REVIEWED BY EXECUTIVE OFFI Departmental Concurrence

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



FROM: TLMA - Planning Department

SUBMITTAL DATE: April 28, 2011

SUBJECT: APPEALS OF PLANNING COMMISSION'S DECISION TO ADOPT RESOLUTION NO. 2011-004, TO CERTIFY EIR NO. 450; DENY, IN PART, AN APPEAL OF THE PLANNING **DIRECTOR'S ACTION; APPROVE PLOT PLAN NOS. 16979, 18875, 18876, 18877 AND** 18879; UPHOLD, IN PART, AN APPEAL OF THE PLANNING DIRECTOR'S ACTION; AND DENY PLOT PLAN NO. 17788 - EIR00450 - Applicant: Investment Building Group, RGA Office of Architectural Design, Obayashi Corp. and OC Real Estate Management LLC -Engineer/Representative: William Simpson & Assoc., Inc. and KCT Consultants, Inc. - Second Supervisorial District - Prado-Mira Loma Zoning District - Jurupa Area Plan: Community Development: Light Industrial (CD: LI) (0.25 - 0.60 Floor Area Ratio) - Location: northerly of State Highway 60, southerly of Philadelphia Avenue, easterly of Etiwanda Avenue and westerly of Grapevine Street - 65.05 Gross Acres - Zoning: Manufacturing-Medium (M-M) and Industrial Park (I-P) - REQUEST: Appellant "A": Center for Community Action and Environmental Justice (CCAEJ) requests an appeal for Plot Plan Nos. 16979, 18875, 18876, 18877 and 18879 of the Planning Commission's decision to deny, in part, an appeal of the Planning Director's Action and approval issued on April 6, 2011, and Appellant "B": Michael Del Santo, SP 4 Dulles LP requests an appeal for Plot Plan No. 17788 of the Planning Commission's decision to uphold, in part, an appeal of the Planning Director's Action and denial issued on April 6, 2011. The Environmental Impact Report analyzes the potential environmental impacts of Plot Plan Nos. 16979, 17788, 18875, 18876, 18877 and 18879. Plot Plan No. 16979 proposes to develop a 200,731 square foot industrial building with 190,731 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 52,810 square feet of landscaping area (11%), 256 parking spaces and 29 loading docks on a 11.01 gross (10.76 net) acre site with a floor area ratio of 0.42 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 17788 proposes to develop a 426,212 square foot industrial building with 418,212 square feet of

> Carolyn S∜ms Luha Planning Director

Initials: CSL:vc

(continued on attached page)

Policy	Policy
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Consent

Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried. IT WAS ORDERED to deny the appeal and approve Plot Plan Nos. 16979, 18875, 18876, 18877 and 18879 and IT WAS FURTHER ORDERED to continue the denial of appeal of Plot Plan No. 17788 to July 12, 2011 at 1:30 p.m.

Aves:

Buster, Tavaglione, Benoit, and Ashley

Navs:

None

Absent: Stone

Date:

May 17, 2011

XC:

Planning(2), Applicant, Co.Co.

Subsequent to the above action, PP 17788 was noticed to come back June 14, 2011 at 1:30p.r

Prev. Agn. Ref.

District: Second

Agenda Number:

Kecia Harper-Ihem

Clerk

The Honorable Board of Supervisors

Re: APPEALS OF PLANNING COMMISSION'S DECISION TO ADOPT RESOLUTION NO. 2011-004, TO CERTIFY EIR NO. 450; DENY, IN PART, AN APPEAL OF THE PLANNING DIRECTOR'S ACTION; APPROVE PLOT PLAN NOS. 16979, 18875, 18876, 18877 AND 18879; UPHOLD, IN PART, AN APPEAL OF THE PLANNING DIRECTOR'S ACTION; AND DENY PLOT PLAN NO. 17788

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warehouse space, 8,000 square feet of office space, 106,980 square feet of landscaping area (12%), 257 parking spaces and 51 loading docks on a 20.48 gross (18.73 net) acre site with a floor area ratio of 0.48 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18875 proposes to develop a 104,210 square foot industrial building with 93,350 square feet of warehouse space, 10,860 square feet of office and mezzanine space, 41,699 square feet of landscaping area (16%), 96 parking spaces and 18 loading docks on a 5.99 gross (5.00 net) acre site with a floor area ratio of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18876 proposes to develop twelve (12) industrial buildings with a total building area of 97,010 square feet with 83,810 square feet of storage space, 13,200 square feet of office space, 42,948 square feet of landscaping area (15%) and 243 parking spaces on a 6.83 gross (6.42 net) acre site with a floor area ratio of 0.33 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18877 proposes to develop eight (8) industrial buildings with a total building area of 144,594 square feet with 92,094 square feet of storage space, 52,500 square feet of office space, 122,307 square feet of landscaping area (22%) and 444 parking spaces on a 12.75 gross (10.23 net) acre site with a floor area ratio of 0.26 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18879 proposes to develop a 155,480 square foot industrial building with 145,480 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 53,941 square feet of landscaping area (16%), 131 parking spaces, 30 trailer parking spaces and 25 loading docks on a 7.99 gross (net) acre site with a floor area ratio of 0.45 (Light Industrial requires a 0.25-0.60 floor area ratio).

BACKGROUND:

See attached Board of Supervisors Staff Report dated May 17, 2011 for analysis of the two appeals filed relative to the Planning Commission's actions on April 6, 2011.

RECOMMENDED MOTION:

<u>ADOPT</u> RESOLUTION NO. 2011-004 CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 450, which has been completed in compliance with CEQA Guidelines; and,

DENY APPEAL "A", based on the analysis above; and,

<u>APPROVE</u> PLOT PLAN NOS. 16979, 18875, 18876, 18877 AND 18879, subject to the attached Conditions of Approval, and based upon the findings and conclusions incorporated in the staff report; and,

DENY APPEAL "B", based on the analysis above; and,

DENY PLOT PLAN NO. 17788, based upon the findings incorporated in the staff report.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

DATE:

May 17, 2011

TO:

The Honorable Board of Supervisors

FROM:

The Planning Department \int_{V}^{M} .

RE:

May 17, 2011 Board of Supervisors for Agenda Item No.: 16.2 on Appeals of Planning Commission's Decision to Adopt Resolution 2011-004, to Certify EIR No. 450; Deny, in Part, an Appeal of the Planning Director's Action for Approval of Plot Plan Nos. 16979, 18875, 18876, 18877 & 18879; Uphold, in part, an Appeal of the Planning

Director's Action; and Deny Plot Plan Nos. 17788

Please find attached responses to the United States Environmental Protection Agency, Region IX (USEPA) comment letter dated February 15, 2011, the Warehouse Workers United (WWU) comment letter dated April 5, 2011 and the Center for Community Action and Environmental Justice (CCAEJ) comment letters dated March 17, March 17, and April 14, 2011 from Albert A. Webb Associates, EIR consultant, received via e-mail on May 13, 2011.

Response to

United State Environmental Protection Agency, Region IX (USEPA) Comment letter dated: February 15, 2011

USEPA Comment #1

The U.S. Environmental Protection Agency (EPA) was informed of the proposed Mira Loma Commerce Center project during a community organized tour of the Inland Valley in December of 2010. As part of the tour, we visited the Mira Loma Village neighborhood and spoke with several residents who voiced their concerns regarding the potential impacts from the proposed warehouse project described in the County of Riverside's Environmental Impact Report (EIR). While EPA does not routinely review EIRs, at the request of the community groups, EPA has reviewed the Mira Loma Commerce Center Project EIR and the associated comments from regulatory agencies, Southern California Association of Governments, and the Center for Community Action and Environmental Justice.

Response to USEPA Comment #1

Comment noted. Responses to comments from regulatory agencies, Southern California Association of Governments, and the Center for Community Action and Environmental Justice (CCAEJ) were provided in the Final EIR or as attachments to staff reports.

USEPA Comment #2

As described in the EIR, the diesel emissions from the constant truck traffic will add to the existing poor air quality in the area, resulting in significant health impacts to the residents of this overburdened, low income, and minority neighborhood. As you know, this area does not meet EPA's National Ambient Air Quality Standards (NAAQS) and is classified as extreme nonattainment for 8-hour and 1-hour ozone, serious nonattainment for particulate matter less than 10 microns, and nonattainment for particulate matter less than 2.5 microns. We support the mitigation measures suggested by the South Coast Air Quality Management District (SCAQMD) in its October 21, 2010 comment letter on the Final EIR, that would include a partial or phased requirement for a clean diesel truck fleet to serve the proposed commerce center. We have learned that the project proponent has recently begun discussions about the project with community groups directly affected by the Commerce Center. We hope these negotiations lead to additional mitigation measures to avoid or minimize impacts of the project.

The Mira Loma Village neighborhood is comprised of low-income, Latino residents, a fact that was not brought up in the EIR. As discussed in EPA's Framework for Cumulative Risk¹ and the National Environmental Justice Advisory Council's Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts², disadvantaged, underserved, and overburdened communities are likely to have pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases

¹ Available at: http://oaspub.epa.gov/cims/cimscomm.getfile?p_download_id=36941

² Available at: http://www.epa.gov/compliance/el/resources/publications/nejac/nejac-cum-risk-rpt-122104.pdf

unacceptably, burdensome. In making your decision on the project, we recommend you consider the potential for certain subpopulations, such as residents of Mira Loma Village or children attending schools near the project area, to be more adversely affected by air pollution, as we believe it further supports the need to avoid or mitigate emissions from the Commerce Center. We strongly encourage your office to evaluate any relevant and readily available health data (such as asthma prevalence rates and rates for asthma emergency department visits and hospitalizations) to determine the current health status of this community and the potential health impacts from the proposed project on what may be a more susceptible population. EPA recently promulgated a more stringent NAAQS for NO2, an air pollutant which can aggravate asthma and other respiratory ailments, particularly for populations living near roadways. The scientific support documentation for the new NO2 standard provides context for considering potentially more susceptible populations³.

Response to USEPA Comment #2

The Air Quality section of the Draft EIR (DEIR) discusses the National Ambient Air Quality Standards an their associated criteria pollutants on pages 4.3-7 through 4.3-9, and Table 4.3-A, Source Receptor Area 23 – Air Quality Monitoring Summary – 1998-2007 on page 4.3-12 shows both State and Federal air quality standards.

As shown in Table 4.3-A, the air quality standards for California are equal to if not more stringent than the Federal Air Quality Standards. As stated in the comment above, the area does not meet the Federal (EPA's) standards for ozone, PM-10, and PM-2.5 and this issue is addressed on page 4.3-54 of the DEIR under the threshold will the project "result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard." As stated on page 4.3-54,

The portion of the SCAB within which the proposed project is located is designated as a non-attainment area for ozone, PM-10, and PM-2.5 under both state and federal standards. Therefore, when taken together the project plot plans' six short-term construction emissions would exceed the SCAQMD significance thresholds for ROG, and NO_X, and PM 10.

Contrary to what is stated in the EPA's comment above, there is no October 21, 2010 Comment Letter from the South Coast Air Quality Management District (SCAQMD). The SCAQMD comment letter dated October 1, 2010 posed a question regarding the phasing-in of a clean diesel truck fleet, and was fully responded to and attached to the staff report for the Planning Commission Hearing on December 1, 2010 as follows:

³ See U.S. EPA. Integrated Science Assessment for Oxides of Nitrogen – Health Criteria (Final Report), Section 4.3. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-08/071, 2008. Available at: http://cfpub.epa.gov/acea/cfm/recordisplay.cfm?deid=194645#Download

SCAQMD Comment #3 (from October 21, 2010 Comment Letter)

Specifically, the lead agency states in response to SCAQMD comment #13 that providing an entire 2010-compliant truck fleet is economically infeasible, hence no incentives or schedule to phase in a clean truck fleet is provided to clean up the fleet serving the project. This "all or nothing" approach to mitigation does not appear to be supported by the explanation provided in the response to comments. While a cost of 4 to 4.8 million dollars was found to be economically infeasible, it is not clear what is economically feasible. For example, the lead agency has not considered other alternatives such as whether only a portion of the fleet could be retrofitted or repowered, or whether retrofits could be phased in over a specified time period. These alternatives could substantially reduce the air quality health risks, and may be economically feasible. As the majority of operational emissions are from diesel trucks, AQMD staff recommends that the lead agency provide a more robust feasibility analysis of providing a cleaner fleet to service this project prior to certifying the Final EIR.

Response to SCAQMD Comment #3 (to October 21, 2010 Comment Letter)

The County evaluated SCAQMD's proposed mitigation measures and conditions of approval based on the examples provided by SCAQMD for a Project in the City of Banning. Those examples included a condition to require 100 percent of the truck fleet to be 2010 emissions-compliant. The other alternatives provided above in the comment were not included in previous written or verbal comments. Accordingly, the County's prior responses were good faith and complete responses to the "all or nothing" measure that was proposed by SCAQMD. However, below, the County has considered and provided a further response to the "phase in" measure recently proposed by the SCAQMD.

It should be noted that the comment letter received from SCAQMD, also received after the close of the Draft EIR public review period (July 21, 2009), did not recommend a requirement for the Project to only be served by a clean truck fleet. As stated in SCAQMD Comment #10 of the Final EIR (Final EIR, p. 2.0-86):

9. In the event that the lead agency's revised Health Risk Assessment requested in Comment #2 demonstrates the operation of the project would generate substantially greater cancer risk impacts or significant non-cancer health risks. The SCAQMD staff recommends that the lead agency consider revising the following mitigation measures to further reduce cancer risk impacts from the operation phase of the project, if feasible:

MM Air 8: In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD's Carl Moyer Program, or other such state programs that promote truck retrofits or restrict the operation to "clean" trucks, such as 2007 or newer model year or 2010 compliant vehicles.

As requested by the SCAQMD, mitigation measure **MM** Air 8 was amended to read as indicated above even though there are no new significant adverse impacts not previously discussed in the Draft EIR and none of the impacts described in the Draft EIR have been made substantially greater as a result of the revised air quality modeling. (Final EIR, p. 2.0-86)

Additionally, numerous mitigation measures and conditions of approval related to air quality have been modified or added in response to late comments provided. Therefore, all feasible mitigation has been explored by the project's proponents, and as stated on page 4.3-100 of the DEIR, "the emissions from the daily operations of the project will exceed the daily regional thresholds set by SCAQMD for ROG, NO_X, and CO in both summer and in winter. Therefore, the air quality impacts from project operation are still considered significant."

According to Section 15002 of the CEQA Guidelines, the purpose of CEQA is to: (1) inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. CEQA was conceived "as a means to require public agencies to consider and disclose to the public the environmental implications of their actions. Unlike NEPA, CEQA imposes an obligation to implement mitigation measures or project alternatives to mitigate significant adverse environmental effects, if these measures or alternatives are feasible. Thus, CEQA establishes both a procedural obligation to analyze and make public adverse physical environmental effects, and a substantive obligation to mitigate significant impacts."

In order to accomplish the goals of CEQA in a uniform manner, the checklist threshold questions are utilized. The air section of the DEIR responded to the threshold questions described on page 4.3-23 of said document. Analysis of the air quality thresholds begins on page 4.3-37 of the Air Section.

