision how a substantial increase in VMT would *not* affect GHG emissions), the revised project-specific analysis would certainly affect the criteria air pollutant analysis and therefore must be applied to the Project as a whole.

Second, the EIR suggests that the consultants had to rely on the incorrect trip length distance assumption because the trip length in the DEIR represents the URBEMIS default distance and that "URBEMIS does not reflect the specific location of any given project." RTC at 2.0/28-85 and 86. While the URBEMIS model may or may not reflect specific geographic locations,² it certainly includes the option of identifying whether a project is located in an urban versus a rural environment. *See* Software Users Guide, URBEMIS 2007 For Windows, prepared for South Coast Air Quality Management District, November 2007 at 4 and 34 ("URBEMIS Manual") (submitted by the Center For Biological Diversity). Here, the VOL DEIR used the URBEMIS default rates for *urban* trip length distances in Riverside County (FEIR at 2.0/28-85), when in fact it could and should have used the default rate for rural trip length distances. *See* URBEMIS Manual

² It is our understanding that URBEMIS does, in fact, allow for customization of modeling. *See, e.g.,* <http://www.urbemis.com/screenshot/screenshot.html> which shows databases for California counties, attached as Exh. 5.

at 4 and 34. Indeed, the EIR confirms the Project's remote location and isolation from jobs: "Since the project area in [sic] situated in a rural area, outside of an existing urban core, the number of available jobs in the area is currently limited. Although this project will increase local employment opportunities, many of the residents of the proposed project will need to commute outside of the community." DEIR at 5.9-28.

Inasmuch as air pollutant emissions are calculated based on average emissions per mile traveled, the fact that the Project's VMT would be about 50 percent greater than the DEIR's estimates warrants a revision of the DEIR's criteria air pollutant analysis. *See Modeling Mobile-Source Emissions*, National Academy Press, at 28, excerpts attached as Exh. ##. Had the EIR included "project-specific" trip length distances in its calculation of mobile source CO, NO_x, PM₁₀ and PM_{2.5} emissions, the Project's mobile source emissions would be substantially greater than the DEIR discloses. The EIR's failure to calculate Project emissions of CO, NO_x, PM₁₀ and PM_{2.5} based on the FEIR's new conclusions regarding increased trip length renders the EIR's air quality analysis inadequate.

B. The County Is Incorrect That Offset Fees Are Not Feasible Mitigation for Cumulative Air Impacts.

The County incorrectly claims that requiring offset fees to mitigate the Project's severe impacts on air quality is not feasible. Resolution 2010-89 at 119. This mitigation measure was suggested in this firm's letter to the Board of February 22, 2010 because it could mitigate the Project's admitted impacts to air quality. *See* Resolution 2010-89 at 118 (short- and long-term Project emissions will exceed SCAQMD significant thresholds). The County asserts that it is not feasible to adopt an ordinance requiring developers to pay for offsetting new air pollution because: a) "the County does not have a program by which to purchase offsets and therefore the ability of this measure to be accomplished successfully within a reasonable period of time is uncertain and therefore of questionable feasibility;" b) "the imposition of fees would not reduce the emissions anticipated to be generated by the project;" and c) "the imposition of fees in one county would not necessarily reduce to a level of less than significant the cumulative effect of air emissions generated elsewhere in the South Coast Air Basin."

The County's rationales are irrelevant and do not show that such mitigation is infeasible. The County could implement a program to purchase offsets, and the fact that it might not happen right away is of no moment. Many of the Project mitigation measures would not happen right away, but would occur years or decades from now as the Project is developed. For instance, many transportation mitigation measures—including ones that require paying various fees to the County—will not occur until after

a certain number of units are developed. *See, e.g.*, DEIR at 2.0-48. This does not make them any less useful or less feasible.

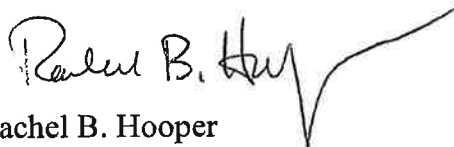
Second, the fact that the imposition of fees would not reduce the Project's on-site impacts is also irrelevant. Many of the Project's other mitigation measures do not actually reduce the impacts of the Project itself, but make up for those impacts in other ways. For example, the County is planning to require the imposition of a perpetual agricultural conservation easement outside of Project boundaries but within 5 miles of the Project site. DEIR at 2.0-11. Also, due to the Project's impacts on sensitive and endangered species, the developer must pay the County MSHCP mitigation fees as set forth under Ordinance No. 810.2. This measure shows clearly that an ordinance can require fees to mitigate the Project's impacts even though it does not reduce the Project's impacts on-site. The County cannot rely on this justification to find the proposed air mitigation fee infeasible.

Third, the fact that mitigation fees in Riverside County might not reduce the cumulative effect of emissions generated elsewhere in the air basin to a less than significant level is simply not relevant. CEQA requires projects with significant impacts to consider and adopt feasible mitigation even if it will not reduce impacts to a less than significant level. *See* CEQA Guidelines § 15126.4(a)(1) ("An EIR shall describe feasible measures which could minimize significant adverse impacts . . ."). The Guideline does not say an EIR must only describe measures that would reduce impacts to an insignificant level). This mitigation fee could certainly reduce air emissions, and it is of no consequence whether the emissions would be reduced in the local area or slightly farther away.

For the foregoing reasons, we respectfully request the County to deny the requested Project approvals.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Rachel B. Hooper

Erin B. Chalmers


Laurel I. Impett, AICP, Urban Planner

EXHIBIT 1

GP UPDATE 2008 - LINKS

[General Plan Update Main Page](#)
[General Plan Advisory Committee Agendas](#)

File Information

 Some files on this page are in PDF format and require the free Acrobat Reader to view. [Click here to download the free reader.](#)

Last Updated

11/30/2009

Riverside County General Plan Update in 2008

2008 General Plan Update

The County of Riverside is commencing its first 5-year General Plan review cycle, since the County adopted the current plan in 2003. Primarily, the 2008 update will assess General Plan's progress and issues related to its implementation.

+ CEQA Documents

Public Information Documents

- + **PC Workshop Packet - August 19, 2008**
- + **PC Workshop Packet - June 24, 2008**
- + **BOS General Plan Amendment Initiation Process - 10/21/2008 - Item 15.1**
- + **PCCPAIP - 10/1/2008 - Item 6.1**
- + **PC PACKET - July 9, 2008**

General Plan Advisory Committee

The General Plan Advisory Committee (GPAC) is established by the County Board of Supervisors. The GPAC comments on the Planning Department's proposed amendments and makes recommendations to the Board of Supervisors regarding the update.

EXHIBIT 2

From: "Mehta-Cooper, Mitra" <MMEHTA@rctlma.org>
Date: March 11, 2010 5:37:59 PM PST
To: 'george hague' <gbhague@gmail.com>
Cc: "Meins, Damian" <DAMEINS@rctlma.org>
Subject: RE: IV GPU timeline

Good afternoon Mr. Hague:

An e-mail to you was my last task of the day, and thank you for the reminder.

Yes, I did have a discussion with Mr. Damian Meins.

As we discussed, budget uncertainties are on Management's mind as well.

However, if we assume that the County BOS would continue to allocate general funds monies to this project, the project would maintain its current staffing, we would be awarded the applied Grant monies, and the State does not make any significant changes to land use planning and CEQA laws, here are some projected dates for GPA 960.