Regarding the effects of project implementation on the residents of Mira Loma Village, the DEIR has provided analysis of potential air quality impacts on a local, regional, and global level. Further, Response to CCAEJ/NRDC Comment #10 attached to the staff report for the Director's

¹ excerpt from http://www.ucop.edu/budget/pep/ceqacomp/CEQA-Handbook/chapter_01/index.html, accessed on May 10, 2011.

Hearing on October 18, 2010 and Response to CCAEJ Comment #2 contained in the Final EIR fully and completely respond to the issue of low-income residents within the Mira Loma Village and how it relates to the proposed project's analysis under CEQA.

As stated in the EPA's document Framework for Cumulative Risk Assessment:

There are almost always a multitude of factors that affect health in a community (e.g., crime, drugs, health care access, vehicle safety, climate, infectious disease, diet) that may not have been considered within the scope of a given cumulative risk assessment. Community decision making will typically take into account risks to the environment as well as consideration of historical and cultural values and questions of fairness and distribution of risks. The methodology is not currently available to understand how these factors (or stressors) may affect cumulative health risk.

Therefore, although these are factors that should be considered when assessing the risk to a community, the CEQA threshold questions within the air section do not address crime, drugs, health care access, vehicle safety, infectious disease, or diet. The project's impact on climate change was addressed on pages 4.3-54 through 4.3-86, where is it concluded that "although implementation of the project's design features will reduce project-generated GHG emissions, there are no quantitative reductions in GHG emissions associated with them; therefore, there is no change in the estimated emissions of the project and it can be concluded that the proposed project's resulting impacts on global climate change are considered to be cumulatively considerable when considered in combination with other statewide, national and international emissions, and the proposed project will have a potentially significant cumulative impact related to greenhouse gases."

The EPA's Framework for Cumulative Risk Assessment document was released to the public in May 2003. The SCAQMD released their Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis in August 2003, and its methodology (which was used in the analysis of the project) has remained unchanged. The significance threshold for Cancer Risk of 10 in one million is to be applied to all sensitive receptors (regardless of their exposure to crime, drugs, climate, infectious disease or access to health care access, adequate vehicle safety, or healthy diet).

As shown on page 4.3-40, in Table 4.3-D, SCAQMD CEQA Regional Significance Thresholds, the operational thresholds for criteria pollutants within the South Coast Air Basin (SCAB) have remained relatively unchanged (with the exception of the addition of PM-2.5) since the issuance of the 1993 SCAQMD CEQA Air Quality Handbook. On page 6-2 of the 1993 SCAQMD CEQA Air Quality Handbook, it states that the following significance thresholds for air quality have been established by the SCAQMD for project operations:

- 55 pounds per day of ROC
- 55 pounds per day of NOx
- 550 pounds per day of CO
- 150 pounds per day of PM10
- 150 pounds per day of SOx

• Ca. state 1-hour or 8-hour CO standard

On page 6-4 of the 1993 SCAQMD CEQA Air Quality Handbook it states that thresholds for construction are 75 lbs a day for ROC, 100 lbs a day for NOx, 550 lbs a day for CO and 150 lbs a day for both PM10 and SOx; again a threshold for PM-2.5 was added later.

The air quality thresholds from the EPA and/or SCAQMD were promulgated with the intention of protecting those most vulnerable individuals within the population (such as the very young, elderly, asthmatics, or immune-compromised). As some of the residents of Mira Loma Village could fall into these categories, then the analysis of the project's emissions against theses aforementioned thresholds should allow for a determination of the impact of project-related emissions on these residents. The Air Section of the DEIR performed such an analysis (pages 4.3-1 through 4.3-107 of the DEIR) and found that even with mitigation, air quality impacts from both the construction and operation of the project will be significant and unavoidable. As impacts are considered significant at the project-level, the project's contributions to cumulative air quality impacts are also considered to be significant (DEIR pages 6-0-11 to 6.0-14).

The National Environmental Justice Advisory Council Cumulative Risks/Impacts Work Group's December 2004 publication of Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts brings up many of the same issues that the EPA's Framework for Cumulative Risk Assessment does, but in more detail. As state above, the DEIR utilized the significance thresholds for criteria pollutants, cancer risk, and non-cancer chronic risk and found that project-generated emissions of criteria pollutants during both construction and operation of the project will be significant. The cancer risk is also considered to be significant from project operations. However, non-cancer chronic health risk is considered to be less than significant (DEIR page 4.3-95).

The residents of Mira Loma Village are also located just north of the SR-60 freeway, which is a source of DPM. As stated on pages 4.3-9 and 10 of the DEIR,

In 2000, the SCAQMD released the Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES-II). The monitoring portion of MATES-II was designed to measure numerous air toxic compounds at different locations in the Basin in order to establish a baseline of existing air toxic ambient concentrations, as well as risk level data, and to assist in the assessment of modeling performance accuracy. Ten sites were selected and air samples were collected for up to one year. The ten locations are in Anaheim, Burbank, Compton, Fontana, Huntington Park, Long Beach, Los Angeles, Pico Rivera, Rubidoux, and Wilmington. Within Source Receptor Area (SRA) 23, Rubidoux is the nearest monitoring site to the proposed project.

The addition of diesel particulate toxicity dramatically increases carcinogenic risk. The modeled cancer risk for diesel particulates for the Rubidoux Station site is approximately 1,000 excess cases of cancer per one million people. This cancer risk is what residents are currently exposed to in this part of the Basin. The Draft MATES-III results show that the modeled cancer risk for diesel particulates at the Rubidoux Station is approximately 950 in one million. It should be noted that different methods were used to estimate diesel

particulate levels in the MATES-III Study, so the results are not strictly comparable. This cancer risk is what residents are currently exposed to in that portion of the Basin. The Rubidoux Station location is less then a half-mile south of SR-60 and approximately seven miles east of I-15. The Rubidoux Station is approximately six miles east from the project site. In addition to the results for the specified monitoring sites, the MATES-III document also shows the estimated regional cancer risk for the entire Basin. It shows that the area surrounding the project site has a modeled cancer risk ranging from approximately 1200 to 1400 excess cases of cancer per one million people. Therefore, existing conditions in the project area are more impacted by diesel as opposed to the Rubidoux Monitoring Station.

Similar to the results of the MATES-II study, the MATES-III study showed that areas with the maximum simulated risk were located in proximity to the Ports of Los Angeles and Long Beach. Areas with the highest risk outside of the port area extend from central Los Angeles southeast along the Interstate 5 corridor. Other elevated areas include the eastern Basin near the communities of Colton and Inland Valley San Bernardino. As with the MATES II analysis, areas projected to have higher risk followed transportation corridors, including freeways and railways. Los Angeles County bears the greatest average risk at 951 per one million person population. Orange County has the second highest number of projected risk at 781 per one million person population. Risk in the Eastern Basin is lower. The estimated risk for San Bernardino is 712 per million, and Riverside was estimated to have the lowest population-weighted risk at 485. It should be noted that these are county-wide averages, and individual communities could have higher risks than the average if they are near emissions sources, such as railyards or intermodal facilities. (MATES-III)

Key findings in the MATES-III study showed that there are several uncertainties in estimating air toxics risks. These include uncertainties in the cancer potencies of the substances, in the estimates of population exposure, and uncertainty in estimating the level of diesel particulate. Although there are uncertainties in the ambient estimates, diesel particulate continues to be the dominant toxic air pollutant based on cancer risk. This finding holds up regardless of methodology used. The study findings therefore clearly call for a step-up in reducing diesel emissions as early as practicable and as aggressively as feasible. Goods movement is a significant source of diesel emissions. With the projected future growth in goods movement, diesel emissions may increase. The interplay between (a) the increase in goods movement and (b) projected emission reduction strategies will be crucial in determining whether diesel exposures are reduced in the future. (MATES-III)

As mentioned earlier, the air quality standards for California are equal to if not more stringent than the EPA's Federal Air Quality Standards. As shown in the note (b) below Table 4.3-A on page 4.3-12, the Federal NO₂ standard is AAM > 0.053; State NO₂ standard of AAM > 0.030 effective March 20, 2008. In 2007, the concentration was reported to be 0.018 ppm, well below both the State and Federal Standard. Additionally, as stated on page 5-3 of the July 2008 EPA publication, *Integrated Science Assessment for Oxides of Nitrogen – Health Criteria*,

The evidence relating ambient levels to personal exposures was inconsistent. Some of the

longitudinal studies examined found that ambient levels of NO₂ were reliable proxies of personal exposures to NO₂. However, a number of studies did not find significant associations between ambient and personal levels of NO₂. The differences in results were related in large measure to differences in study design and in exposure determinants. Measurement artifacts and differences in analytical measurement capabilities could also have contributed to the inconsistent results.

Regarding susceptible and vulnerable populations, on page 5-14 of *Integrated Science Assessment for Oxides of Nitrogen – Health Criteria* it states:

Based on both short- and long-term studies of an array of respiratory health effects data, persons with preexisting pulmonary conditions are likely at greater risk from ambient NO₂ exposures than the general public, with the most extensive evidence available for asthmatics as a potentially susceptible group. In addition, studies indicated that upper respiratory viral infections can trigger susceptibility to the effects of exposure to NO2. There was supporting evidence of age-related differences in susceptibility to NO₂ health effects such that the elderly population (>65 years of age) appeared to be at increased risk of mortality and hospitalizations, and that children (<18 years of age) experienced other potentially adverse respiratory health outcomes with increased NO2 exposure. People with occupations that require them to be in or close to traffic or roadways (i.e., bus and taxi drivers, highway patrol officers) may have enhanced exposure to NO₂ compared to the general population, possibly increasing their vulnerability. A considerable portion of the population resides and/or attends school near major roadways, increasing their exposure to NO₂ and other traffic pollutants. Otherwise susceptible individuals (schoolchildren, older adults) in this subpopulation may be at increased risk. Recent studies have evaluated the effect of socioeconomic status (SES) on susceptibility to the effects of NO2 exposure; however, to date, these studies are too few in number to draw conclusions. Though data are just emerging (Romieu et al., 2006; Islam et al., 2007), it is believed that a genetic component could be important in characterizing the association between NO₂ exposure and adverse health effects.

Furthermore, "factors that made it difficult to identify any threshold that may exist included: inter-individual variation; additivity of pollutant-induced effects to the naturally occurring background disease processes; additivity to health effects due to other environmental insults having a mode of action similar to that of NO₂; exposure error; and response measurement error. Low data density in the lower concentration range as a result of limited monitoring is a particular problem in terms of measurement error. Additionally, if the concentration-response relationship was shallow, identification of any threshold that may exist will be more difficult to discern."

Therefore, although there has been some evidence for a positive correlation between exposure to NOx and negative health effects, the concentration-response relationship and threshold is still unclear.

The comments from EPA have raised no new issues that have not been addressed previously and do not change the significance findings of the DEIR. No further analysis is required.

Response to Warehouse Workers United (WWU) Comment letter dated: April 5, 2011

WWU Comment #1

My name is Sheheryar Kaoosji and I am here to comment on the Mira Loma Commerce Center. I am the coordinator of an organization called Warehouse Workers United. We are an organization dedicated to improving the conditions of warehouse jobs across the inland empire. In the past two years, we have spoken to over 5000 workers who have told us that the jobs in this industry are not adequate to support a family. They have told us that the majority of the 150,000 jobs in the industry employ through staffing agencies, with no real opportunity for permanent employment. These jobs pay minimum wage and do not provide regular or predictable employment. We have documented wage and hour violations in dozens of these warehouses and are working to report these violations to the department of labor.

Many of the warehouses we have seen employ their entire workforce through agencies, and as a result provide no opportunity for advancement or permanent employment. We believe that part of the problem in the region's economy is not just lack of jobs, but lack of quality, permanent jobs that can support families and give people the resources to live stable lives and actually spend money.

Response to WWU Comment #1

As stated on page 7.0-10 of the Fiscal Impact Analysis section of the DEIR, short-term employment will be generated by the construction of the project through the employment of construction workers, additionally, "a certain number of short-term jobs in other categories, such as business services, manufacturing and retail trade, are also generated as a result of construction activity. For each \$1.0 million dollars spent on commercial construction, an estimated number of full-time equivalent construction jobs (person years) will be created."

Furthermore, the project is anticipated to create "permanent jobs at the Mira Loma Commerce Center...at an average annual wage of \$36,597. Wages have been selected for occupations that are most likely to be found in light industrial and office development. About 5 percent of the employment is assumed to be management and supervisory." (DEIR, p. 7.0-10)

Depending on the type of employment sought at warehouse facilities, the majority of positions require a high school-level of education together with some previous training (such as in the area of forklift operations) or other related experience in the area of logistics. According to http://move.salary.com/salarywizard/layoutscripts/swzl_jobdescription.asp?jobcode=MM18000046&jobtitle=Warehouse%20Worker&narrowdesc=Transportation%20and%20Warehousing, typical duties for a Warehouse Worker are as follows:

Receives, unpacks, checks, and stores merchandise or materials. Fills requisitions and orders. Packs, crates, and ships products and materials to distribution center, departments, or assembly line. May operate fork lift. Requires a high school diploma or its equivalent with 2-4 years of experience in the field or in a related area. Familiar with standard concepts, practices, and procedures within a particular field. Relies on limited experience and judgment to plan and accomplish goals. Performs a variety of tasks. Works under general supervision; typically reports to a supervisor or manager.

According to http://www.homefair.com/real-estate/salary-calculator.asp?cc=1, the median expected salary for a typical Warehouse Worker in Riverside, CA, is \$31,021. This basic market pricing report was prepared using a Certified Compensation Professionals' analysis of survey data collected from thousands of human resources departments at employers of all sizes, industries and geographies. The annual, full-time salaries for this position range from approximately \$26,387 for the lower 25th percentile, \$31,021 for the median, and \$37,164 for the upper 75th percentile; which work out to approximately \$12.69, \$14.91, and \$17.87 an hour, respectively. The minimum wage in California is \$8 an hour http://www.dol.gov/whd/minwage/america.htm#California, which translates to an annual salary of \$16,640 for full time employees. As stated above, the Mira Loma Commerce Center is anticipated to offer workers an average annual wage of \$36,597, which is both above the median compensation of \$31,021 for the area and well above the annual minimum wage of \$16,640.

According to the website http://www.earnmydegree.com/online-education/learning-center/education-value.html, the average earnings of those individuals with some high school are \$23,400; those with high school diplomas earn \$30,400; and those with bachelor's degrees earn an average of \$52,200.

The commenter stated that jobs within this industry are not adequate to support a family. However, there are many factors involved in the ability to support a family including size of family, cost of housing, cost of food, cost of transportation, and so on. These types of jobs generally do not require education beyond a high school level, favor previous training or experience in the logistics field, and as such, are not high-paying jobs. As shown above, the income from employment at a typical warehouse job is consistent with the average income of an individual with a high school diploma. Similar to other occupations, the greater experience and or training an applicant has in the field, the higher the wage will be. Additionally, the Project plot plans that include Business Park uses, such as Plot Plans 18876 and 18877, will offer a more diverse employment base than a project with only warehouse uses.