- 1) April or May 2010 - the next GPAC meeting;
- 2) June or July 2010 - Screen check EIR prepared;
- 3) October or November 2010 - Draft EIR prepared and Public Review;
- 4) February or March 2011 - Final EIR and Adoption Hearings.

I hope this helps you with your travel plans. As I have mentioned before, it would heavily depend on all our assumptions becoming a reality.

Have a wonderful weekend, Mr. Hague.
Thank you for your on-going interest in this project.
Mitra

\\Smw01\vol1_data\FRIENDS\Post FEIR\Post FEIR Letter Exhibits\Email re GP update timing.doc

EXHIBIT 3



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

PRESS RELEASE

09/30/2008 GAAS:694:08 FOR IMMEDIATE RELEASE

Governor Schwarzenegger Signs Sweeping Legislation to Reduce Greenhouse Gas Emissions through Land-Use

Continuing California's environmental leadership in fighting global warming, Governor Arnold Schwarzenegger announced that he has signed [SB 375](#) by Senator Darrell Steinberg (D-Sacramento), which builds on AB 32, California's first-in-the-nation law to reduce greenhouse gas emissions, by adding the nation's first law to control greenhouse gas emissions by curbing sprawl.

"This landmark bill takes California's fight against global warming to a whole new level, and it creates a model that the rest of the country and world will use," Governor Schwarzenegger said. "When it comes to reducing greenhouse gases, California is first in tackling car emissions, first to tackle low-carbon fuels, and now with this landmark legislation, we are the first in the nation to tackle land-use planning. What this will mean is more environmentally-friendly communities, more sustainable developments, less time people spend in their cars, more alternative transportation options and neighborhoods we can safely and proudly pass on to future generations."

In order to reach the greenhouse gas reduction goals set out in AB 32, the Global Warming Solutions Act of 2006, Californians need to rethink how we design our communities. SB 375 does this by providing emissions-reduction goals around which regions can plan-integrating disjointed planning activities and providing incentives for local governments and developers to follow new conscientiously-planned growth patterns.

SB 375 enhances the Air Resources Board's (ARB) ability to reach our AB 32 goals by directing ARB to develop regional greenhouse gas emission reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. ARB will also work with California's 18 metropolitan planning organizations to align their regional transportation, housing and land-use plans and prepare a "sustainable communities strategy" to reduce the amount of vehicle miles traveled in their respective regions and demonstrate the region's ability to attain its greenhouse gas reduction targets. Spending less time on the road is the single-most powerful way for California to reduce its carbon footprint.

Additionally, SB 375 provides incentives for creating attractive, walkable and sustainable communities and revitalizing existing communities. The bill also allows home builders to get relief from certain environmental reviews under the California Environmental Quality Act if they build projects consistent with the new sustainable community strategies. It will also encourage the development of more alternative transportation options, which will promote healthy lifestyles and reduce traffic congestion.

The Governor also signed [SB 732](#) by Steinberg which will provide a comprehensive statutory framework to implement new programs under Proposition 84, the \$5.4 billion initiative voters passed in 2006 for safe drinking water, water quality and supply, flood control, natural resource protection and park improvements. The bill also establishes the Strategic Growth Council and will appropriate \$500,000 from Prop 84 to the Resources Agency to support the Council and its activities.

The bill requires the Council to take certain actions with regard to coordinating programs of various state agencies to do the following:

- improve air and water quality

Share Page

Chat with your friends

- increase the availability of affordable housing,
- improve transportation,
- meet the goals of AB 32,
- encourage sustainable land use planning and
- revitalize urban community centers in a sustainable manner.

The Council will also manage and award grants and loans to support the planning and development of sustainable communities.

California is leading the fight against climate change with the following strong policies, laws and innovations:

- Global Warming Solutions Act of 2006 (AB 32): AB 32 established a first-in-the-world comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gas emissions. The law will reduce carbon emissions in California to 1990 levels by 2020.
- Low Carbon Fuel Standard (LCFS): California's LCFS requires fuel providers to reduce the carbon intensity of transportation fuels sold in the state, dramatically expanding the market for alternative fuels. To start, the LCFS will reduce carbon content in all passenger vehicle fuels sold in California by at least 10 percent by 2020 and more thereafter.
- Million Solar Roofs Initiative: The Governor's \$2.9 billion incentive plan for home and building owners who install solar electric systems will lead to one million solar roofs in California by the year 2018, provide 3,000 megawatts of clean energy and reduce greenhouse gas emissions by 3 million tons.
- Renewable Portfolio Standard (RPS): California's RPS calls for more energy to come from clean, renewable sources. In 2003, the Governor called for an acceleration of the RPS, pushing for 20 percent of California's energy to come from renewable energy sources by 2010 rather than 2017, seven years earlier than statute. This accelerated standard became law in 2006 when the Governor signed SB 107.
- California's automobile emissions standards: The Governor has been pursuing every avenue possible to enforce California's 2002 law, AB 1493 by Assemblymember Fran Pavley, which allows California to enact and enforce emissions standards to reduce greenhouse gas emissions from automobiles, including a lawsuit against the U.S. Environmental Protection Agency to overturn its decision denying California's waiver request to enforce our standards.

EXHIBIT 4

Morning Edition

npr Walking One Block Damaged By The Housing Crisis

By Tamara Keith

Published March 8, 2010 12:00 AM

Dana Lane doesn't look devastated.

It's part of a California subdivision built in the late 1980s, a mix of stucco and wood siding with mismatched fences. It looks like so many working-class suburban blocks.

But since the foreclosure crisis started, Riverside County, Calif., has ranked near the top of the list for its rate of homes being taken back by banks. This is a county that has long attracted Los Angeles refugees who drove east until they could afford to buy, then had to commute hours every day. Neighborhoods are hurting. Even people who didn't get swept up in the bubble have been hurt by the bust.

Dana Lane is one particularly hard-hit block in the city of Moreno Valley. There are hints of what its residents have been through — a broken window, for-sale signs and brown lawns.

More than two years into the housing bust, 20 percent of the homes on Dana Lane have gone into foreclosure, and residents here wonder who will be next.

Anita Sandoval stopped paying her mortgage five months ago.

"There's nobody living next door," Sandoval says. "If you look here, this house across the street is empty."

And those who stayed? Virtually all of them are underwater, meaning they owe more than their homes are worth. Sandoval and her landscaper husband bought their bright yellow two-bedroom home near the height of the market.

The house across the street just went for \$75,000 in a foreclosure sale.

"And I bought mine for \$260,000, and it's the exact same home," Sandoval says. "I've been in the house. It's the exact same home."

But that's not why Sandoval stopped making her mortgage payments. Her savings ran out, and she was finally hit with the painful reality that she and her husband really couldn't afford this house. They never could.

The Bubble Mindset

There are basically two kinds of homeowners on Dana Lane — those who bought high like the Sandovals, and those who had been there awhile and saw their equity ballooning until it stopped.

"Like everybody else, I'm in an upside-down loan," says Brenda Moore, who owes more than \$300,000 on her mortgage. This is remarkable considering she bought her house in 1989 for \$80,000. A search of public records reveals that Moore, a retired nurse, has refinanced her home eight times since 1998.

The loans are from a who's who of subprime lenders. With each loan she took out more equity, and each time the loan terms got worse.

"Hey, I had a lot of equity, so I would just go in there using it and having a lot of things done — outside and inside," Moore says.

Moore replaced a sagging fence. She put in new carpet and a tile floor in the kitchen. But that doesn't explain where all the money went. Most of it didn't go to tangible things; it went to raising her five grandchildren and two great-grandchildren even after she was no longer able to work.