A search of Indeed.com

http://www.indeed.com/jobs?q=warehouse&l=Riverside%2C+CA&start=20 on May 6, 2011, shows numerous, warehouse worker jobs available (in the Inland Empire, offered by non-employment agency companies, such as Lowes, Harbor Freight Tools, Kimco, S.P.Corporation to name a few. A few employment agencies also had job postings (such as Apple One, E-Staffing, and Select Staffing), but the majority of job postings were direct listings by the employing companies themselves, furthermore, the direct postings by companies were mostly for

full-time positions. Contrary to the commenter's statement that "the majority of the 150,000 jobs in the industry employ through staffing agencies, with no real opportunity for permanent employment", this type of information shows that staffing agencies do not post the majority of job listings within this field of work and full-time work is readily available through direct application to the employing companies themselves. The employment agencies generally advertised a greater proportion of part-time/temporary positions and had a tendency to offer a lower hourly wage.

As the commenter stated, wage and hour violations fall under the jurisdiction of the department of labor, and are not addressed under CEQA.

WWU Comment #2

This industry is notoriously dangerous; we have begun to document the types of injuries that occur in these facilities. The primary cause of all these problems is the staffing agency system- new workers are brought in daily and not trained, and workers employed through

agencies are afraid to report hazards because of the extreme contingent status of their employment. Most of these warehouses provide little or no health insurance, and as a result if workers get injured or sick, they and their families are dependent on the county's emergency health care services.

Response to WWU Comment #2

See Response to WWU Comment #1 above. Furthermore, a health and safety issue within a place of business falls under the jurisdiction of the Occupational Safety and Health Administration (OSHA). A search of job openings showed job openings that either list that the position has a benefits package, such as

https://www3.ultirecruit.com/fro1002/jobboard/JobDetails.aspx?__ID=*56357D8924B168BA, or did not mention benefits, such as

https://www.selectstaffing.com/SelectStaffing/main.cfm?nlvl1=2&nlvl2=68&nlvl3=0&nlvl4=0 &view=detail&cfgridkey=359084&referred_id=3042&referred_id=2410&utm_source=Indeed&utm_medium=organic&utm_campaign=Indeed. As stated in Response to WWU Comment #1, the staffing agencies tended to have a preponderance of lower paying positions. Additionally, their ads for positions do not mention whether or not benefits are included.

WWU Comment #3

What I would ask about this project is, if this project is promoted by promising jobs- who are the proposed tenants? Does this tenant propose permanent, full time jobs that provide benefits? What percentage of jobs will be through staffing agencies? Will the county ensure that these jobs are truly beneficial to the community?

If there are no assigned tenants, and this development is purely speculative, what evidence is there that these facilities are not just going to pull business from other warehouses in the region, even within Mira Loma? The industrial vacancy rate in Mira Loma is 8.8% in 4q 2010. Pulling businesses from other parts of the area is not economic development, it is economic displacement. And bringing business from other parts of the region better suited to industrial development into Mira Loma Village, right into a longstanding community's backyards makes no sense.

In closing, I would ask you to look beneath the surface of the project sponsor's statements about jobs and determine exactly what they are offering. Developers have made promises before and the jobs that were created are not benefiting the community.

Response to WWU Comment #3

See Response to WWU Comment #1. As stated in the DEIR, the project is anticipated to create "permanent jobs at the Mira Loma Commerce Center...at an average annual wage of \$36,597. Wages have been selected for occupations that are most likely to be found in light industrial and office development. About 5 percent of the employment is assumed to be management and supervisory." Even with the vacancy rate at 8.8% the project will still provide temporary employment in other categories, such as business services, manufacturing and retail trade, are also generated as a result of construction activity.

According to the Riverside County General Plan, the Business Park land use designation allows for employee-intensive uses, including research and development, technology centers, and corporate and support offices. Therefore, the Project plot plans that include Business Park uses, such as Plot Plans 18876 and 18877, will offer a more diverse employment base than a project with only warehouse uses.

Responses to Center for Community Action and Environmental Justice Comment Letters Dated: March 17, March 17, and April 14, 2011

The Center for Community Action and Environmental Justice ("CCAEJ") submitted two comment letters dated March 17, 2011 in connection with the County of Riverside Planning Commission's consideration of the proposed Mira Loma Commerce Center Project (the "Project"). Additionally, the CCAEJ submitted a third comment letter dated April 14, 2011 in connection with the CCAEJ's appeal to the Board of Supervisors. Full responses to these three letters are set forth below.

As an initial matter, it should be noted that the official California Environmental Quality Act ("CEQA") public review and comment period on the Environmental Impact Report ("EIR") circulated by the County closed in May of 2009 – nearly two years before the CCAEJ's letters were submitted to the County. Pursuant to CEQA, there is no requirement to respond to late comment letters. (State CEQA Guidelines, § 15088; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111.) Nonetheless, and for purposes of providing a complete record and correcting some inaccuracies presented in the CCAEJ's comment letters, these written responses are being provided.

Ultimately, the issues raised by the CCAEJ are the same issues that have been repeatedly raised in past comments letters and repeatedly responded to in writing in the Final EIR, in materials presented at the County Planning Director's hearings, and in materials presented at the County Planning Commission's hearings. In all, the County has already held five public hearings—the May 17th hearing before this Board of Supervisors making a sixth public hearing—and made available to the public thousands of pages of analysis and explanation. The recent comment letters from the CCAEJ do not provide any new information of substantial importance that cause any changes in the significance conclusions already presented in the County's EIR and writing findings. Accordingly, the written responses below merely clarify and amplify the analysis already presented in the County's record of proceedings as is permitted by CEQA. (See State CEQA Guidelines, § 15088.5.)

Responses to CCAEJ's March 17, 2011 Letter (4 pages on Johnson & Sedlack letterhead)

CCAEJ Comment #A-1

Honorable Commissioners:

This is one of two letters submitted on behalf of the Center For Community Action and Environmental Justice in support of the appeal of the approval of the Mira Loma Commerce Center Project. The second letter is of a more technical nature and I hope that you will read and heed it. This letter will really only deal with the issue of air pollution and its concomitant health impacts to the residents of Mira Loma. I hope you will seriously consider the below comments and reconsider the approval of this Project in light of the grave health risks to which the Project will subject area residents.

Response to CCAEJ Comment #A-1

This comment is introductory in nature and summarizes the CCAEJ's overall position. As it does not raise any specific environmental concerns, no further response is necessary. (See State CEQA Guidelines, § 15088.) Please see the other responses to comments provided below for more specific responses to the CCAEJ's comments.

CCAEJ Comment #A-2

There are two significant and distinct areas of pollution, one generalized air pollution and the other health risks associated with toxic air contaminants, specifically diesel particulates. Unfortunately, at the February hearing, there seemed to be some confusion and conflation of the two issues. The Project will result in significant air quality impacts and this seemed to be the focus of the hearing. While there are unquestionably significant air quality impacts that will cumulatively impact the entire community and region, there are also significant health risks from increased cancer risk that are particular to the Mira Loma Village community immediately adjacent to the Project, the retirement community of Country Village, Mission Bell Elementary School (approximately ½ mile southeast of the project site), Granite Hill Elementary School (approximately ½ mile east of the project site), and Jurupa Valley High School (approximately ½ mile south of the project site). The February discussion tended to concentrate on the generalized cumulative impacts; not the increased risk of cancer and other severe health related impacts to the adjacent Mira Loma Village. The increased health risks in the adjacent project area are significant and unmitigated with this Project. However, these risks are avoidable if certain changes to the Project are adopted, as detailed below.

Response to CCAEJ Comment #A-2

The County's Draft EIR concluded that direct and cumulative impacts to air quality and health risk impacts associated with diesel particular matter were significant and unavoidable. (Draft EIR, Table 1.0-B.) The County's Final EIR, too, acknowledged these significant and unavoidable impacts. (Final EIR, MMRP and pp. 2.0-110 through 2.0-105.) More specifically, the Final EIR's responses to the CCAEJ's comment letter specifically identified that there was a difference between generalized air quality impacts and health risk impacts, and identified the Project's impacts as significant and unavoidable as to both categories of impacts. (Final EIR Responses to CCAEJ Comment # 4 through Comment # 7.) The County's proposed written CEQA findings similarly identify both general air quality impacts and health risk impacts as being significant and unavoidable. (See Draft Findings at pp. 67-95.) During the February 16th Planning Commission hearing on the Project, the Planning Commission asked numerous questions regarding general air quality emissions but also regarding health risk. Indeed, virtually the entire multi-hour hearing was devoted to a discussion of these two issues. Accordingly, the Commenter is not only incorrect that there was confusion over the difference between these two issues, but the Commenter is also being disingenuous by claiming that the February hearing did not focus on health risk impacts. Regardless, the record a whole makes very clear what the Project's potential impacts are.

With regard to the Project's potentially significant health risk impacts, the CCAEJ's comment letter conflates the Project's impacts with its cumulative contribution to an existing condition. The record shows that Project's direct health risk impacts will occur only to a portion of the Mira Loma Village located adjacent to Plot Plans 18876 and 18877 as depicted by areas shaded in green on Figure 4.3-5 of the Draft EIR (Annotated Final EIR p. 4.3-93.). Accordingly, the Project will <u>not</u> result in any Project specific health risk impacts to the retirement community of Country Village located east of to Plot Plan 16979 adjacent to the San Sevaine Channel. Only one of the schools listed in the comment, Mission Bell Elementary, is close enough to the Project site even to be included in Figure 4.3-5 (Annotated Final EIR p. 4.3-93.). It is located approximately 3/4 miles southeast of the Project site and across the freeway (SR-60). Mission Bell Elementary is included in the sensitive receptor area where DPM concentrations contour lines are less than 10 in one million. Thus, neither the retirement community nor the nearby schools will be directly impacted by the Project. However, and even though the Project's direct health risk impact will not affect these communities, the Project does cumulatively contribute to an existing health risk condition in the Mira Loma area. Accordingly, the Draft EIR, the Final EIR, and the proposed written CEQA findings all concluded that the Project's contribution to this existing condition is cumulatively considerable.

Finally, and contrary to the CCAEJ's comment, there are no feasible ways to avoid these potentially significant direct and cumulative air quality and health risk impacts. Despite a full analysis and consideration of potential alternatives to the Project and the imposition of all feasible mitigation measures, these impacts remain significant and unavoidable. (See Response to CCAEJ Comment #A-5, below.)

CCAEJ Comment #A-3

The nearby residents are among the most powerless in the County: lower income, elderly, largely minority residents. Neighborhood schools also serve lower income areas and the children attending them are without a political voice. Their interests are pitted against large scale development, with seemingly unlimited resources to lobby for their interests. The result of this has historically been environmental inequities, which continue to persist in the area. Namely, the development of environmentally harmful projects mostly occurs in poorer areas, causing those residents to suffer increased health problems such as asthma, cancer, and heart problems. Government instituted environmental justice initiatives and policies have been undertaken to cure these inequities, yet the imbalance persists. In this case, the decision rests with the Planning Commission whether it will choose to protect the welfare of these residents or not.

Response to CCAEJ Comment #A-3

The CCAEJ's assertions regarding environmental justice and air quality impacts have been extensively responded to previously. (See, e.g., Response to CCAEJ Comment #10 [Letter dated June 1, 2010]; Final EIR, Response to CCAEJ Comment #2.) In summary, however, CEQA does not require the consideration of social impacts. (E.g., 15064(e) - (f).) Second, and even if environmental justice concerns were relevant for purposes of CEQA, the environmental justice doctrine seeks to avoid <u>disproportionate</u> impacts to underprivileged communities. Here,

the Project is not imposing any disproportion impacts. To the contrary, the Project is developing the site with exactly the type of use envisioned by both the County's General Plan land use designations and its zoning. It is for that reason that no zone change, no General Plan amendment, nor any other land use policy changes are required for the Project.

CCAEJ Comment #A-4

Mitigation measures proposed at the February hearing, while they may improve air quality issues county-wide and make the Commissioners feel better, will do nothing to prevent the health risk to the residents of Mira Loma Village, Country Village, Mission Bell Elementary School, Granite Hill Elementary School, and Jurupa Valley High School from the toxic air contaminants. The proposed mitigation measures at the February hearing will not reduce diesel particulate emissions, the primary cause of toxic air contaminant-related cancer and a localized air quality issue. The health related impacts to area schools and residents will remain the same with these additional mitigation measures incorporated.

Response to CCAEJ Comment #A-4

As the CCAEJ notes, numerous mitigation measures and conditions of approval have been imposed on the Project to reduce air quality emissions to the fullest extent feasible. As limited examples, those mitigation measures and conditions include reducing truck idling time to a maximum of three minutes, applying for and utilizing SCAQMD funding for the replacement or retrofit of trucks, and prohibiting trucks from unnecessarily traversing through neighborhoods or using residential areas for truck repairs. The CCAEJ is incorrect, however, in asserting that these measures and conditions do not reduce the diesel particular emissions. To the contrary, reducing truck idling time directly reduces DPM emissions and prohibiting trucks in neighborhoods limits DPM in localized areas. Requiring tenants to apply to funding to upgrade trucks increases the likelihood that some of the trucks may be upgraded sooner than without funding thereby reducing DPM emissions through cleaner technology.

The County has imposed <u>all</u> feasible mitigation to reduce diesel particular emissions and more general air quality emissions as required be CEQA. (Pub. Res. Code, § 21002.1(b); State CEQA Guidelines, § 15126.4.) Despite the imposition of all feasible mitigation, however, and as explained in detail in the EIR, these impacts will nonetheless remain significant.

CCAEJ Comment #A-5

There are ways to avoid these localized air quality related health impacts. The developer falsely presents development of the Project as an all or nothing question: either the developer must be allowed to build precisely what it wants, or the Planning Commission can deny the Project. This is simply not the case. There is an environmentally superior alternative, the Reduced Density Alternative, that will significantly decrease not only the generalized air quality impacts but also the cancer, cardiovascular and respiratory risks to the adjacent subdivision, retirement community and schools.

Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible, even if the alternative would impede to some degree the attainment of the project objectives, or would be more costly. [(PRC§ 21002; Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 597, State CEQA Guidelines § 15126.6(b)] In this case, the developer falsely claims that the alternative is infeasible. This claim is based upon a contention that the alternative will not meet three Project Objectives:

- The proposed alternative will not optimize the economic potential of the undeveloped parcels within the Mira Loma Commerce Center in compliance with the site's land use designation. [emphasis added]
- The alternative will not create an array of new employment opportunities to utilize the skilled labor pool within Riverside County as compared to the proposed Project. [emphasis added]
- The proposed alternative will not improve the economic development potential of the Mira Loma area by utilizing the site's location and proximity to major interstate transportation corridors pursuant to the Mira Loma Warehouse/Distribution Center policy in the Jurupa Area Plan to the same extent as the proposed project. [emphasis added]

Too often, project alternatives are selected that are not realistic from the county perspective but rather are designed by the developer to ensure that there are no feasible project alternatives. In this case, there is no contention that the environmentally superior alternative fails to completely meet core project objectives, but rather that it doesn't do so as well as the Project. County government is here to protect the welfare of the residents, not just to guarantee maximum profits for developers. There is no contention that the environmentally superior alternative is not financially feasible, merely that it is potentially less profitable.

A basic question remains: Is it the job of the Commission to ensure that a developer is entitled to the maximum profit on a project regardless of the impact on the local residents; or is the Commission's duty to ensure development in a manner which protects local residents from harmful, and possibly fatal, development, while allowing developers a reasonable return on their investment?

Response to CCAEJ Comment #A-5

Contrary to CCAEJ's statement that an "environmentally superior [must] fail to <u>completely</u> meet core project objectives," CEQA requires only that an EIR, "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly

attain <u>most</u> of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (State CEQA Guidelines, § 15126.6(a) [emphases added].) Commensurate with CEQA's focus on environmental issues, "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (State CEQA Guidelines, § 15126.6(b).) Accordingly, an alternative may be rejected if: (1) it does not meet most of the basic Project objectives; (2) it does not avoid or substantially reduce potentially significant impacts; and/or (3) it is infeasible taking into account "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries" and other factors. (State CEQA Guidelines, § 15126.6(f)(1); see also State CEQA Guidelines, § 15126.6; Pub. Res. Code, § 21061.1 [defining feasibility]; *California Native Plant Society v. Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 [broader policy implications may also support a finding of infeasibility].)

Moreover, the lead agency's rejection of an alternative on one or more of these grounds need <u>not</u> be set forth exclusively in the EIR or in the written CEQA findings. Instead, the lead agency's rejection of an alternative need only be supported by substantial evidence <u>in the administrative record as a whole</u>. CEQA's alternatives analysis <u>and</u> written findings requirements both make clear that, "[a]dditional information explaining the choice of alternatives may be included in the administrative record" and that the written findings "shall be supported by substantial evidence in the record." (State CEQA Guidelines, §§ 15126.6(c) [setting forth alternative analysis requirements] and 15091(b) [setting forth written findings requirements].)

Here, the County's proposed written findings regarding the Reduced Scope Alternative conclude as follows: "Therefore, although the Reduced Project Scope Alternative is an environmentally superior alternative, it is not feasible for the economic, social, technological, and other factors identified above and thus is not being further considered for development in lieu of the proposed Project." The written findings, as supported by the record as a whole, give numerous reasons why the Reduced Scope Alternative was rejected. Among others:

• The Reduced Scope Alternative's environmental impact on population and housing is worse as compared to the proposed Project. (Proposed findings; Draft EIR pp. 6.0-50 through 6.0-51.) The Reduced Scope Alternative would develop the same types of uses as the proposed Project, but at a density approximately half that being currently proposed. (Supra.) Accordingly, the reduced level of development would decrease the number of jobs created, and the jobs-to-housing imbalance that currently exists in the County would not be improved as it would under the proposed Project. (Supra.) Although CCAEJ claims – without citation to any evidence, much less substantial evidence – that the decrease in jobs is speculative, the County's discussion of job creation is fully supported by substantial evidence. First, the EIR provided two separate analyses of job creation, one based on RCIP employee generation rate and the second based on a warehouse/distribution generation rate. (EIR pp. 5.0-4 and 5.0-1.) That analysis shows that the Project would generate between 567 and 1,101 jobs. (Ibid.) Contrary to the CCAEJ's comment, it is entirely foreseeable what effect the approval of the Reduced Scope Alternative would have. The job generation rates are based on the square footage

that is developed. Thus, development of the Reduced Scope Alternative (which is approximately half the square footage of the proposed Project) would result in approximately half of the jobs. The conclusion is supported by substantial evidence. (See State CEQA Guidelines, § 15384 [substantial evidence includes facts and "reasonable assumptions predicated upon facts"].)

- The Reduced Scope Alternative's environmental impact with regard to regional plans consistency is <u>worse</u> as compared to the proposed Project. (Proposed findings; Draft EIR pp. 6.0-50 and 6.0-56 through 6.0-57.) Specifically, the Reduced Scope Alternative will generate fewer jobs than the proposed Project, and thus will not further regional goals (such as SB 375's goal of co-locating housing and jobs and preventing urban sprawl and SCAG's policy of balancing housing and jobs) to the same extent that the Project would. (Supra; Draft EIR pp. 5.0-4 to -5.) Moreover, "the Industrial land use objectives for economic development/jobs creation under the Jurupa Area Plan would not be achieved." (Draft EIR p. 6.0-50.)
- The Reduced Scope Alternative would reduce the Project's potentially significant impacts, but not to a level of less than significant. The proposed Project would potentially result in significant and unavoidable impacts to direct and cumulative air quality impacts, greenhouse gases, direct and cumulative health risks associated with diesel particulate emissions, cumulative traffic impacts, and cumulative noise impacts. The Reduced Scope Alternative would reduce most of these impacts, though not all, but would not reduce any of them to a less than significant level. Specifically, the health risks from diesel emissions would be reduced to a less than significant level at the majority of sensitive receptor locations modeled, but would not reduce impacts at all locations. Under the Reduced Scope Alternative, a 41.5% percent reduction in traffic would not reduce corresponding health risks at modeled receptor locations 2 and 3 shown in Table 4.3-V in the Annotated Final EIR; excess cancer risk would be reduced from 19.8 and 21.5 in one million to 11.6 and 12.6, respectively which still exceeds the SCAQMD threshold of 10 in one million. Accordingly, even if the Reduced Scope Alternative were implemented, all of these impacts would remain significant and unavoidable. (E.g., Draft EIR pp. 6.0-47, -48, -50, -51, -52 through -56.)
- The Reduced Scope Alternative only meets "some" of the overall Project objectives. (Draft EIR p. 6.0-57.) Specifically, the Reduced Scope Alternative fails to meet at least three out of eight Project objectives, insofar as it will not optimize the economic potential of the undeveloped parcels within the existing Mira Loma Commerce Center in compliance with the site's land use designation; it will not create an array of new employment opportunities to utilize the skilled labor pool; and it will not improve the economic development potential of the Mira Loma area by utilizing the site's location and proximity to major interstate transportation corridors pursuant to the Jurupa Area Plan polices. (Draft EIR p. 6.0-57.) Although the CCAEJ criticizes the County for looking at the Reduced Scope Alternative "as compared to the proposed Project," that criticism is not supportable because such a comparison is precisely what is called for by CEQA. "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (State CEQA Guidelines, § 15126.6(d).)

- The Reduced Scope Alternative would preclude the development of the Project site in the manner long-called-for by the County's General Plan. (Draft EIR pp. 3.0-1 and 6.0-57.) The Project would be located within the existing Mira Loma Commerce Center, an area that was approved for manufacturing and industrial uses in 1990. (Draft EIR p. 3.0-1.) The bulk of the 288-are Commerce Center has, in fact, already been built out with manufacturing and industrial uses. (Draft EIR p. 3.0-1 and 3.0-7 [Figure 3.0-4 showing existing uses in Commerce Center].) The proposed Project would merely complete the build-out of that Commerce center in a manner that is entirely consistent with existing land use designations. For that reason, no General Plan amendment or change of zone is required for the Project. (See Draft EIR p. 3.0-18.) Further, the Project's construction is consistent with the General Plan policies applicable to the Jurupa Area Plan within which the Project site is located. Those policies provide that infill development, such as the Project, "shall receive highest priority" in terms of processing and potential approval. (Jurupa Area Plan Policy 5.3.) In short, the proposed Project is precisely the type of Project that the County's General Plan calls for on this particular site. For this reason too, and as a matter of policy, the Reduced Scope Alternative was rejected in favor of the proposed Project as is permitted by CEQA. (See CNPS v. Santa Cruz (2009) 177 Cal.App.4th 957, 1001 [upholding the rejection of an alternative based on policy].)
- The Reduced Scope Alternative is economically infeasible. Although CEQA certainly requires that a lead agency consider reasonable alternatives, even if those alternatives are more expensive than the proposed Project, CEQA does not require the lead agency to adopt an alternative that is infeasible, in that it cannot be accomplished in a successful manner within a reasonable period of time. (See Pub. Res. Code, § 21061.1.) Contrary to CCAEJ's assertion and citation to the *Town of Woodside* case (where the only evidence of alleged infeasibility was a mere statement by the project proponent), here there is substantial evidence in the record showing that the Reduced Scope Alternative is economically infeasible.
 - o First, the record shows that over a dozen mitigation measures were originally proposed for imposition on the Project. Subsequent to the Draft EIR's circulation, over a dozen additional mitigation measures and conditions were imposed to further reduce air quality emissions. These measures included things such as requiring that Plot Plan 17788 restrict 50% of the semi, tractor-trailer trucks to be 2007 complaint and 20% of the semi, tractor-trailer trucks be 2010 compliant; that parking be designed to accommodate carpool parking, that low sulfur fuels be used, and many other conditions. (E.g., Plot Plan 17788 COA 10.Planning.52; Annotated Final EIR at pp. 1.0-22 through 1.0-32.) Contrary to CCAEJ's implication, the imposition and implementation of these mitigation measures required funding, and (given that the Reduced Scope Alternative would still result in significant unavoidable impacts) all of these mitigation measures and conditions would remain applicable even to the Reduced Scope Alternative because CEQA requires that all feasible mitigation be imposed to reduce potentially significant impacts.
 - Second, the EIR shows that the bulk of the mitigation fees that the Project must pay are assessed on a <u>per acre</u> basis, not a <u>square footage</u> basis. Accordingly,

building the Reduced Scope Alternative will not result in any correlating decrease in the mitigation fees assessed on the Project because, although the square footage would decrease, the total acreage developed would not. Specifically, Fire Services impact fees, Sheriff services and public facilities impact fees, TUMF fees, Mira Loma Road and Bridge Benefit District fees, signal mitigation fees, and general transportation development impact fees are ALL assessed on a per acre basis. (Annotated Final EIR at p. 4.13-4; 4.15-10.) These fees total several million dollars. (*Ibid.*)

O Thus, the CCAEJ asks that the Project be cut to half of its current size, thus cutting in half the Project's potential profitability, but then that Reduced Scope Alternative nonetheless bear the full cost of implementing the dozens of air quality mitigation measures and conditions of approval — not to mention the cost of the dozens of mitigation measures and conditions impose for other resource areas — and also bear the full cost of millions of dollars in development impact mitigation fees. Just as a matter of common sense, you cannot cut a business in half and expect that it can still meet the economic demands of a project twice its size. Accordingly, the Reduced Scope Alternative is economically infeasible, and that conclusion is fully supported by the administrative record. (See State CEQA Guidelines, § 15384 [substantial evidence includes facts <u>and</u> reasonable assumptions predicted upon facts].)

In summary, then, the Reduced Scope Alternative would have increased environmental impacts related to population and housing and regional plan consistency through reduced job creation, would not meet several of the Project's objectives, would conflict with basic land use planning policy, be infeasible for multiple reasons as set forth above, and yet would not actually avoid any of the Project's significant and unavoidable environmental impacts. Based on this collection of factors, the County determined that the Reduced Scope Alternative was infeasible, in that it could not be successfully accomplished in a reasonable period of time. (See Pub. Res. Code, 21061.1 § [defining feasibility].)

The CCAEJ disagrees with the County's ultimate conclusion. However, it is the County as the lead agency – and not the CCAEJ – that has substantial discretion for selecting and comparatively evaluating the merits of Project alternatives and determining whether the balance of factors tips in favor of approving an alternative or the proposed Project. (See State CEQA Guidelines § 15126.6(a).) Although an EIR analyzes whether alternatives are potentially infeasible, the decision-making body may reject the alternatives upon project approval based on whether they are actually feasible. (CNPS v. Santa Cruz (2009) 177 Cal.App.4th 957, 999.) The latter analysis involves "[b]roader considerations of policy" including "'desirability' to the extent that desirability is based on a reasonable balancing of relevant economic, environmental, social, and technological factors." (CNPS at pp. 1000-1001.) Thus, alternatives that are "impractical or undesirable from a policy standpoint" can be rejected as infeasible. (CNPS at p. 1001, citation omitted.) Such policy decisions are properly the mandate of the local government agency, and contrary public comments and assertions representing nothing more than a policy disagreement with the agency will not invalidate the agency's infeasibility findings. (CNPS at pp. 1001-1002.) Infeasibility findings "are entitled to great deference . . . [and] presumed correct . . . " provided

there was careful consideration of the alternatives, with substantial evidence supporting the policy choices. (CNPS at pp. 997, 1003.)

Here, the CCAEJ disagrees with the County's balancing of benefits and drawbacks with regard to the Reduced Scope Alternative, a situation which presents the exact type of policy disagreement that bears no impact on the validity of the County's infeasibility determination. As already noted, the reduced scope alternative does not avoid significant impacts (although it does reduce them) and, in fact, worsens impacts on population and housing issues and consistency with regional plans because less jobs would be created; thus, negatively impacting the jobs-to-housing ratio. (Draft EIR, pp. 6.0-56 to 6.0-57.) Further, the County has noted the reduced scope alternative fails to meet several project objectives that it considers significant. Indeed, reducing the scope of the Project would violate the land use plan because the project site is designated for the proposed Project's use. Thus, the reduced scope alternative is "inconsistent with the project objectives" and "undesirable from a policy standpoint," and it is rejected as infeasible based on the economic, social, technological, and other factors identified. (Draft EIR, p. 6.0-57; see *CNPS* at p. 998.)

CCAEJ Comment #A-6

What is the cost of allowing the developer to maximize profits? In this case, in addition to adding to existing serious problem with air pollution in an area that has been identified as having some of the worst air quality in the nation, causing a significant traffic impact, and creating a significant noise impact, the cost is a significant cancer risk to the residents of Mira Loma Village, the retirement community of Country Village, Mission Bell Elementary School (approximately ¾ mile southeast of the project site), Granite Hill Elementary School (approximately 1¼ mile east of the project site), and Jurupa Valley High School (approximately 1¼ mile south of the project site). Additionally, there will be greatly increased non-cancer risk of pulmonary and cardiovascular problems, particularly for the elderly and the young.

Response to CCAEJ Comment #A-6

Please see Reponses to CCAEJ Comments #A-2 and #A-4, above.

CCAEJ Comment #A-7

Is the developer contributing to the S6.3 billion annually that poor air quality costs Riverside and San Bernardino annually in health care expenses? Will the developer pay to treat the additional cancers which this project will create? Will the developer hand a child attending one of the local schools his asthma inhaler when his lungs fail to develop properly?

This development will also result in lost utility of the public schools and private property in the area. The developer in this case, aided by the County is creating a taking of the private property without compensation and without due process of law, of the residents of Mira Loma Village. The residents are losing the right of quiet enjoyment of their property. If they want to be able to live, free of cancer, asthma or heart attack, they must abandon their property and move somewhere else. They are being forced from their property, or in the alternative, being forced to endure the certainty of increased and unhealthy noise levels, and the very real likelihood of asthma, heart disease or cancer as a result of allowing the developer to maximize its profits. Is the developer compensating the residents of Mira Loma Village for the lost quiet enjoyment of their property? Likewise, resident children and teachers will be forced from these public schools or forced to suffer various serious lung problems as a result of high toxic air contaminant levels. Is the developer contributing to the County for the lost utility of these local public schools? When the developer and County proceed with a project that they know will result in health risks, will they become liable for health impacts of the proposed Project and iss the developer indemnifying the County for those claims?