At one point, Moore had just pulled out a chunk of equity when a family member passed away. She used the money to help pay for the burial.

"So that was a blessing because I had just — about a week [ago] — had just did the refi and was going to do some more work around the house, and that happened," Moore says.

The bubble mindset here was infectious, but it didn't affect everyone.

William and Laura Betts stand out on Dana Lane. They've actually paid off their mortgage. They made their last payment in 2005 at the height of the refinance frenzy. It was a goal from the moment they moved in back in 1986.

"Payment was \$750, I think, and the very first payment we sent in 10 extra dollars, and they sent it back because we had to pay at least a whole month's principle, and that was \$15 or something — I forget the exact number, but it was more than we had sent in," says William Betts.

Resisting Temptation

Every month they sent in a little extra. They are Mormon and say their faith guided them to be fiscally responsible. Sure, they got calls from mortgage brokers who were eager to help them turn their home into an ATM. But they resisted. They weren't even tempted.

"I'd hear the commercials on the radio about OK, 'This is the ultimate refinance.' And then three months later, the same company and the same radio host was [saying], 'This is the ultimate final refinance,'" William Betts recalls. "And you know that things just can't keep going like they're going without something happening. You think, this is crazy, this is insane. These people — they're foolish."

You can see the consequences up and down Dana Lane. Brenda Moore says that at her end of the block, there have been five foreclosures. The house across the street became a real problem.

"It stayed vacant for so long," Moore says. "We had never had no graffiti. And then they started marking graffiti on that fence on that house right there, on the corner right here."

But Dana Lane is too proud for graffiti. Moore says neighbors painted over it. A black wrought-iron fence gives Moore's two-story home the look of a fortress. But it could have just as easily wound up like the long-abandoned foreclosure across the street.

To Walk Away Or Stay?

When it got to the point that she could no longer make her mortgage payments, Moore thought about walking away.

But she says the Lord intervened. A nonprofit group helped her get a loan modification. Her payments have been cut in half. When a reporter tells her about the Betts family down the street, she seems a little surprised that there's anyone on the block who didn't refinance.

"So that's good they didn't have to," Moore says. "But then, too, I look at it this way: You're sitting on a bank, so if you can use it, use it because you can't take it with you, so enjoy it while you can."

At the other end of the block, Anita Sandoval isn't enjoying her situation. She's worried about how she and her husband can possibly hang onto their home.

"All the money you put into it and all the months you paid for nothing," Sandoval says.

She fears the day the sheriff comes knocking on their door. It happened to one of her neighbors a few months ago.

"He was taken out of the house," Sandoval recalls. "It was devastating how he was taken out of the house for everybody to see. They had all his things at the curb."

Searching For The Bottom

At the peak of the market, homes on Dana Lane were going for four and five times what they can sell for now.

When William Betts thinks about what's happened to this street, he doesn't resent his neighbors' choices or the nice furniture and granite countertops they bought with imagined equity. He just feels bad for them.

"How do I say this?" Betts asks. "Most of our neighbors, I think, sold their inheritance for a bowl of pottage. The Jet Skis are gone, and so is their house."

Actually, there's one Jet Ski left on the block, parked in front of a house that is now about \$100,000 underwater.

Back in November, Betts lost his job. It's the second time in four years he and his wife have had to live off of savings and unemployment. But at least they don't have to worry about their home.

"I just remember the day that we signed the papers that the house was now ours," Betts recalls. "You know, I've slept pretty good every night since then, 'cause when you own your house, you never have to worry about where you're going to live."

Home prices in this neighborhood may have bottomed — nobody knows. The Bettses' home is now worth little more than it was when they bought it 25 years ago — not much of a reward for doing everything right.

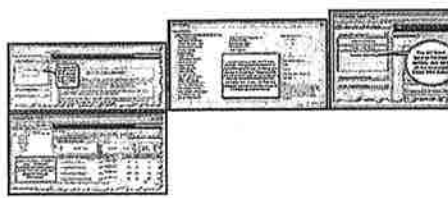
But that's not how the Bettses see it: "Be it ever so humble," says William Betts, "it's ours."

Available at <http://www.wbur.org/npr/123904860>

\\Smw01\vol1_data\FRIENDS\Post FEIR\Post FEIR Letter Exhibits\NPR article re foreclosures.doc

EXHIBIT 5

Creating a New Project and Downloading a New Database



Step 5. Create a New Project

close

Copyright 20

Emfac Database Group	Check to Install
Feather River AQMD	<input type="checkbox"/>
Imperial County APCD	<input type="checkbox"/>
Mendocino County APCD	<input type="checkbox"/>
Monterey Bay Air District	<input type="checkbox"/>
Mountain Counties Air Basin	<input type="checkbox"/>
Sacramento Installation Program	<input type="checkbox"/>
San Luis Obispo Santa Barbara County APCD	<input type="checkbox"/>
Santa Barbara County APCD	<input checked="" type="checkbox"/>
California State-wide	<input type="checkbox"/>
Bay Area Air District	<input type="checkbox"/>
Placer County APCD	<input type="checkbox"/>
San Joaquin Valley APCD	<input type="checkbox"/>
South Coast AQMD	<input type="checkbox"/>

urbemis, new, project,

prev

next



Creating a New Project and Downloading a New Database

Step 6. Create a New Project close

Download

Emfac Databases that are NOT installed on your system:

Emfac Database Group	Check to Install
Feather River AQMD	<input type="checkbox"/>
Imperial County APCD	<input type="checkbox"/>
Mendocino County APCD	<input type="checkbox"/>
Monterey Bay Air District	<input type="checkbox"/>
Mountain Counties Air Basin	<input type="checkbox"/>
Sacramento County AQMD	<input type="checkbox"/>
San Luis Obispo County APCD	<input type="checkbox"/>
Ventura County APCD	<input type="checkbox"/>

Emfac Databases that ARE installed on your system:

Emfac Database Group	Check to Remove
California State-wide	<input checked="" type="checkbox"/>
Bay Area Air District	<input type="checkbox"/>
Flacer County APCD	<input type="checkbox"/>
San Joaquin Valley APCD	<input type="checkbox"/>
Santa Barbara County APCD	<input type="checkbox"/>
South Coast AQMD	<input type="checkbox"/>

Proxy Server Issues Progress & Checked Items **Finished**

urbemis, new, project,

prev next

Copyright 20

Once URBEMIS has finished downloading the Santa Barbara County APCD database, URBEMIS shows that the database is installed.

Click the Finished button to exit.

Creating a New Project and Downloading a New Database

Step 7. Create a New Project close

New Project

Project Description:

State/County/Region (Used in both 412 & 413):

<input type="radio"/> Alameda County	<input type="radio"/> Santa Clara County
<input type="radio"/> Bay Area Air District	<input type="radio"/> Solano County in Bay Area AD
<input checked="" type="radio"/> California Statewide	<input type="radio"/> Sonoma County
<input type="radio"/> Contra Costa County	<input type="radio"/> South Coast AQMD
<input type="radio"/> Fresno County	<input type="radio"/> Stanislaus County
<input type="radio"/> Kern County	<input type="radio"/> Tulare County
<input type="radio"/> Kings County	
<input type="radio"/> Los Angeles County	
<input type="radio"/> Nevada County	
<input type="radio"/> Placer County	
<input type="radio"/> Placer County APCD	
<input type="radio"/> Plumas County	
<input type="radio"/> Alpine Bernardino County	
<input type="radio"/> San Francisco County	
<input type="radio"/> San Joaquin County	
<input type="radio"/> San Joaquin Valley APCD	
<input type="radio"/> San Mateo County	
<input type="radio"/> Santa Barbara County APCD	

Download Search:

Countywide

Any District

Only APDs

Screening Analysis Mode

Default Search Duty:

All

State

Air District / Air Basin

County

NOTE:
If this Air District or County you need to use in this list, cannot find County and select the "Download Default File" button. This option will allow you to install a default default file for that Air District.