Response to CCAEJ Comment #A-7

The CCAEJ requests "mitigation" for air quality impacts far beyond CEQA's requirements and far beyond what is even permitted under the law. The State CEQA Guidelines provide that existing environmental conditions during EIR preparation are ordinarily the "baseline" for gauging the significance of environmental impacts. (State CEQA Guidelines §§ 15125(a); see also Communities for Better Envm't v. SCAQMD (2010) 48 Cal.4th 310, 320-321.) Moreover, CEQA only requires mitigation of potentially significant impacts caused by the Project – not the baseline conditions. (Public Res. Code, § 21002; State CEQA Guidelines §§ 15126.4(a)(1), 15126.4(a)(3); In re Bay-Delta (2008) 43 Cal.4th 1143, 1167; Cal. Oak Found. v. Regents of Univ. of Cal. (2010) 188 Cal.App.4th 227, 263 ["It is only against this baseline that any significant environmental effects can be determined."]; Envmt'l Council of Sacramento v. City of Sacramento (2006) 142 Cal. App. 4th 1018, 1035-1036 [noting CEQA only requires an EIR discuss significant environmental effects of the proposed project].)

Here, CCAEJ demands that the Project fully mitigate for all impacts related to a pre-existing health risk impact. Specifically, the CCAEJ asks the applicant to contribute \$6.3 billion in fees to pay for medical expenses allegedly caused by these pre-existing baseline air quality conditions in Riverside and San Bernardino Counties. Contrary to the CCAEJ's claim, it is actually the CCAEJ's demand that would result in an impermissible "taking" under applicable law. Requiring a \$6.3 billion fee payment or requiring that the Project fully mitigate for conditions that exist even without the Project would violate the taking clause. Specifically, CEQA requires that, to avoid a taking, mitigation measures must meet minimum constitutional standards, including (1) having an essential nexus to a legitimate government interest and (2) being roughly proportional to the impacts of the project. (State CEQA Guidelines §

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15126.4(a)(4) [citing Nollan v. Cal. Coastal Commission (1987) 483 U.S. 825; Dolan v. City of Tigard (1994) 512 U.S. 374; Ehrlich v. City of Culver City (1996) 12 Cal.4th 854].)

Pre-existing baseline conditions are, by their very nature, not caused by the Project. Thus, the only impact related to those pre-existing conditions that could possibly require Projectspecific mitigation is for cumulative impacts. Here, the EIR concluded that cumulative health risk impacts were significant and unavoidable, largely due to the pre-existing diesel particular matter baseline conditions that exist in the Mira Loma area. Despite this conclusion, however, a lead agency cannot require a single project applicant to shoulder the bulk of the expense for mitigating a significant cumulative impact caused by thousands of projects, much less 100% of that expense as urged by the CCAEJ. (Napa Citz. for Honest Gov't v. Napa Co. Bd. of Supervisors (2001) 91 Cal. App. 4th 342, 364.) Here, health impacts from air pollutants originate from a multitude of sources from different projects - not just the proposed Project. Therefore, to impose mitigation measures that mitigate for all health impacts from all of the region's projects would not be roughly proportional to the Project's minimal cumulative contribution to that preexisting condition. The measures would also fail to have a nexus to the legitimate government interest because such measures imposed against the project would not improve impacts caused by other projects. This is consistent with CEOA's implied finding that, even for cumulative impacts, a Project should only be conditioned to mitigate for its "fair share" of the cumulative impact, and not the entire cumulative effect. (See State CEQA Guidelines, § 15130(a)(3).) Accordingly, the CCAEJ's demand this Project fully mitigate for the cumulative impacts caused by thousands of other projects would violate the takings clause and CEQA's limits for mitigation measures.

Moreover, CEQA does not require considering measures that are infeasible. (See id.; Napa Citz. For Honest Gov't v. Napa Co. Bd. of Supervisors (2001) 91 Cal.App.4th 342, 365; Concerned Citz. Of S. Cent. L.A. v. L.A. Unified Sch. Dist. (1994) 24 Cal.App.4th 826, 841 [noting infeasible measure would be as complex, ambitious, and costly as proposed project]; Pub. Resources Code, 21081(a)(3) [noting a project can be approved notwithstanding significant impacts if found infeasible].) Here, all feasible mitigation has already been imposed upon the Project to mitigate for direct and cumulative health risk impacts. In addition to the many mitigation measures originally included in the Draft EIR, the County has imposed approximately 20 further mitigation measures and conditions in response to comments. To impose a multibillion dollar "mitigation" measure would clearly be infeasible, and thus the imposition of such a measure is rejected. (See also Responses to CCAEJ's Comments #A-2 and #A-4, above.)

CCAEJ Comment #A-8

On the other hand, what is the cost of developing the environmentally superior alternative such that local residents are protected and the developer earns only a reasonable return on its investment? The environmentally superior alternative, while it might not maximize developer profits, would none the less meet other project objectives and would not endanger the health of nearby residents and school children. While the alternative may or may not provide as many jobs as the proposed Project, there remain many other opportunities to provide employment in Riverside County without jeopardizing the health of nearby residents and school children. This is not the last piece of developable ground in Riverside County. Because of the shift away from the larger warehouse component there may actually be more jobs created. In addition these jobs would likely pay more than warehouse jobs. If this Project is unable to meet demands for warehouse space in the County then there will be plenty of opportunities for other projects to do so. It is also entirely likely that by reducing the building sizes, as would occur with the environmentally superior alternative, that there will actually be more jobs created because the uses become more process oriented versus the Project-proposed bulk warehousing, which has a very low level of employment per square foot.

Response to CCAEJ Comment #A-8

As fully explained above, the Reduced Scope Alternative would not avoid or prevent significant environmental impacts. Moreover, it is infeasible for a number of reasons. Please see Response to CCAEJ Comment #A-5, above.

CCAEJ Comment #A-9

It would appear to me that the appropriate role for the County Government is to maximize opportunities without jeopardizing the health and welfare of the residents of the county. Where there are opportunities to mitigate the environmental impacts of a project then these measures should be adopted. By law, where the mitigation measures are incapable of mitigating the significant environmental impacts, then project alternatives that will substantially mitigate the environmental impacts <u>must</u> be approved <u>instead</u> of the Project. The proposed Project cannot be legally approved. This is not an all or nothing decision: the Project may successfully be developed per the environmentally superior alternative or other alternatives.

I respectfully ask that the Commission choose to deny the proposed Project, approve the Reduced Density Alternative, or have the Project redesigned to remove heavy diesel truck users to protect nearby residents and students. The health and welfare of area residents should take precedence over, or at the very least be weighed against, the success and profitability of this poorly conceived development. Thank you for your consideration of these comments.

Response to CCAEJ Comment #A-9

Please see above the above Responses to CCAEJ Comments #A-1 through #A-8 addressing the infeasibility of alternatives, the imposition of all feasible mitigation measures, and the deference due to the County's balancing.

Responses to CCAEJ's March 17, 2011 Letter (13 pages on Johnson & Sedlack letterhead)

CCAEJ Comment #B-1

Greetings:

This firm represents the Center for Community Action and Environmental Justice and submits these comments on their behalf in support of the Mira Loma Commerce Center (SCH# 2002121128) appeal.

This project fails to make adequate findings, based on substantial evidence that the environmentally superior alternative, the Reduced Scope Alternative, is infeasible. Likewise, the Statement of Overriding Consideration made for the project is not supported by substantial evidence in the record. This project will have significant impacts and specifically will emit substantial levels of Toxic Air Contaminants in an area known to have some of the worst air quality in the nation. This is unacceptable, and CCAEJ properly asks that the Planning Commission decide to deny project approval

Response to CCAEJ Comment #B-1

This comment is introductory in nature and summarizes the CCAEJ's overall position. Please see the other responses to comments provided below for more specific responses to the CCAEJ's comments.

CCAEJ Comment #B-2

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA Guidelines § 15093 (b) provides that when the agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The decision to approve a project in spite of significant environment impacts requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks. (Guidelines § 15093(a).) However, the Statement of Overriding Considerations ("SOC") shall be supported by substantial evidence in the record. (Id.) In Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212, 1222, the court said: "Whereas the [mitigation and feasibility] findings ... typically focus on the feasibility of specific proposed alternatives and mitigation measures, the statement of overriding considerations

Response to CCAEJ Comment #B-2

The County's Statement of Overriding Considerations ("SOC") are fully supported by substantial evidence in the administrative record. That CCAEJ disagrees with the County's balancing does not make the SOC inadequate. Moreover, the CCAEJ provides no substantial evidence showing why any of the benefits cited by the County in the SOC are unsupportable.

Please see Response to CCAEJ Comment #B-8, below, for a complete discussion of the adequacy of the County's SOC.

CCAEJ Comment #B-3

Diesel Particulate Matter (PM) and Health Risks:

This project will substantially contribute to TACs in the form of Diesel PM, the result of which is an increased risk of cancer and other health impacts to the individuals residing near this project, especially infants, children, and the elderly. In the immediate vicinity of the project site are the Mira Loma Village neighborhood, the retirement community of Country Village, Mission Bell Elementary School (approximately ½ mile southeast of the project site), Granite Hill Elementary School (approximately 1½ mile east of the project site), and Jurupa Valley High School (approximately 1½ mile south of the project site). All of these sensitive receptors will be adversely impacted, as detailed below, by the diesel PM emissions created by this project.

Response to CCAEJ Comment #B-3

The comment correctly states that the Project will contribute to significant impacts from diesel particulate matter (DPM) in the Project vicinity. However, the commenter incorrectly states that the Project will result in direct significant impacts from an increase in cancer risk to local schools within the Project vicinity and the retirement community of Country Village located east of and adjacent to portions of the Project site. As shown in Draft EIR Figure 4.3-5, the only sensitive receptor areas exposed to increased cancer risk above the South Coast Air Quality Management District (SCAQMD) threshold of 10 in one million (depicted by areas shaded in green) as a direct result of the Project are the residents of the Mira Loma Village located south and west of potions of the Project site (Draft EIR, p. 4.3-93.). Additionally, the schools cited in the comment were listed in the Draft EIR and are located outside the area with significant impacts evaluated which would not be exposed to excess cancer risk impacts due to the distance from the Project and the truck traffic on local roadways. Due to their proximity to the SR-60 and I-15 freeways, the schools mentioned by the commenter are exposed to an estimated background risk of approximately 1,200 to 1,400 excess cases of cancer per one million people (DEIR, page 4.3-10). The mitigation measures for the Project (MM Air 7 through MM Air 15 listed on page 4.3-98 of the DEIR) will reduce the Project's impacts to sensitive receptors (including schools and retirement communities) within the Project vicinity to the fullest extent feasible and will also reduce the Project's contribution to cumulative health risk impacts to fullest extent feasible, although the overall cumulative impact will nonetheless remain significant and unavoidable.

CCAEJ Comment #B-4

TACs are air pollutants which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health. In 1998, CARB designated Diesel PM as a TAC. CARB also set a lifetime cancer risk from diesel particles at 3 in 10,000.

The Riverside County General Plan states the following with regards to particulate matter:

"The Environmental Protection Agency (EPA) defines particulate matter (PM) as either airborne photochemical precipitates or windborne dust. Consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols, common sources of PM are manufacturing and power plants, agriculture, diesel trucks and other vehicles, construction sites, fire and windblown dust. Generally PM settles from atmospheric suspension as either particulate or acid rain and fog that has the potential to damage health, crops, and property. Particulate of 2.5 microns or smaller (2.5 microns is approximately equal to .000098 inches) may stay suspended in the air for longer periods of time and when inhaled can penetrate deep into the lungs. Among the health effects related to PM2.5 are premature death, decreased lung function and exacerbation of asthma and other respiratory tract illnesses.

Particulate sized between 2.5 and 10 microns (10 microns is approximately equal to .0004 inches), known as PM10 also pose a great risk to human health. PM10 can easily enter the air sacs in the lungs where they may be deposited, resulting in an *increased risk*

of developing cancer, potentially changing lung function and structure, and possibly exacerbating preexisting respiratory and cardiovascular diseases. It can also irritate the eyes, damage sensitive tissues, sometimes carry disease, and may even cause premature death. PM2.5 and PM10 are especially hazardous to the old, young and infirm.

Although it produces less than 10% of the South Coast Air Basin's particulate matter, western Riverside County, which is part of the SOCAB, exceeds federal standards more than any other urban area in the nation, and has the highest particulate concentration in the SOCAB. These high levels of particulate matter are largely imported from the urbanized portions of Los Angeles and Orange Counties. This imported particulate is generally composed of photochemical precipitates rather than dust, smoke or soot. Riverside County is also responsible for generating large amounts of particulate matter from sources such as agriculture, warehousing operations, and truck traffic...

While sources and severity of particulate pollution differ in subareas of the County, it is the County's objective to control particulate matter throughout all of Riverside County. However, where necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses." [emphasis added]

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Diesel particulates contribute about 84% of the total air toxics cancer risk in the project area. (Multiple Air Toxics Exposure Study (MATES) III Final Report September 2008, http://aqmd.gov/prdas/matesIII/matesIII.html, p. 2-10.) The Health Risk Assessment ("HRA") conducted for this project found that at residences in Mira Loma Village and Country Village the Mira Loma Commerce Center project, in and of itself, would result in up to 22.2 in one million additional cancers (21.5 with mitigation), more than double SCAQMD's significance threshold of 10 in one million. (EIR, Table 4.3-V) The project would exceed significance levels at 12 out of the 40 sensitive receptors measured, and 12 out of the 20 measured in the Mira Loma Village residential area. (EIR, Table 4.3-V) This is in addition to the existing ambient TACs and diesel PM at these sensitive receptors, which are far in excess of acceptable levels at up to 45.6 additional cancers per million. (EIR, Table 4.3-T)

Response to CCAEJ Comment #B-4

The comment provides general background information on DPM and related health risks mainly from the County's General Plan. The comment also accurately summarizes a discussion of the MATES III study and results of the Project's Health Risk Assessment (HRA). The commenter also mentions that "CARB set a lifetime cancer risk from diesel particulates at 3 in 10,000," this is referring to the inhalation unit risk factor for diesel particulate established by CARB as 300 in one million per continuous exposure of 1 µg/m³ of DPM over a 70-year period. The 70-year period is considered a lifetime exposure. This risk factor was utilized in the calculations for the HRA. Air quality and health impacts are fully analyzed in the Draft EIR. Descriptions of criteria air pollutants (such as particulate matter), toxic air contaminants, and their associated health effects are included on pages 4.3-7 through 4.3-11 of the Annotated Final EIR. Additional information on diesel particulate matter (DPM) is provided in the Project's HRA included as Appendix B of the Draft EIR. DPM was also described as increasing the risk of cancer on page 4.3-9 of the Annotated Final EIR. Although particulate matter concentrations are higher, closer to the source, fine particulate matter (2.5 microns or less) can be transported over greater distances (approximately 100-200 kilometers; 62-124 miles). Therefore products of combustion, such as DPM, can and are transported on prevailing winds from the LA Basin to the Riverside area.

CCAEJ Comment #B-5

Importantly, in studies conducted for this project regarding adopting specific truck fleet requirements to reduce air quality impacts, namely 50 % of trucks at 2007 emission standards and 20% at 2010 emission standards, it was found that these improvements would not significantly reduce TACs. These requirements would therefore not mitigate for the substantial health impacts from TACs to area residents, despite any improvements to air quality overall.