Cancel Download

Copyright 20

urbemis, new, project,

prev next

(7 of 9) [play](#) [stop](#)

Creating a New Project and Downloading a New Database



Step 8. Create a New Project

close

Copyright 20

New Project

Project Description:

Special Elements Related to this Project:

- Alameda County
- Bay Area Air District
- California State-wide
- Contra Costa County
- Fresno County
- Kern County
- Kings County
- Los Angeles County
- Madera County
- Marin County
- Merced County
- Napa County
- Orange County
- Placer County APCD
- Riverside County
- San Bernardino County
- San Francisco County
- San Joaquin County
- San Joaquin Valley
- San Joaquin Valley
- Santa Barbara County APCD
- Santa Clara County
- Solano County In Bay Area AD
- Sonoma County
- South Coast AQMD
- Stanislaus County
- Tulare County

Special Elements:

- Construction
- Area 5
- County
- State
- Air District
- County

NOTE: If the Air District or County you need is not in this list, contact the support team and select the "Download Similar" button. This option allows you to create additional Default File and Database.

Cancel Create Project

As the final step, click on the Create Project button. URBEMIS then sets up the project and takes you to Step 2.

The next step involves clicking on the Santa Barbara County APCD Default File option, then typing in the Project Description.

urbemis, new, project,

prev

next

(8 of 9) [play](#) [stop](#)

March 19, 2010

Clerk of the Board
Riverside County Board of Supervisors
4080 Lemon St.
Riverside, CA 92501

Dear Supervisors and Redevelopment Agency;

We are writing in opposition to the Riverside County Board of Supervisors and the Redevelopment Agency of the County of Riverside's plan to amend the Redevelopment Plan for the Interstate 215 Corridor Project Area. To put it simply, we want you to remove Meadowbrook from your plan. Our reasons are as follows:

To begin, the timing of your public meeting is not convenient for the working individual. In this time of economic hardship, trying to get time off is hard, and for some, impossible if they want to keep their job or feed their family.

In this time of economic hardship, you are adding further pressure to already stretched budgets when you label our areas as "blighted," send in code enforcement, and demand "improvements" that are actually "revenue enhancement" for your budget. We like our rural area.

Who is financing these "improvements?" The Agency? Where does the Agency get its funds? The taxpayer. We remind you of the current economic crisis. The state of California has demanded money from the Redevelopment Agency to help the budget crisis at the state level. Again, from where will the funds come? I understand the Agency gets "reimbursed" when "improved" properties are sold and higher property taxes are imposed, but what if we want to stay in our homes on our property?

Your notice states "Agency activities in the Amendment Area may include rehabilitation programs for residential and commercial properties..." What does that mean? "May" is a nebulous term leaving too much open-endedness. Will you be making it up as you go along? Also, criminals are in need of rehabilitation programs, but property?

In another part of your notice it states, "assisting the development of new uses...improving the supply of low- and moderate-income housing..." but, you also say, "The proposed Amendment will not result in any changes to ...zoning..." Is this not contradictory?

Then you add, "and pursuing other improvement activities authorized by California Community Redevelopment Law." This leaves the door open to choose to change any thing at any time in the future.

You promise "the Agency will not have any eminent domain authority." Do the supervisors have that authority? How do we know you won't change your mind later?

Why is my area being considered as part of the I-215 corridor? We are closer to I-15. Why should we not believe you are wanting to find ways to bring in more money from already strapped taxpayers?

Is this all just a formality before you move ahead with what you have already decided to do?

One last query, are our voices really being heard...or do you even care?

Sincerely,
Mr. and Mrs. William Thomson
26508 Patterson St.
Perris, CA

4.2

2010-03-09 401

March 22, 2010

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street – 5th Floor
Riverside, CA 92501

Board of Supervisors:

RE: Board of Supervisors Meeting March 23, 2010 - AGENDA ITEM 3.37 – Adoption of Resolution No. 2010-88, Certifying Environmental Impact Report No. 471 and Adopting Specific Plan No. 342.

The following printed materials **Attachments** are being submitted to the Riverside County Board of Supervisor upon Certification of Environmental Impact Report No. 471. I am requesting they be included in the Administrative Record for the California Environmental Quality Act (CEQA) review of Specific Plan No. 342. These materials document my efforts to research historic information supporting my comments on EIR 471.

Attachment

Printed Materials

- | | |
|----|---|
| #1 | December 8, 2009 – Riverside County Habitat Conservation Agency (RCHCA) Access to Public Records Request Form. |
| #2 | December 14, 2009 – RCHCA Response letter to December 8, 2009 RCHCA Public Records Request. |
| #3 | Federal Register: August 4, 1995 - Availability of a Draft Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) Regarding The Application for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan for the Stephens' Kangaroo Rat, an Endangered Species, in Western Riverside County, CA. |

Thank you for the opportunity to participate in the CEQA review of this project.

Sincerely,



Tom Paulek
Wildlife Biologist

5010 - 03 - 099343



Riverside County Habitat Conservation Agency
A Joint Powers Authority

RCHCA Access to Public Records Request Form

Date:	12-8-09
Time:	12:50
Name of Requester:	Tom Paulik
Address:	P.O. Box 4036, Idyllwild, CA 92549
Phone:	(951) 368-4525
Email Address:	apaul44@earthlink.net

Nature of Request:

Inspection Request

Request for Copies

Both Inspection & Copies Requested

Tom Paulik / Friends Northern San Jacinto Valley

Requested Method of Delivery:

Pick Up Fax Mail

Description of Records Requested:

1995 Draft EIS/EIR and Final EIR for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan (HCP)

PLEASE PROVIDE A COPY OF THE DRAFT EIS/EIR THAT DOCUMENT PREPARED FOR PUBLIC REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Copying Fees:

- 1) Black & White Copying50¢ for first page and 10¢ for each page thereafter
- 2) Copying from Cassette Tapes/CDbased on direct staff cost

To be completed by RCHCA Staff:

Request No. _____ Received by: _____ Date Response Due: _____
(Typically within ten calendar days of request unless extended as allowed by law.)

Processed By: _____ Date of Disclosure: _____

Processed by RCHCA

Referred to Another Department/Agency

Number of pages copied _____

Estimated Amount of Fee \$ _____ Deposit Received \$ _____ Actual Cost: \$ _____

Pick Up Copies Mailed Copies Faxed
Delivered To: _____ Address: _____ Fax Number: (____) _____



RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY

ATTACHMENT # 2

A Joint Powers Authority

December 14, 2009

**RCHCA
Board of Directors**

City of Corona
Eugene Montanez
Chairperson

City of Hemet
Robin Lowe

City of Lake Elsinore
Melissa Melendez

City of Menifee
Fred Twyman

City of Moreno Valley
William H. Batey II

City of Murrieta
Gary Thomasian
Vice-Chair

City of Perris
Mark Yarbrough

City of Riverside
Mike Gardner

County of Riverside
Supervisor Bob Buster

City of Temecula
Maryann Edwards

City of Wildomar
Bob Cashman

Executive Director
Carolyn Syms Luna

General Counsel
Karin Watts-Bazan
Deputy County Counsel

Mr. Tom Paulek
Friends of the Northern San Jacinto Valley
P.O. Box 4036
Idyllwild, Ca 92549

RE: Public Records Request

Dear Mr. Paulek:

On December 8, 2009, the Riverside County Habitat Conservation Agency (RCHCA) received your public records request to inspect the 1995 Draft EIS/EIR and the Final EIR for the Stephens' kangaroo rat (SKR) Habitat Conservation Plan (HCP).

As we previously advised you, we have reviewed our files and determined that we no longer have a copy of the 1995 Draft EIS/EIR. The Final EIR was made available for your inspection on December 8, 2009.

Thank you.

Sincerely,

Princess L. Hester
Administrative Services Officer

ATTACHMENT # 3



Federal Register Environmental Documents

You are here: [EPA Home](#) [Federal Register](#) [FR Years](#) [FR Months](#) [FR Days](#) [FR Documents](#) [Availability of a Draft Joint Environmental Impact Statement \(EIS\) and Environmental Impact Report \(EIR\) Regarding the Application for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan for the Stephens' Kangaroo Rat, an Endangered Species, in Western Riverside County, CA](#)

Availability of a Draft Joint Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) Regarding the Application for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan for the Stephens' Kangaroo Rat, an Endangered Species, in Western Riverside County, CA

Note: EPA no longer updates this information, but it may be useful as a reference or resource.

Availability of a Draft Joint Environmental Impact Statement

[Federal Register: August 4, 1995 (Volume 60, Number 150)]
[Notices]

[Page 39964-39965]

>From the Federal Register Online via GPO Access [wais.access.gpo.gov]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Joint Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) Regarding the Application for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan for the Stephens' Kangaroo Rat, an Endangered Species, in Western Riverside County, CA

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability and public meeting.

SUMMARY: This notice advises the public that the draft Joint Environmental Impact Statement/Environmental Impact Report on the application to Incidentally Take Stephens' Kangaroo Rat (SKR) in Riverside County, California, is available for public review. The Riverside County Habitat Conservation Agency (RCHCA) has applied to the U.S. Fish and Wildlife Service (Service) for a 30-year Incidental Take Permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Service also advises the public that the application package prepared by the RCHCA, which includes the SKR Longterm Habitat Conservation Plan (HCP), Implementing Agreement (IA), and Incidental Take Permit Application, is available for public review. Comments are requested and a public hearing will be held. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments are requested by September 18, 1995. A public meeting will be conducted on September 6, 1995, in Riverside, California, beginning at 1:00 pm. Agency representatives will be available to answer questions and receive either written or oral comments concerning the draft Joint EIS/EIR.

ADDRESSES: Written comments should be addressed to: Gail C. Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Ave. West, Carlsbad, California 92008. Written comments may also be sent by facsimile to (619) 431-9618. The public meeting will be held at the Board of Supervisors Meeting Room, County Administrative Center, 14th Floor, 4080 Lemon Street, Riverside, CA.

FOR FURTHER INFORMATION CONTACT: Pete Sorensen, Endangered Species Division Chief, U.S. Fish and Wildlife Service,

[[Page 39965]]

Carlsbad Field Office, 2730 Loker Ave. West, Carlsbad, California 92008.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of this draft Joint EIS/EIR for review should immediately contact the U.S. Fish and Wildlife Service Carlsbad Field Office at the above referenced address, or by telephone at (619) 431-9440. Individuals wishing to review the SKR Long-term HCP and IA should immediately contact the RCHCA at (909) 275-1100. Documents will be available for public inspection by appointment during normal business hours (8 am to 5 pm, Monday through Thursday) at the RCHCA, 4080 Lemon Street, 12th Floor, Riverside, California 92501. Documents will also be available for public inspection by appointment during normal business hours (8 am to 5 pm, Monday through Friday) at the Service's Office at the above referenced address and telephone. Documents will also be available for public inspection at numerous libraries throughout the planning area. The location of specific libraries having copies can be obtained by contacting the Service at the above number. Copies of the draft EIS have been sent to all agencies and individuals who participated in the scoping process and to

all others who have already requested copies.

Background

The Service listed the SKR as an endangered species, effective October 31, 1988 (53 FR 38485). Because of its listing as an endangered species, the SKR is protected by the Act's prohibition against ``take'', that is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect the species, or attempt to engage in such conduct (16 U.S.C. 1538). The Service, however, may issue permits to conduct activities involving endangered species under certain circumstances, including carrying out scientific purposes, enhancing the propagation or survival of the species, or incidentally taking the species in connection with otherwise lawful activities.

The RCHCA presently has a short-term 10(a)(1)(B) permit (PRT-739678) from the Service to incidentally take SKRs in connection with various proposed public and private projects in the western portion of Riverside County. Under the program established through this interim permit, SKR habitat in public and private ownership is being acquired and managed for the long-term benefit of the species. Acquisition of private lands is funded in part from mitigation fees collected by the RCHCA as developments proceed.

As intended when the interim permit was granted in August 1990, the RCHCA is applying to the Service for a 30-year incidental take permit for the same purposes. The area covered by the proposed 30-year permit will include much of the historical range of the SKR in Riverside County. The procedures for the RCHCA to incidentally take SKRs under the proposed 30-year permit are evaluated in the EIS/EIR.

This draft Joint EIS/EIR has been developed cooperatively by the Service's Carlsbad Field Office (lead agency for the draft EIS), the RCHCA, and California Department of Fish and Game.

In the development of this draft Joint EIS/EIR, the Service has initiated action to assure compliance with the purpose and intent of the National Environmental Policy Act of 1969 (NEPA), as amended. Scoping activities were undertaken preparatory to developing the draft EIS with a variety of Federal, State, and local entities. A Notice of Intent to prepare the EIS was published in the Federal Register on March 2, 1993.

The RCHCA's preparation of the long-term HCP has been on-going since the short-term permit was authorized. In March 1993 the Service and the RCHCA initiated a joint scoping process for the preparation of

a joint EIS/EIR in anticipation of the Service receiving a permit application for a 30-year Section 10(a) permit for incidental take of SKR. The scoping process was initiated in accordance with NEPA to solicit comments on issues and alternatives to be addressed in the EIS/EIR. Because of the extended 2-year scoping process, a draft Scoping Report was prepared to update public knowledge of the scoping process. That report summarizes the 2-year scoping process, identifies the scoping issues raised by interested parties at public meetings and in written statements, and outlines the issues and alternatives that will be addressed in the draft EIS/EIR. The availability of the draft Scoping Report was published in the Federal Register on March 24, 1995.

Key issues addressed in this draft EIS/EIR are identified as the effects that implementation of various alternatives would have upon: (1) The endangered SKR; (2) other wildlife and their habitats; (3) land uses and general plans; (4) provision of public facilities, services and utilities; and (5) social and economic conditions.

More than 10 alternatives were considered before limiting the alternatives to be advanced for further study. Ultimately, 4 alternatives were selected for detailed analysis: (1) Proposed Action/Project (approve and implement the Long-term SKR HCP); (2) Expanded Conservation/Protection (conserve more SKR habitat); (3) Existing Reserves/Public Lands (focus on SKR habitat already protected); and (4) a No Project/No Action Alternative (assume no regional program). The Service will identify its preferred alternative and environmentally preferable alternative as defined in the NEPA in the final EIS/EIR.

Each alternative was evaluated in terms of its potential to result in significant adverse impacts, and the adequacy or inadequacy of the proposed measures to avoid, minimize, and substantially lessen the effects.

Dated: July 27, 1995.