Response to CCAEJ Comment #B-5

As stated in the staff report to the Planning Commission on February 16, 2011, the HRA analysis was re-run with the assumption that 50% of the Project tenant trucks are 2007 compliant to see if impacts were reduced below the level of significance. As a result of that analysis, the resulting DPM emissions would still exceed SCAQMD thresholds of significance within the

Mira Loma Village and a statement of overriding considerations would still be required for this significant impact.

Although the analysis did not evaluate a percentage of the Project truck trips assuming any compliance with 2010 truck emissions standards, the applicant for Plot Plan 17788 – which is the largest and most truck-intense of the Plot Plans - subsequently agreed to a condition of approval requiring 50% of the semi, tractor-trailer trucks be 2007 complaint and 20% of the semi, tractor-trailer trucks be 2010 compliant (Plot Plan 17788 COA 10.Planning.52). Nonetheless, and as explained above, it is not anticipated that this condition will reduce cancer risk impacts below the level of significance although it will reduce the amount of DPM emissions from this Plot Plan.

CCAEJ Comment #B-6

Moreover, the HRA accounts only for the cancer risk caused by this project. In addition to the risk of cancer, diesel PM is known to cause immune system effects; reproductive, developmental, and endocrine effects; nervous system effects; and lung health problems, as recognized by the County in the General Plan. Immune system effects include increased allergic

inflammatory responses and suppression of infection fighting ability. Diesel PM has also been associated with reproductive effects such as decreased sperm production, changes in fetal development, low birth weight and other impacts. Diesel PM exposure may also cause impairment to the central nervous system. (The Health Effects of Air Pollution on Children, Michael T. Kleinman, Ph.D, Fall 2000,

http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren; See also, Diesel and Health in America: the Lingering Threat, Clean Air Task Force, February 2005, http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf)

SCAQMD has stated with regards to the health effects from diesel PM:

"Diesel particles consist mainly of elemental carbon and other carbon-containing compounds... Diesel particles are microscopic...Due to their minute size, diesel particles can penetrate deeply into the lung. There is evidence that once in the lung, diesel particles may stay there for a long time.

In addition to particles, diesel exhaust contains several gaseous compounds including carbon monoxide, nitrogen oxides, sulfur dioxide and organic vapors, for example formaldehyde and 1,3-butadiene. Formaldehyde and 1,3-butadiene have been classified as toxic and hazardous air pollutants. Both have been shown to cause tumors in animal studies and there is evidence that exposure to high levels of 1,3-butadiene can cause cancer in humans...

Diesel emissions may also be a problem for asthmatics. Some studies suggest that children with asthma who live near roadways with high amounts of diesel truck traffic have more asthma attacks and use more asthma medication.

Some human volunteers, exposed to diesel exhaust in carefully controlled laboratory studies, reported symptoms such as eye and throat irritation, coughing, phlegm production, difficulty breathing, headache, lightheadedness, nausea and perception of unpleasant odors. Another laboratory study, in which volunteers were exposed to relatively high levels of diesel particles for about an hour, showed that such exposures could cause lung inflammation." (The Health Effects of Air Pollution on Children, supra; See also, Mira Loma Commerce Center EIR No. 450, Air Quality, Section 4.)

Furthermore, infants, children, and the elderly are more susceptible to diesel PM and its associated health impacts. Given this project's close proximity to three schools and a retirement community, this increased susceptibility is extremely relevant. With regards to infants and children, increased susceptibility to TACs and diesel PM exists for a variety of reasons. Children are generally more active than adults, have higher respiration rates, and inhale more pollutants deeper into the lung. Children also have more lung surface area in proportion to their body size and inhale more air pound for pound when compared to adults, taking in 20 to 50 percent more air and associated air pollutants than adults. When compared to adults, children spend more active time outdoors in polluted air environments and exert themselves harder than adults when playing outside. Importantly, this exposure to high pollutant levels in children

occurs while their lungs are still developing, and therefore has more severe impacts on this sensitive group. (The Health Effects of Air Pollution on Children, supra.)

This increased susceptibility to air pollutant emissions for children has resulted in the California EPA Office of Environmental Health Hazard Assessment ("OEHHA") weighting cancer risk by a factor of 10 for exposures to carcinogens from birth to two years old, and by a factor of 3 for exposures from 2 years old to 15 years old. (Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf.)
Additionally, recent studies conducted by SCAQMD's Brain and Lung Tumor and Air Pollution Foundation have found a specific connection between exposure to diesel PM and brain cancer in children. (Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation, April 2, 2010, http://www.aqmd.gov/hb/2010/April/100425a.htm)

In addition to an increased risk of cancer, the effects of diesel PM on children include slowed lung function and growth, increased emergency room visits, increased incidences of asthma and bronchitis, crib death, asthma respiratory infections, allergic symptoms, and asthma hospitalizations. (Diesel and Health in America: the Lingering Threat, supra.)

Seniors have also been found to be at higher risk to diesel PM. Studies have found that diesel PM changes heart rhythms in seniors, increases cardiovascular disease mortality, and increases daily mortality. (Diesel and Health in America: the Lingering Threat, supra.)

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Response to CCAEJ Comment #B-6

This lengthy comment generally describes both the cancer and non-cancer impacts from DPM and the increased sensitivity of children and the elderly. The Draft EIR evaluated both the cancer and the non-cancer health impacts from the proposed Project, and specifically discussed those risks in the context of sensitive receptors, such as schools and residences. The non-cancer health risk impacts are below SCAQMD thresholds and less than significant without mitigation. (Annotated Final EIR, p. 4.3-95.).

In evaluating the Project's increased cancer risk from DPM, conservative assumptions were used. These are described on page 4.3-87 and 4.3-88 of the Annotated Final EIR stating:

The mobile source HRA guidelines established by SCAQMD were used in the HRA analysis for the project and were designed to produce conservative (high) estimates of the risks posed by DPM. The conservative nature of the analysis is due to the following factors:

- The ARB-adopted diesel exhaust unit risk factor of 300 per million per μg/m³ is based upon the upper 95 percentile of estimated risks for each of the epidemiological studies reviewed and used to develop this unit risk factor. Consequently, this risk factor is already a conservative estimate of the risk posed by DPM.
- The residents at the sensitive receptor locations are assumed to remain outdoors at home for 24 hours a day, 365 days a year, for 70 continuous years.
- The ISCST3 air dispersion model as designed and applied in this study provides conservative estimates of air pollutant concentrations.

Cancer risks are based upon mathematical calculations which estimate the probability of the number of people who will develop cancer after 24-hour a day, 365 days a year exposure to DPM at the same concentration for a period of 70 years.

As further described on page 4.3-88 of the Annotated Final EIR, the equation for calculating cancer risk also used the values for sensitive populations for the daily breathing rate and exposure factor.

The results of the HRA using these conservative assumptions concluded that the retirement community of Country Village located east of the Project would not be exposed to an increase in cancer risk in excess of the SCAQMD threshold. The schools located in the vicinity of the Project site are located outside of the area exposed to a significant impact in Figure 4.3-5 (depicted in green).

CCAEJ Comment #B-7

This project will contribute to an already dire TAC situation in Riverside and particularly the Mira Loma area. Notably, the same day that the appeal of this project last came before the Planning Commission for consideration, you considered and approved GPA 1096, an amendment to the General Plan to add a Healthy Communities Element which seeks to reduce hazardous air quality impacts to environmental and human health. The Healthy Communities Element of the General Plan was approved in view of the following significant health impacts resulting from already poor air quality in Riverside County:

- Asthma-Related Hospitalizations: In 2005, the greatest percentage of asthma-related hospitalizations were among those under age 18 (38%) followed by those over 65 (19%). Blacks experienced the greatest rate of hospitalizations in 2005 at 225.7 per 100,000 population, versus 99.5 and 81.2 for Hispanics and whites, respectively.
- Risk of Cancer from Diesel Soot and Other Toxic Air Pollutants: Whereas the regional risk of cancer from diesel soot and other toxic air pollutants dropped by 8 percent between 1998 and 2005, the cancer risk in Riverside County increased by 2 percent.
- Poor air quality costs Riverside and San Bernardino around \$6.3 billion annually in health care expenses.
- 19% of private schools, 11% of public schools, an 21% of licensed child care centers in Riverside County are located within a quarter (1/4) mile of a major highway.
- Around 350,000 Riverside County residents live within a half (1/2) mile of a major highway, including about 40,000 children under age 5.
- Five schools in Riverside County rank in the 10th percentile for air quality, meaning that 90 percent of the schools in the country had better air. Twenty-five schools ranked in the 50th percentile or below.

Recognizing these present and unacceptable consequences of air pollution to the health of Riverside's residents, particularly children and the elderly, the County General Plan and recently approved Healthy Communities Element have adopted General Plan policies pertinent to this project.

Response to CCAEJ Comment #B-7

As stated below in Response to CCAEJ #B-8, the final version of the Draft Healthy Communities Element was not adopted until after this comment letter was written. As further described in Response to CCAEJ #B-8, the Project is not inconsistent with the policies contained in the Healthy Communities Element.

General Plan Policies

Specifically with regards to Mira Loma and as stated above, the Riverside County General Plan states:

"[W]here necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses."

In approving this project, the County will be subjecting the residents of Mira Loma and the County to even higher particulate pollutant levels than already exist. These are not the "strong measures" needed to protect the health and welfare of residents that the General Plan aspired to implement.

The Jurupa Area Plan also recognizes the significant air quality issues associated with development in the Mira Loma Area:

"The proximity of the warehousing uses to the residential areas has generated considerable concern in the community relating to air pollution impacts from the many diesel-powered vehicles and heavy trucks associated with the warehousing and distribution uses."

In order to implement the objectives of the General Plan and reduce health risks associated with TACs, particularly with regards to Mira Loma, the Riverside County General Plan has adopted the following pertinent policies:

LU 6.4 Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic.

LU 10.2 Ensure adequate separation between pollution producing activities and sensitive emission receptors, such as hospitals, residences, and schools.

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LU 24.6 Control the development of industrial uses that use, store, produce, or transport toxins, generate unacceptable levels of noise or air pollution, or result in other impacts.

AQ 2.1 The County land use planning efforts shall assure that sensitive receptors are separated and protected from polluting point sources to the greatest extent possible.

AQ 2.2 Require site plan designs to protect people and land uses sensitive to air pollution through the use of barriers and/or distance from emissions sources when possible.

C 3.8 Restrict heavy duty truck through-traffic in residential and community center areas and plan land uses so that trucks do not need to traverse these areas.

The recently approved Healthy Communities Element also creates the following policies:

HC 14.1: "Pursue a comprehensive strategy to ensure that residents breathe clean air..."

HC 14.3: "To the extent feasible, avoid locating new facilities that may produce harmful air pollution near homes and other sensitive receptors."

This project is in complete opposition with all of the above policies of the RCIP. The County has repeatedly recognized the harm to human health caused by diesel PM. The County has also repeatedly recognized the necessity to avoid siting facilities which will generate harmful air pollution and diesel PM near sensitive receptors. Yet, when this project will site twenty four (24) industrial buildings comprising 1,128,237 square feet, with 1,427 parking spaces, 30 trailer parking spaces and 123 loading docks, in an area with one of the worst PM pollution problems in the nation and in close proximity to single family residences, the County approved the project.

Pursuant to CEQA, it is requisite that this decision to approve the project in light of its grave impacts to resident health, and in light of its total inconsistency with the above General Plan policies, must be based on ample overriding project benefits. This, however, is not the case, as the benefits of this project are meager and speculative at best.

Response to CCAEJ Comment #B-8

It is well established that an agency's interpretation of its own general plan will be upheld unless the interpretation is arbitrary, capricious, or entirely lacks evidentiary support. (No Oil v. City of L.A. (1987) 196 Cal.App.3d 223, 243; San Franciscans Upholding the Downtown Plan v. City & County of San Francisco (2002) 102 Cal.App.4th 656, 677.) Here, CCAEJ provides no evidence other than its own opinion that the Project is inconsistent with the County's General Plan. Accordingly, and because the County's interpretation of its own plan is supported by evidence in the record, the CCAEJ's comments are incorrect.

First, the CCAEJ excerpts a portion of the general plan's air quality discussion regarding particulate matter. However, it ignores a portion of the General Plan stating that the high particulate matter levels in Western Riverside County "are largely imported from the urbanized portions of Los Angeles and Orange Counties." The commenter also applies an erroneous

interpretation of the excerpted statement, arguing the statement is inconsistent with the Project and thus the Project cannot be approved. However, the County interprets this policy to mean that mitigation measures should be implemented during project review and approval to the fullest extent feasible, which is exactly what has been done for this Project. Contrary to CCAEJ's comment, the County's General Plan policy does <u>not</u> mean that projects cannot be developed in the Mira Loma area solely because they emit particulates. Indeed, such an interpretation would turn the Jurupa Area Plan on its head, which seeks to maximize the use of many of the area's parcels that are in close proximity to its major interstate transportation corridors. Here, the County included all feasible mitigation measures for particulate matter related to the Project, and considered the policies within the General Plan. Therefore, the comment is incorrect – approval of the Project is not inconsistent with this policy.

Next, the CCAEJ quotes from the Jurupa Area Plan pertaining to residents' concerns regarding air pollution. However, the statement is not a policy directing specific action and does not impact the environmental review process. Regardless, actual concerns from the community regarding the Project's potential air pollution impacts – including the CCAEJ's numerous late comment letters – were extensively considered and analyzed by the County as part of the environmental review process for this Project. All feasible mitigation measures were also imposed to address those concerns. Further, CCAEJ ignores the context of the statements it quotes within the Jurupa Area Plan. The Jurupa Area Plan expressly states that, although there is the aforementioned concern regarding air pollution, the Mira Loma Warehouse/Distribution Center policy encourages the location of warehouse and distribution facilities within the Project's location to maximize the use of the area's proximity to major transportation corridors. (Jurupa Area Plan Policies.) Therefore, approval of the Project is not inconsistent with the Jurupa Area Plan's policies.

Third, the CCAEJ handpicks several individual policy statements and argues that approving the Project is inconsistent with the General Plan because of how the CCAEJ – not the County – interprets those policies. However, the comment poses illusory arguments. These General Plan policies were never intended to prohibit the development of infill commercial warehouse/distribution properties due to truck traffic and pollutant emission issues. Indeed, it is actually the CCAEJ's argument that infill should be prohibited where it emits particulates that violates the General Plan. (See Jurupa Area Plan Policy 5.3 [infill development shall be given "first priority"].) In fact, these policies were intended to provide guidance for developing the County's land use designations and broader policies. As discussed below, because the Project is consistent with the site's land use designation, the Project is being developed in accordance with the General Plan and area plans.