David L. McMullen,

Acting Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 95-19115 Filed 8-3-95; 8:45 am]

BILLING CODE 4310-55-P

Notices	2009	2008	2007	2006	2005	2004	2003	2002	2001
For	2000	1999	1998	1997	1996	1995	1994		

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

P.O. Box 9097
Moreno Valley CA 92552-9097
www.northfriends.org

March 21, 2010

Via E-Mail and Personal Delivery

Riverside County Board of Supervisors
4080 Lemon Street- 5th Floor
Riverside, CA 92501

Board of Supervisor's Meeting
March 23, 2010, Agenda item 3.37.

Re: Final Environmental Impact Report for the Villages of Lakeview
Specific Plan No. 342, Change of Zone No. 07055, General Plan
Amendment No. 720 & 721.

Board of Supervisors:

The Friends of the Northern San Jacinto Valley submit these additional comments to be included in the administrative record for the Villages of Lakeview Project.

Attached is Agenda item # 3.3 on the March 2, 2010, Board of Supervisors Calendar. (Attachment A) Supervisor's Benoit's item is "Adoption of Resolution 2010-084 Requesting that the Governor Suspend Implementation of the California Global Warming Solutions Act of 2006 (AB#@) and Associated Statutes and Policies. (Attachment B)

This resolution states that SB 32 should be suspended because, "Should Assembly Bill 32 be implemented at this time, it is highly likely to lead to significant economic harm in the form of continued adverse economic impacts to employment, housing growth and revenues to State and local governments. Thus, in the interest of hastening an end to the State's recession, limiting stagnation of employment growth and stimulating the State's housing industry and overall economy, it is crucial that the Governor take the recommended action immediately." (B-4)

The staff report implies that the general plan and housing projects which sound similar to what the the EIR states the VOL is (but it really is not)—“master planned communities that incorporate the higher densities, promotes walkable communities and provide transit linkages that foster public transportation, which in turn reduces vehicle miles traveled, creates health Communities, and improves air quality. (B-7)

However, the resolution itself makes no claim that the County General Plan or the Villages of Lakeview are themselves already complying with SB 32.

It is apparent from the comments to the VOL EIR that this Project does not and cannot comply with the mandates of SB 32 and CEQA regarding Greenhouse Gas Emissions. This resolution appears to be nothing more than an attempt on the part of the Board of Supervisors to avoid compliance with SB 32--by suspending SB 32. This is certainly not a novel approach, but it certainly admits the obvious—the VOL EIR is fails to comply with SB 32 and CEQA and must be denied.

Susan Nash

Susan Nash
Board Member
snash22@earthlink.net
909-228-6710

Bob Buster
Stone
First District
District
Vice-Chairman

John Tavaglione
John J. Benoit
Second District
Fourth District

Marion Ashley
Fifth District
Chairman

Jeff
Third

AGENDA
TUESDAY, MARCH 2, 2010
BOARD OF SUPERVISORS – COUNTY OF RIVERSIDE
1st FLOOR – COUNTY ADMINISTRATIVE CENTER
4080 Lemon Street, Riverside, California
(Clerk 951-955-1060)

9:00 A.M.

Invocation by Carolyn Luna, Director, Environmental Programs Department

Pledge of Allegiance to the Flag

Presentation of Proclamation for the Census – Item 2.3

Presentation by MASH Animal Sanctuary

Presentation to Tobey Gerhart

OPENING COMMENTS:

BOARD MEMBERS

EXECUTIVE OFFICER

STATE BUDGET UPDATE

CLERK OF THE BOARD UPDATE

ADMINISTRATIVE ACTION:

1.1 CLERK OF THE BOARD: Proof of Publications.

CONSENT CALENDAR: Presented for Block Approval: Supervisors have the option of excluding discussion items from a master motion.

A-1

- 2.1 SUPERVISOR BUSTER AND SUPERVISOR TAVAGLIONE: Reappointment of Dan Anderson to the Inland Empire Health Plan.
 - 2.2 SUPERVISOR STONE: Reappointment of Steve Kunkle to County Service Area 36 Advisory Council.
 - 2.3 EXECUTIVE OFFICE: Approval of Proclamation Declaring March 2010 as Census Month.
 - 2.4 SUPERVISOR ASHLEY: Appointment of Chris Taber to the Desert Hot Springs Municipal Advisory Council.
 - 2.5 SUPERVISOR ASHLEY: Appointment of Gumer Arias to the Desert Hot Springs Municipal Advisory Council.
 - 2.6 SUPERVISOR ASHLEY: Appointment of Steven Grasha to the Desert Hot Springs Municipal Advisory Council.
 - 2.7 SUPERVISOR ASHLEY: Appointment of Dorraine Stanley to the Desert Hot Springs Municipal Advisory Council.
 - 2.8 SUPERVISOR BENOIT: Appointment of Richard Anti to the Mesa Verde Community Council.
 - 2.9 SUPERVISOR BENOIT: Appointment of Ethel Giddens to the Mesa Verde Community Council.
-

POLICY CALENDAR: Presented for Block Approval; Supervisors have the option of excluding discussion items from a master motion.

- 3.1 SUPERVISOR STONE: Approval of Bid Review Under Transparent Environment (B.R.U.T.E.), an Amendment to the Purchasing Policy Manual regarding Request for Proposal (RFP).
- 3.2 SUPERVISOR STONE: Approval of the Review and Revision of Policies and Proposed Language for the Appointment of Alternate Planning Commissioners. (3.6 of 02/09/10)
- 3.3 SUPERVISOR BENOIT: Adoption of Resolution 2010-084 Requesting that the Governor Suspend Implementation of the California Global Warming Solutions Act of 2006 (AB 32) and Associated Statutes and Policies.
- 3.4 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Approval of Agreement #10F-4034 with Department of Community Services and Development for the 2010 Community Services Block Grant. (4/5 vote required)
- 3.5 COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY: Approval of Agreement #10B-5631 with Department of Community Services and Development for the 2010 Low Income Home Energy Assistance Program. (4/5 vote required)
- 3.6 COMMUNITY HEALTH AGENCY/PUBLIC HEALTH: Ratify receipt of funding from Award Letter

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor John J. Benoit

SUBMITTAL DATE:
February 16, 2010

SUBJECT: Resolution No. 2010 – 084 Requesting that the Governor Suspend Implementation of the California Global Warming Solutions Act of 2006 (AB 32) and Associated Statutes and Policies

RECOMMENDED MOTION: That the Board Adopt Resolution No. 2010 - 084 and approve the Chair's transmittal letter to the Governor

BACKGROUND: Passed in 2006, the California Global Warming Solutions Act (AB 32) directs the state, principally the California Air Resources Board, to adopt regulations limiting greenhouse gas emissions and to monitor compliance with and enforce those regulations. AB 32 explicitly grants the Governor the authority to "adjust the applicable deadlines...for the state in aggregate" in the "event of extraordinary circumstances, catastrophic events, or threat of significant economic harm."

Riverside County has established a credible leadership role in protecting the environment and providing frameworks for sustainable development, and fully supports the goals of AB 32 and its implementing legislation. While providing the housing needed for Southern California, Riverside County has led the way in acknowledging a commitment to the environment for future generations, with the development some of the first and largest Multi Species Habitat Conservation Plans (MSHCPs). The General Plan adopted in 2003 is widely acknowledged and recognized for its innovative concepts in land use planning, with the inclusion of framework for transit oriented and multi-use development strategies. Many of the strategies and outcomes arising from AB32 and its related regulations and policies mirror both growing trends in local development and local planning efforts predating that regulation. Riverside County is processing master planned communities that incorporate higher densities, promote walkable communities and provide transit linkages that foster public transportation, which in turn reduces vehicle miles traveled, creates health Communities and improves air quality.

(continued on pages 2-4)



John J. Benoit
Fourth District Supervisor

Departmental Concurrence

However, at the time AB 32 was signed, the unemployment rate in California was 4.8% and 5.0% in Riverside County. In the subsequent four years, the State has been hit by a global recession of a severity surpassed only by the Great Depression of the 1930's. California's unemployment rate, currently 12.1%, is now nearly triple that of 2006. In Riverside County unemployment is currently at 14.3% and in San Bernardino County it is at 13.6% (EDD, January 2010). These rates exceed even the 10.0% rate of the US as a whole and clearly indicate economic difficulties for the residents of Riverside County and the entire State of California.

The Inland Empire has been an epicenter for economic losses associated with the collapse of the housing industry nationwide. Since 2006, the median home price in Riverside County has declined 60% and forecasts for 2010 estimate additional losses. This loss in assessed values has led to significant cuts in the amount of property tax revenues collected by local cities and counties, particularly in the Inland Empire. In addition, the concurrent severe drop in construction activities for both residential and commercial structures throughout the region have also led to significant job losses and severe drops in the generation of impact fees and building permit fees that provide revenue to local governments.

Development in Riverside County: Historically, development in Riverside County was fueled by its proximity to the more urbanized coastal communities with their need for affordable housing, leading to an overabundance of bedroom commuter communities. Regional growth forecasts and development patterns throughout Southern California guarantee that Riverside County will continue to grow from its current population of 2.1 million, to 3.5 million by 2035, which emphasizes the demand for additional housing and jobs.

A key to the transformation of the existing and future communities and their environs into the sustainable, environmentally friendly ones needed to meet the AB 32 goals is the creation of local jobs, to sever the need for energy and time draining daily commutes.

SB 375 directly focuses on the minimization of the "vehicle miles traveled" (VMTs) that constitute one of the primary sources for Green House Gas emissions, and the County fully supports this goal. Fortunately, Riverside County has a unique potential for the development of "Green" jobs, particularly in the area of alternative energy, to meet this need and is poised to play a major role in meeting the goals of Governor Schwarzenegger's Executive Order S-14-08, which orders expanded renewable energy portfolios for electricity providers, by virtue of our wind, sunlight and geo-thermal resources.

Unfortunately, several studies now predict that implementation of AB 32 will cost small business billions of dollars, further slowing economic recovery and that essential job creation. In a report released by the Legislative Analysts Office (LAO) on February 2, 2010¹, it was stated "... the suspension of AB 32 regulations might allow some businesses to avoid significant investments they might otherwise be mandated to make in new energy technologies. This could potentially lead to larger net profits for these firms, at least in the short term, than would otherwise occur. To the extent that such impacts occurred, the state could collect greater state corporate tax revenues than would otherwise be the case."

Suspension of implementation could directly affect the average consumer, and through them the overall economy. In the same report noted above, the LAO indicated that "Similarly, the suspension of the proposed cap-and-trade regulations could result in lower energy prices for consumers, including state and local government agencies that are large consumers of energy, than would be the case if AB 32 regulations were allowed to take effect. These lower energy prices, in turn, also would have positive economic impacts on the state. As a result, the measure would likely have a positive impact on state and local government revenues, at least in the near term."

On a more local level, we continue to hear references to regulations of and within the State as an obstacle to employment opportunities moving to or expanding within our County. Therefore, we cannot support further implementation of laws that at any level discourage local job creation.

Costs of Implementation: In addition to slowing economic recovery and job growth, the direct cost to local government for the regulations cannot be ignored, especially in this era of fiscal crisis. AB 32 costs local governments in terms of manpower and scarce funds as cities and counties struggle to review and evaluate multiple proposals and decisions, and to develop coherent implementation plans to address the still evolving regulatory directives issued by the various State agencies with a stake in implementing AB 32.

CONCLUSIONS: Riverside County is committed to fulfilling its responsibilities to our residents and future generations of our County, the state and the world at large. Likewise, we endorse goals of environmentally friendly development and efficient, sustainable land use planning.

¹ The Californian Jobs Initiative, A.G. File No. 09-0105 referenced at <http://www.lao.ca.gov/ballot/2009/090852.aspx>

We are not, however, convinced that the directive approach of the existing implementation strategies will be more effective than incentive or outcome based approaches more suitable for the projected development patterns of Riverside County. We believe that there is ample evidence that the market has identified and will promote sustainable development patterns consistent with the goals of AB32. Based on our existing built environment, we believe that there can be a role for large, sustainable "Master Planned" communities outside of existing developed areas to meet our responsibility to the future, despite the external emphasis on infill development alone.

Development, whether new, "infill" or redevelopment is essential for the physical changes needed to meet AB 32s goals. We believe any actions which inhibit or delay the economic recovery of the State and the region are detrimental to that development, and are the basis for the well thought inclusion of the language allowing suspension of the implementation.

The above data clearly point to a condition of extraordinary circumstance within the State of California as contemplated within Assembly Bill 32. Should Assembly Bill 32 be implemented at this time, it is highly likely to lead to significant economic harm in the form of continued adverse economic impacts to employment, housing growth and revenues to State and local governments. Thus, in the interest of hastening an end to the State's recession, limiting stagnation of employment growth and stimulating the State's housing industry and overall economy, it is crucial that the Governor take the recommended action immediately.

2 RESOLUTION NO. 2010 - 084
 3 REQUESTING THAT THE GOVERNOR SUSPEND IMPLEMENTATION
 4 OF THE CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006 (AB 32)
 5 AND ASSOCIATED STATUTES AND POLICIES

6 WHEREAS, the California Global Warming Solutions Act of 2006 (AB 32) directs the State,
 7 principally the State Air Resources Board, to adopt regulations limiting greenhouse gas emissions and to
 8 monitor compliance with and enforce those regulations; and,

9 WHEREAS, AB 32 explicitly grants the Governor authority to "adjust the applicable
 10 deadlines...for the [S]tate in the aggregate" in the "event of extraordinary circumstances, catastrophic
 11 events, or threat of significant economic harm"; and,

12 WHEREAS, at the time AB 32 was chaptered, the unemployment rate in California was 4.8%
 13 and the unemployment rate in Riverside County was 5%; and,

14 WHEREAS, in the past four years, the State has been hit by a severe global recession, surpassed
 15 only by the Great Depression of the 1930's; and,

16 WHEREAS, as a result of the recession, the current unemployment rate in California is 12.1%,
 17 nearly triple that of 2006, and the current unemployment rate in Riverside County is 14.3% (EDD,
 18 January 2010); and,

19 WHEREAS, these unemployment rates exceed the 10.0% unemployment rate in the US as a
 20 whole and clearly indicate economic difficulties for State residents and, more particularly, Riverside
 21 County residents; and,

22 WHEREAS, the nationwide collapse of the housing industry has also severely affected Riverside
 23 County, causing median home prices to decline 60% since 2006; and,

24 WHEREAS, 2010 forecasts estimate an additional decline in home prices; and,

25 WHEREAS, the decline in home prices has significantly reduced revenue collected by Riverside
 26 County in the form of property taxes; and,

27 WHEREAS, the concurrent decline in construction activity has also significantly reduced
 28 revenue collected by Riverside County in the form of development fees; and,

1 WHEREAS, several studies now predict that implementation of AB 32 will cost small business
2 billions of dollars, further slowing economic recovery and job creation, and creating a stifling regulatory
3 environment; and,