The EIR notes that the predominant land use designation surrounding the property is M-M, with which the Project is fully consistent. (Annotated Final EIR, p. 4.9-5.) The EIR also describes other surrounding land use designations, which include M-M-3, R-3, I-P, and R-1, and notes that the project site is surrounded by "predominantly industrial uses with residential tracts approximately 600 feet to the east and west," that are extensively developed. (Annotated Final EIR, pp. 4.9-4, 4.9-5, 1.0-1, 1.0-4.) The EIR also notes the Project is an infill industrial development in a rapidly urbanizing section of Riverside and San Bernardino counties," (Annotated Final EIR, pp. 4.9-4, 4.9-5), and "consist[s] of similar land uses to those currently within the MLCC...." (Annotated Final EIR, pp. 4.9-20). Analyzing these factors, the EIR

concluded that the Project is consistent with the land use designations and policies of the Riverside County General Plan, will not be inconsistent or incompatible with the area's surrounding zoning, and will not impact the physical arrangement of an established community. (Annotated Final EIR, pp. 4.9-4, 4.9-5, 4.9-20.) Accordingly, and contrary to the CCAEJ's implication, the County did not overlook the surrounding land use designations, nor did it say that the Project site was exclusively surrounded by industrial use.

More specifically regarding the comment's contentions about Policy LU 6.4, the commenter argues that approval of the Project is inconsistent with the General Plan because this policy discusses protecting existing residential, employment, agricultural, and open space uses from encroachment by uses that result in noise, fumes, glare, shadowing, and traffic impacts. However, the commenter ignores the substantial policy preferences for allowing infill developments where they are consistent with the land uses. (See Riverside County General Plan, Chapter 3 (Land Use), Policy LU 3.1(a); Jurupa Area Plan, Policy JURAP 5.3.) The Project involves infill development for the few remaining parcels in the long-existing Mira Loma Commerce Center. The Project is consistent with its land use designations, and it is located within the Jurupa Area Plan's Mira Loma Warehouse/Distribution Center designated area that promotes this type of development. Accordingly, it is not an encroachment of commercial warehousing and distribution facilities into a residential area, but rather is the buildout of a long existing commercial park in precisely the manner long call for by the County's General Plan and zoning.

The comment also quotes Policies LU 10.2, AQ 2.1, and AQ 2.2, arguing the Project is inconsistent with policies discussing the adequacy of separation between pollution-producing activities and sensitive emission receptors. The comment ignores the competing land use policies in the General Plan for providing "residential and employment-generating uses within close proximity in order to reduce commute times and ease regional congestion, and capitalize on a broadening of choices provided by the regional transportation system." Additionally, substantial mitigation measures are included to ensure the Project's emission sources and sensitive receptors are separated to the maximum extent feasible. The project is an infill project located within an existing commercial warehousing/distribution center, and complies with the land use designation for the site. Thus, it is not inconsistent with these policies.

Regarding the comment quoting LU 24.6, the Project is consistent with the County's policy of controlling development of pollution-generating industrial uses because – as previously noted – the Project conforms with the site's land use designations that were created to further this policy. The Jurupa Area Plan designates these commercial uses within the Mira Loma Warehouse/Distribution Center policy, and controls such uses by limiting them to this area. Furthermore, substantial project-specific protections have been incorporated as mitigation to further control the development of the industrial use associated with the project and mitigate pollution generation.

Regarding policy C 3.8, heavy duty truck traffic does not traverse the residential and community center areas. The project site is located within an existing commercial warehousing/distribution center. Residential traffic shares some of the roadways that are travelled by the Project's truck traffic. However, truck traffic from other facilities currently travels on the roadways that will be utilized by the Project. The commenter also ignores the

policy for maintaining "the existing transportation network, while providing for future expansion and improvement based on travel demand" (Riverside County General Plan, Chapter 4 (Circulation), Policy C 3.2.) Accordingly the Project is not inconsistent with the policy.

The comment letter also quotes excerpts of policies from a Draft Healthy Communities Element – the final version was not approved until <u>after</u> the comment letter was written. Notwithstanding the fact that the policies did not exist at the time the comment letter was written, the Project is not inconsistent with Policies HC 14.1 and 14.3, as identified by the comment letter. Policy 14.1, merely notes the County will pursue a comprehensive strategy to ensure that residents breathe clean air. This policy will be pursued regardless of the status of the Project. Thus, the Project is not inconsistent because it will not impact the County's pursuit of the broader comprehensive strategy. Policy 14.3 is likewise inapposite – it states the same policy that was refuted above related to Policies 10.2, AQ 2.1, and AQ 2.2. As related to the Project, the County has – to the fullest extent feasible – avoided the location of new pollutant-emitting facilities near homes and other sensitive receptors by incorporating extensive mitigation measures to reduce their exposure.

Finally, the comment provides a vaguely conclusory statement that the Project will be approved based only on meager and speculative benefits. The record as a whole, however, provides ample overriding considerations which are summarized in the proposed written CEQA findings prepared by the County in compliance with the mandates of CEQA. The Project will optimize the economic potential of the undeveloped parcels with the Mira Loma Commerce Center; develop the property in compliance with its land use designations; generate additional employment opportunities for skilled labor; maximize the use of the site's location and proximity to major interstate transportation corridors; improve the economic development potential of the area while utilizing existing transportation corridors; complement the existing development and landscaping to create a cohesive design and theme for the Mira Loma Commerce Center; improve the jobs-to-housing ratio; and build out the remaining vacant parcels in the Mira Loma Commerce Center. (Draft EIR, pp. 3.0-17, 3.0-18.) For a complete response addressing the SOC, please see Response to CCAEJ Comment #B-9, below.

CCAEJ Comment #B-9

Project Benefits:

This project will not have the specific economic, legal, social, technological, or other benefits to the County, region, or state which a Statement of Overriding Consideration requires. The benefits of the project, as enumerated in the Statement of Overriding Considerations, are insubstantial and will at best benefit only a few select individuals. Moreover, the "benefits" of this project merely restate the project objectives. Consequently, a Statement of Overriding Considerations cannot properly be adopted.

The specific "benefits" identified for this project in support of the Statement of Overriding Considerations include:

A. Optimizing the economic potential of vacant land by developing the property in compliance with the land use designation.

- B. Generating additional employment opportunities for skilled labor.
- C. Maximizing the site's existing location and proximity to transportation corridors.
- D. Creating a cohesive design and building theme.
- E. Balancing housing and employment opportunities.
- F. Co-locating jobs and housing to reduce vehicle miles traveled.
- G. Placing project in an area compatible with its land use designation.
- H. Alternative locations are not environmentally superior.
- I. Avoid urban sprawl into previously undeveloped areas.

Of these "benefits," only (B) represents a benefit to the community, and can in no way be deemed to outweigh the severe environmental impacts of this project to human health and the environment. Furthermore, the benefit of employment opportunities is speculative, as the final development of these plot plans is uncertain and future occupation is unknown. While the project is speculatively estimated to create anywhere between 567 to 1,101 jobs (DEIR p. 5.0-4) if and when the warehouses are built and occupied, it is uncertain whether any of these jobs will require "skilled labor" as the warehouses uses are unknown. Hence the potential benefit outlined in (B) is minimal and speculative at best.

The remainder of the "benefits" merely state information about the project site or only benefit the developers and/ or future occupants of the building. Most of the "benefits" are simply facts about the site's land use and location. Benefits (A), (C), (G), and (H) all merely state that the project is in a good location for the developer(s) to turn a profit, and state facts about the land use designation of the project site. These statements assert absolutely no "specific economic, legal, social, technological, or other benefits" as required by CEQA.

(D) is simply a recitation of the project's requirement to reduce aesthetic impacts. This "cohesive building theme" would be unnecessary if the project was not developed.

The "benefits" of (E), (F), and (I) again merely make statements about the project site, and are nonetheless specifically offset by the resulting substantial harm from TACs that will result from this project. While land use policies generally seek to balance housing and employment and reduce vehicle miles traveled, coincident policies recognize the need to separate significant sources of TACs from existing residential communities, as discussed above. These so called benefits are particularly countered in the Mira Loma area where the County has repeatedly recognized the need for strong and immediate action to reduce PM and related health impacts to residents. Any alleged benefits are therefore specifically offset by the need to protect the health of residents from carcinogenic risks, risk of death, and other non-cancer impacts.

Overall, the so-called project "benefits" are merely statements that the project is in a good location for the developer, without referencing any specific economic, social, technological, or other benefits to the community which could outweigh the substantial impacts from the project to TACs and the health of area residents.

"The requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmentally detrimental projects, to justify their decisions based on the counterbalancing social, economic or

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other benefits, and to point to substantial evidence in support." (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 124) There is no evidence, substantial or otherwise, which would support a policy decision approving this project. The benefits of this project are minimal at best, whereas the environmental impacts and concomitant health risks of this project severe in one of the worst air quality areas in the nation. This project simply generates too substantial of an impact for too little benefit. CCAEJ therefore respectfully requests that the Planning Commission deny approval of this project in order to protect and preserve the health and well-being of area residents, and particularly the most vulnerable children and the elderly.

Response to CCAEJ Comment #B-9

As an initial matter, and contrary to CCAEJ's implication, it is perfectly acceptable under CEQA for a project to be approved despite remaining significant adverse environmental impacts provided the EIR discloses this conclusion, all feasible mitigation is adopted to reduce such impacts, and the lead agency adopts an SOC concluding that project benefits outweigh the remaining impacts. (State CEQA Guidelines, §§ 15043, 15093(b), (c).)

An SOC is a written statement of "the specific reasons to support its action based on the final EIR and/or other information in the record." (State CEQA Guidelines, § 15093(b).) The SOC demonstrates "the balance struck by the [approving] body in weighing the 'benefits of a proposed project against its unavoidable environmental risks." (Sierra Club v. Contra Costa, supra, 10 Cal.App.4th at 1222, quoting State CEQA Guidelines, § 15093(a).) The only other requirement for an SOC is that evidence exists in the administrative record showing that the project will provide the benefits listed in the SOC. (See Sierra Club v. Contra Costa, supra, 10 Cal.App.4th at 1224.) Ultimately, however, whether or not a project's benefits outweigh any remaining significant environmental impacts is a policy judgment left to the approving agency. (City of Marina v. Board of Trustees (2006) 39 Cal.4th 341, 368.)

Adoption of an SOC is governed by the substantial evidence standard, which requires only that there be relevant information in the record supporting the lead agency's conclusion, even if other conclusions are possible. (State CEQA Guidelines, § 15384; San Joaquin Raptor, supra, 27 Cal.App.4th at 722.) If some evidence exists in the record to support the SOC, the approving agency's decision to proceed must be upheld. (Towards Responsibility in Planning v. City Council (1988) 200 Cal.App.3d 671, 684.)

Here, the CCAEJ repeatedly argues that the County's balancing of the Project's impacts against its potential environmental impacts is incorrect. Specifically, CCAEJ claims that "[t]his project simply generates too substantial of an impact for too little benefit." In so arguing, however, CCAEJ is ultimately putting itself in the place of the County's policy- and decision-makers and ignoring the clear deference that is given to lead agencies when making these types of balancing decisions. As set forth above, it is up to the County to make that balancing decision, and the only question is then whether there is substantial evidence to support its SOC. (See State CEQA Guidelines, § 15091(b) [confirming that the SOC need only be supported by evidence in the administrative record as a whole].) Here, and contrary to the CCAEJ's unsupported statements, the record is replete with such evidence. In fact, citations to some of that record evidence is included in the County's proposed CEQA findings themselves. Even if

that record evidence is susceptible to more than one reading, as the CCAEJ asserts, the County's conclusion must be upheld because it is based upon substantial evidence. Finally, the CCAEJ's comment letter suggests that only benefits to its own local community can be considered in a SOC. This is flatly inconsistent with CEQA, which specifically directs a lead agency to consider benefits, "including regionwide or statewide environmental benefits" as part of its SOC when deciding whether to approve a project with potentially significant impacts. (State CEQA Guidelines, § 15093(a).) As limited examples:

- The Project will develop currently vacant land in a manner consistent with the existing land use designation and in a manner to maximize the site's economic potential. (E.g., Draft EIR,-p. 3.0-18.) Land use designations and zoning criteria exist to provide an orderly and appropriate scheme for development across large areas of land. Furthering that orderly development and implementing the County General Plan's land use designations which are required under state law thus provides a benefit to the area. Additionally, and as set forth in Response to CCAEJ Comment #A-5 and B-8, above, this Project complies with the County General Plan Jurupa Area Plan's policy 5.3 of giving infill development the highest priority. Moreover, the prevention of sprawl is one of the driving factors behind SB 375, a relatively new law that strongly encourages local land use jurisdictions to use infill development and restrict growth to within existing urbanized areas. (E.g., Draft EIR, pp. 4.3-21 to 4.3-32.) Additionally, the Project will provide extensive mitigation fees and tax increment to the County of Riverside. As limited examples, the Project will pay over \$2,000 per acre in fire fees, over \$2,000 per acre for sheriff services, and over \$2 million total in TUMF fees. (E.g., Draft EIR pp. 4.13-4, 4.15-10.)
- The Project will provide additional employment opportunities for skilled labor. (E.g., Draft EIR, p. 3.0-18.) Although the precise timing for those jobs is not perfectly known, the Project makes "provision of employment opportunities for highly trained workers," which is recognized by CEQA as an acceptable project benefit. (See State CEQA Guidelines, § 15091(a)(3); see also Response to CCAEJ Comment #A-5.)
- The Project will take advantage of the site's location nearby existing major transportation corridors, thus co-locating development with the freeways that will service it. (E.g., Draft EIR p. 3.0-18.) Again, this furthers a regional interest in co-locating development adjacent to existing transportation corridors in compliance with SB 375, and also provides a local benefit by ensuring that truck traffic primarily travels on existing truck roadways rather than through residential development.
- The Project will convert an existing weedy and graveled area into a landscaped area with a cohesive design and theme and landscaping around the exterior of the Project. (E.g., Draft EIR, pp. 3.0-18; 4.13; 4,1-5 to 4.1-8.) Again, this is a visual benefit provided by the Project.
- In order to minimize impacts and ensure consistent land use planning, the Project will be built on the most appropriate site from a regional perspective. (E.g., Draft EIR, p. 6.0-56 [looking at other sites but confirming that the Project site is the most appropriate one].)

The other SOCs cited in the County's proposed written CEQA findings are similarly supported by substantial evidence in the record and, accordingly, the County's SOC fully complies with CEOA.

CCAEJ Comment #B-10

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

If the Planning Commission determines to approve the project, it must adopt the environmentally superior alternative since the environmentally superior alternative is feasible and will substantially reduce impacts from TAC emissions, among others. CEQA is premised on the policy that state agencies should not approve projects as proposed if feasible alternatives exist which would substantially lessen the environmental effects of a project. (Public Resources Code § 21002.) To further this objective, CEQA requires that a public agency make the following finding if it decides to approve a project for which will cause significant environmental effects: "Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the ...project alternatives identified in the final EIR." (PRC § 21081 (a)(3), Guidelines § 15091 (a)(3).) There is no evidence to support the County making of this finding with regards to this project.

The Reduced Scope Alternative was the environmentally superior alternative for this project. The Reduced Scope Alternative would develop 58.5% of the proposed building square footage and would correspondingly reduce traffic trips, air quality emissions from traffic (diesel PM), greenhouse gases, noise, and impacts solid waste. Importantly, adoption of this alternative would reduce vehicular traffic by 41.5%, and correspondingly reduce project related emission of diesel PM. Although the project would continue to contribute to an existing exceedence of diesel PM in the SCAB (cumulative impact), the project's individual impact would be substantially reduced. Notably, the alternatives analysis in the EIR does not quantify this reduction, and the finding stating that individual exceedances of cancer risk due to diesel exhaust will persist is not based on substantial evidence.