4 WHEREAS, the additional costs and obstacles to business by the immediate implementation of
5 AB 32 may deter the development of the new local job opportunities that are essential to meeting the
6 broader goals of AB 32; and,

7 WHEREAS, the State Legislative Analyst's Office, in reviewing the "California Jobs Initiative",
8 has recently indicated that suspension of AB 32 implementation could result in larger net profits for
9 business, increased State corporate taxes and lower energy costs for consumers; and,

10 WHEREAS, AB 32 is forcing local governments to expend scarce funds as they struggle to
11 develop coherent implementation plans to address the evolving, regulatory directives issued by the
12 various State agencies with a stake in implementing AB 32; and,

13 WHEREAS, the above clearly constitute "extraordinary circumstances" within the meaning of
14 AB 32 and establish a "threat of significant economic harm" in the form of continued adverse economic
15 impacts to employment, housing growth and revenues to State and local governments; now, therefore,

16 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors
17 of the County of Riverside, in regular session assembled on _____ that it hereby requests the
18 Governor immediately suspend implementation of AB 32 and all associated statutes and policies,
19 including, but not limited to, SB 375 (2008, Steinberg), in the interest of ending the State's recession,
20 preventing stagnation of employment growth and stimulating the State's housing industry and overall
21 economy.

22 BE IT FURTHER RESOLVED by the Board that it also requests the Governor take whatever
23 steps are necessary to ensure that the suspension remains in effect until such time as the Riverside
24 County unemployment rate has dropped below 6%.

The Honorable Arnold Schwarzenegger
Governor of the State of California
State Capitol Building
Sacramento, CA 95814

Re: Request to Suspend implementation of the Global Warming Act of 2006 and Associated Implementing Legislation

Dear Governor Schwarzenegger:

We the Board of Supervisors of Riverside County respectfully submit this Resolution requesting that you immediately suspend implementation of State Assembly Bill 32 and associated implementing legislation, such as Senate Bill 375 (2008, Steinberg), until the Riverside County unemployment rate is again below 6%. This request is consistent with and appropriate pursuant to that section of AB 32 which provides that you have the authority to "adjust the applicable deadlines...for the state in aggregate" in the "event of extraordinary circumstances, catastrophic events, or threat of significant economic harm."

Riverside County has established a credible leadership role in protecting the environment and providing frameworks for sustainable development and fully supports the goals of AB 32 and its implementing legislation. While providing the housing needed for Southern California, Riverside County has led the way in acknowledging a commitment to the environment for future generations, with the development some of the first and largest Multi Species Habitat Conservation Plans (MSHCPs). The General Plan adopted in 2003 is widely acknowledged and recognized for its innovative concepts in land use planning, with the inclusion of framework transit oriented and multi-use development strategies. Many of the strategies and outcomes arising from AB32 and its related regulations and policies mirror both growing trends in local development and local planning efforts predating that regulation. Riverside County is processing master planned communities that incorporate the higher densities, promotes walkable communities and provide transit linkages that foster public transportation, which in turn reduces vehicle miles traveled, creates health Communities and improves air quality.

However, at the time AB 32 was signed, the unemployment rate in California was 4.8% and 5.0% in Riverside County. In the subsequent four years, the State has been hit by a global recession of a severity surpassed only by the Great Depression of the 1930's. California's unemployment rate, currently 12.1%, is now nearly triple that of 2006. In Riverside County unemployment is currently at 14.3% and in San Bernardino County it is at 13.6% (EDD, January 2010). These rates exceed even the 10.0% rate of the US as a whole and clearly indicate economic difficulties for the residents of Riverside County and the entire State of California.

The Inland Empire has been an epicenter for economic losses associated with the collapse of the housing industry nationwide. Since 2006, the median home price in Riverside County has declined 60% and forecasts for 2010 estimate additional losses. This loss in assessed values has lead to significant cuts in the amount of property tax revenues collected by local cities and counties, particularly in the Inland Empire. In addition, the concurrent severe drop in construction activities for both residential and commercial structures throughout the region have also lead to significant job losses and severe drops in the generation of impact fees and building permit fees that provide revenue to local governments.

Historically, development in Riverside County was fueled by its proximity to the more urbanized coastal communities with their need for affordable housing, leading to an overabundance of bedroom commuter communities. Regional growth forecasts and development patterns throughout Southern California guarantee that Riverside County will continue to grow from its current population of 2.1 million, to 3.5 million by 2035, which emphasizes the demand for additional housing and jobs.

A key to the transformation of the existing and future communities and their environs into the sustainable, environmentally friendly ones needed to meet the AB 32 goals is the creation of local jobs, to sever the need for energy and time draining daily commutes. SB 375 directly focuses on the minimization of the "vehicle miles traveled" (VMTs) that constitute one of the primary sources for Green House Gas emissions, and the County fully supports this goal. There is, within Riverside County, a unique potential for the development of "Green" jobs, particularly in the area of alternative energy, to meet this need; our county is uniquely situated to play a major role in meeting the goals of your Executive Order S-14-08, which orders expanded renewable energy portfolios for electricity providers, by virtue of our wind, sunlight and geo-thermal resources.

Unfortunately, several studies now predict that implementation of AB 32 will cost small business billions of dollars, further slowing economic recovery and that essential job creation. On a more local level, we continue to hear references to regulations of and within the State as an obstacle to employment opportunities moving to or expanding within our County. Therefore, we cannot support further implementation of laws that at any level discourage local job creation.

In addition to slowing economic recovery and job growth, the direct cost to local government for the regulations cannot be ignored, especially in this era of fiscal crisis. AB 32 costs local governments in terms of manpower and scarce funds as cities and counties struggle to review and evaluate multiple proposals and decisions, and to develop coherent implementation plans to address the evolving, and at times contradictory, regulatory directives issued by the various State agencies with a stake in implementing AB 32.

Riverside County is committed to fulfilling its responsibilities to our residents and future generations of our County, the state and the world at large. Likewise, we endorse goals of environmentally friendly development and the efficient, sustainable land use planning.

We are not, however, convinced that the directive approach of the existing implementation strategies will be more effective than incentive or outcome based approaches more suitable for the projected development patterns of Riverside County. We believe that there is ample evidence that the market has identified and will promote sustainable development patterns consistent with the goals of AB32. Based on our existing built environment, we believe that there can be a role for large, sustainable "Master Planned" communities outside of existing developed areas to meet our responsibility to the future, despite the external emphasis on infill development alone.

Development, whether new, "infill" or redevelopment is essential for the physical changes needed to meet AB 32s goals. We believe any actions which inhibit or delay the economic recovery of the State and the region are detrimental to that development, and are the basis for your well thought inclusion of the language allowing suspension of the implementation.

The above clearly point to a condition of extraordinary circumstance within the State of California as contemplated within Assembly Bill 32. Should Assembly Bill 32 be implemented at this time, it is highly likely to lead to significant economic harm in the form of continued adverse economic impacts to employment, housing growth and revenues to State and local governments. Thus, in the interest of hastening an end to the State's recession, preventing stagnation of employment growth and stimulating the State's housing industry and overall economy, it is crucial that the Governor take the recommended action immediately.

Sincerely,

Marion Ashley,
Fifth District
Chairman

<hr/> <p>Bob Buster First District Vice Chair</p>	<hr/> <p>John Tavaglione Second District</p>
<hr/> <p>Jeff Stone Third District</p>	<hr/> <p>John J. Benoit, Supervisor Fourth District</p>