Presumably the HRA for the Reduced Scope Alternative would find at least a 41.5% reduction in cancer risk, from high of 21.5 additional cancers per million (with project mitigation) to 12.6 additional cancers per million. (Table 4.3 V) This is almost half of the cancer risk of the project as proposed. Non-cancer health risks associated with diesel PM would likewise be halved. Moreover, applying this same 41.5% reduction, the Reduced Scope alternative would substantially reduce the number of sensitive receptors which would experience an exceedance of SCAQMD's threshold (10 additional cancers per million), from twelve (12) receptors to only two (2) receptors. (Receptors 2 (12.6) and 3 (11.6) in the Mira Loma Village community) Stated another way, approving the Reduced Scope Alternative would reduce project specific impacts at ten sensitive receptors below a level of significance.

CANCER RISK FROM PROJECT ONLY AT SENSITIVE RECEPTORS WHICH EXCEED SCAQMD THRESHOLD WITH PROJECT MITIGATION

Receptor	Mitigated Cancer Risk of Proposed Project (Per Million)	Reduced Scope Alternative Cancer Risk Applying 41.5% Reduction (Per Million)
1	14.5	8.5
2	19.8	11.6
3	21.5	12.6
4	13.6	8.0
5	11.4	6.7
6	11.2	6.6
7	10.3	6.0
9	11.4	6.7
10	15.6	9.1
11	10.1	5.9
14	10.7	6.3
19	10.1	5.9

Also with the Reduced Scope Alternative, traffic impacts will be reduced to a level below significance. The reduction in vehicular traffic is likely to reduce TACs even further, as circulation will be improved compared to the project as proposed. This improved circulation will result in less idling on roadways and intersections near sensitive receptors, reducing TAC emissions individually and cumulatively. The Reduced Scope Alternative thereby substantially lessens the air quality impacts from TAC emissions and reduces traffic impacts below a level of significance. It also appears that this improvement will, individually, reduce project noise impacts below a level of significance, although cumulative impacts will remain the significant. Accordingly, this alternative must be adopted unless it is found to be infeasible.

There is no substantial evidence which the County may rely on to support a determination that the Reduced Scope Alternative is infeasible. The EIR found that the only impacts which will be "worse" with the Reduced Scope Alternative are Population and Housing and "Regional Element." Both of these sections state the same thing: a reduced project will result in reduced jobs. However, impacts from reduced job creation are speculative. First, as detailed above, it is uncertain how many and what type of jobs this project will create, if it creates any at all. This is because the development and end uses to which the sites will be put are unknown. Second, the number of jobs created will depend on the end uses to which the development is put. As conceived, these end uses will most likely be warehouse distribution. If the uses are altered due to smaller building size, there is a potential that smaller sites may require more employees per square foot. Third, given the range estimating the number of jobs created by this project, from 567 to 1,101 jobs, it is possible that even half of the jobs created with a reduced project will remain within this range. Fourth, the "Regional Element," namely the jobs/ housing ratio, is already evaluated as part of the Population and Housing section. As discussed above, the General Plan recognizes that the need to improve the jobs/ housing ratio must be balanced

against the health risks of siting new sources of air pollutants near sensitive receptors. The EIR evidently chose to overlook those contrary General Plan policies.

The findings necessary to approve the project over the Reduced Scope Alternative are weak and insubstantial, and surely not, "Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers" which "make infeasible the ...project alternatives," as CEQA requires. Essentially, the findings state that the alternative will not (1) "optimize the economic potential" of the site to the developer and (2) will create fewer jobs.

"The outcomes offered by the Reduced Project Scope Alternative are limited when compared to the proposed Project, to the extent that the proposed alternative will not optimize the economic potential of the undeveloped parcels within the Mira Loma Commerce Center in compliance with the site's land use designation. (Draft EIR, p. 6.0-57.) The alternative will also not create an array of new employment opportunities to utilize the skilled labor pool within Riverside County as compared to the proposed Project, (Draft EIR, p. 6.0-57.) The proposed alternative also will not improve the economic development potential of the Mira Loma area by utilizing the site's location and proximity to major interstate transportation corridors pursuant to the Mira Loma Warehouse/ Distribution Center policy in the Jurupa Area Plan to the same extent as the proposed Project, (Draft EIR, p. 6.0-57.) This alternative would not result in maximum utilization of the land use as compared to the proposed Project: Therefore, although the Reduced Project Scope Alternative is an environmentally superior alternative, it is not feasible for the economic, social, technological, and other factors identified above and thus is not being further considered for development in lieu of the proposed Project. (Draft ElR, p. 6.0-57.)"

When compared to the significant impacts of the project which will be reduced with this superior alternative, it is difficult to concur with the finding made for the project. As far as job creation, the number of jobs created is not merely reliant on the size of the buildings, but will have just as much to do with the end users and uses to which the sites are put, as discussed above. Reducing the size of buildings could actually *increase* the number of jobs created, as smaller buildings are more likely to be put to more people intense and process oriented uses when compared to warehousing/distribution. Moreover, stating that this alternative will not create an "array of new employment opportunities" is not based on any evidence, much less substantial evidence. Development of this alternative could potentially occur in a manner which would meet or exceed the employment creation objectives of the project.

Any discussion of "optimizing the economic potential of undeveloped parcels" and like statements discuss only benefits to those persons associated with the project, in this case the developer(s) and/or end users. There is in fact no indication or evidence that this alternative is economically infeasible, but instead only that it will result in some decreased profitability to the developer and/or end users. As stated in *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599:

"The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." [emphasis added]

While the Reduced Scope Alternative may result in reduced profitability to the developer, there simply no substantial evidence to support a finding that the Reduced Scope Alternative is financially infeasible.

As there is no substantial evidence to demonstrate that the Reduced Scope Alternative's impact on jobs and lost profits render the project impractical, the environmentally superior Reduced Scope Alternative must be approved over the proposed project.

Response to CCAEJ Comment #B-10

The CCAEJ's arguments regarding the Environmentally Superior/Reduced Scope Alternative are fully addressed above. Please see Response to CCAEJ Comment #A-5.

CCAEJ Comment #B-11

<u>OTHER POTENTIAL ALTERNATIVES</u>

Alternatively, CCAEJ recommends either reducing the size of the buildings or putting the development to an alternative use. Reducing the size of the buildings at the project sites would correspondingly reduce the size of the trucks and distance the trucks will travel in accessing the building sites. This would substantially reduce the impact from the project's mobile emissions of TACs while maintaining distribution warehouse uses.

Another alternative which would substantially reduce air quality impacts from TACs would involve putting this development to alternative uses not reliant on heavy trucks. Currently, the project proposes the development of distribution warehouses, a use reliant on heavy, diesel PM emitting trucks. However, the land use designations for the project sites permit land uses, such as service and commercial uses, which will have considerably reduced TAC emissions. For example, the Industrial Park and Medium Manufacturing designations permit: banks and financial institutions; blueprint and duplicating services; laboratories, film, medical, research, or testing centers; office equipment sales and service; offices, professional sales and service, including business, law, medical, dental, chiropractic, architectural and engineering; restaurants and other eating establishments; barber and beauty shops; health and exercise centers, etc.

Putting this proposed development toward these commercial or service uses instead of its present proposed use will substantially reduce the impacts and health risks from diesel PM. What is more, as with the Reduced Scope Alternative, development could potentially occur in a manner which would meet or exceed the employment creation objectives of the project, namely create between 500-1,100 new and varied employment opportunities in the area.

Response to CCAEJ Comment #B-11

With regard to its comments on other potential alternatives, the CCAEJ recommends that the County analyze an alternative includes smaller buildings. That is precisely what the Reduced Scope Alternative does, by considering the impacts of a development with approximately half of the floor space as the proposed Project. A full discussion of the Reduce Scoped Alternative and its reduced – albeit still significant – environmental impacts is provided above. Please see Response to CCAEJ Comment #A-5.

CCAEJ next proposes an alternative that puts the Project site to a set of uses other than those proposed as part of the Project. Without citing to any evidence, CCAEJ concludes that developing the site with uses such as testing centers, offices, medical centers, restaurants, exercise centers, and other uses would substantially reduce impacts and health risks from DPM, while at the same time providing more jobs. However, the CCAEJ provides no citation for why it believes these statements to be true. Indeed, and even assuming that these uses resulted in fewer overall trucks, CCAEJ overlooks the likelihood that the number of trips each day may increase beyond the number proposed by the Project. This conclusion seems inescapable even under CCAEJ's own logic - necessarily if these uses will substantially increase the number of jobs, then the total vehicle trips to the site will increase. Thus, it is possible that any offset to air quality emissions caused by overall reducing truck numbers will be compensated for by increasing the number of commuter cars to the site. Moreover, substantial evidence in the record shows that even when truck traffic is cut in half, the health risks, air quality emissions, and other impacts nonetheless remain significant. (E.g., Draft EIR pp. 6.0-47, -48, -50, -51, -52 through -56.) Thus, and in the absence of any substantial evidence suggesting otherwise, even the replacement of the Project's uses with significantly less "truck-intense" uses would still result in a significant and unavoidable health risk impact.

Additionally, it bears mentioning that CCAEJ seems to give no consideration to whether the alternative uses it proposes are already provided within the built portions of the Mira Loma Commerce Center itself. For example, International Paper already produces office products; Nestle Foods and Anheuser Busch already provide food-related services; and several other entities already provide professional sales and services. (See generally EIR p. 3.0-7.)

Ultimately, the County was not required to analyze the alternative uses proposed by the CCAEJ. CEQA requires only a range of reasonable alternatives, and <u>not</u> an exhaustive analysis of <u>every</u> potential alternative, to a proposed Project. (See State CEQA Guidelines, § 15126.6.) The County satisfied CEQA's requirement by analyzing 4 alternatives to the proposed Project and comparing those reasonable alternatives against the Project. In view of the substantial evidence provided in the County's record, the County's conclusions must be upheld.

CONCLUSION

It boils down to a determination of what is more important: That the land be developed to the maximum extent so that the developer(s) can maximize profits? Or that the residents of Mira Loma and Riverside do not suffer adverse health impacts from harmful air quality emissions, extensive traffic, and excessive noise as a result of a poorly conceived project? It is time to stop promoting development to the detriment of the health of the area citizens. Please choose to act for the greatest benefit to the greatest number of people in Mira Loma. Deny this project.

Response to CCAEJ Comment #B-12

This comment in conclusory in nature and does not raise any environmental issues beyond those already responded to above. Please see above responses to comments.

Responses to CCAEJ's April 14, 2011 Letter (7 pages on Johnson & Sedlack letterhead)

CCAEJ Comment #C-1

This firm represents the Center for Community Action and Environmental Justice (CCAEJ) and submits these comments on their behalf in support of this appeal. We hereby appeal the Planning Commission's April 6, 2011 decision denying CCAEJ's appeal of Director's Hearing Resolution No. 2010-06 in part, approving Plot Plan numbers 16979, 18875, 18876, 18877, and 18879, and adopting Resolution No. 2011-004 certifying the Final Environmental Impact Report No. 450 for the Mira Loma Commerce Center (SCH# 2002121128). The Planning Commission upheld the appeal in part and denied Plot Plan No. 17788; we agree with, and thereby do not challenge, this portion of the Planning Commission's determination.

The Mira Loma Commerce Center is a proposal to construct and operate twenty four (24) industrial buildings on 65.05 acres for a total building area of 1,128,237 square feet, with 1,427 parking spaces, 30 trailer parking spaces, and 123 loading docks. The Project site is currently vacant and abuts the residential communities of Mira Loma Village and Country Village. In is April 6, 2011 decision, the Planning Commission denied the largest and most environmentally harmful portion of the project, Plot Plan No. 17788, comprising 20.48 acres, upon recognizing that impacts to the health of area residents would be substantial. However, the reduced portion of the project will still comprise 44.57 acres for a total building area of 702,237 square feet, 1,105 parking spaces, and 72 loading docks. The project as approved by the Planning Commission will thus still have significant environmental and health impacts, and a statement of overriding considerations was made for the project.

Response to CCAEJ Comment #C-1

This comment is introductory in nature and summarizes the CCAEJ's overall position and actions taken by the Planning Commission on April 6, 2011. As it does not raise any specific environmental concerns, no further response is necessary. (See State CEQA Guidelines,

§ 15088.) Please see the other responses to comments provided below for more specific responses to the CCAEJ's comments.

CCAEJ Comment #C-2

The appeal is based on the following:

Certification of EIR No. 450 for the project is inappropriate as the EIR is fundamentally flawed and not completed in compliance with CEQA (See, State CEQA Guidelines (a)(1)). The EIR

fails to adequately analyze impacts pertaining to air quality and health, greenhouse gas emissions, traffic, and land use, among others, and fails to consider adequate project alternatives, per comments previously made by CCAEJ. The EIR fails as an informational document and fails to provide necessary and applicable information. The EIR improperly ignores the regional impacts of the project. The EIR is often conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions. Additionally, the EIR conducts impact analyses based on unreasonably low estimates. CCAEJ has commented extensively on the flaws of the EIR in its prior appeal and incorporates those comments herein.

The project further fails to adopt all feasible mitigation in violation of CEQA. CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. Furthermore, findings of infeasibility and support for those findings were lacking in the EIR and provided only later in later staff reports and responses to CCAEJ's previous appeal. Public commentary on this information was thus entirely precluded. Changes should be made to the EIR incorporating these references and alterations, and the EIR should be recirculated pursuant to CEQA Guidelines 15088.5(a)(4) [requiring recirculation where EIR is so fundamentally flawed and basically inadequate and conclusory that meaningful public comment and review was precluded.]

The statement of overriding considerations is unsupported by substantial evidence in the record. The project will have minimal benefits while result in substantial environmental harm.

Response to CCAEJ Comment #C-2

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response JS Comment #1 and 2 [responding to Johnson and Sedlack letter dated November 30, 2010] and Response to CCAEJ Comment #B-9 [responding to CCAEJ letter dated March 17, 2011].

The EIR fails to adequately evaluate and mitigation impacts to/from the following for the reasons detailed below and in previous CCAEJ comments with regards to this project:

Land Use:

The Land Use portion of the EIR is particularly conclusory and omits essential information. For instance, in evaluating compatibility with zoning, the EIR merely provides a table of zoning designations and states, "As shown in this table, the proposed project is compatible with existing surrounding M-M zoning." This sort of conclusory statement is completely contrary to CEQA as it provides zero analysis. Additionally, this conclusion ignores the other land use designations such as R-3 and R-1 which surround three portions of the project (two with the removal of PP 18877.)

Response to CCAEJ Comment #C-3

The analysis in the Draft EIR is conclusory nor does it omit essential information on zoning. The quote in the comment analyzes the surrounding zoning described in Table 4.9-A of the Draft EIR. Table 4.9-A shows that three out of the six Project Plot Plans are surrounded <u>one</u> side by residential uses and that the other three sides are surrounded by zoning designations of M-M (Manufacturing – Medium) or I-P (Industrial - Park). Furthermore, Plot Plan 18877 was approved by the Planning Commission; Plot Plan 17788 was denied and is not surrounded on any side by residentially zoned land.

CCAEJ Comment #C-4

Furthermore, the project remains inconsistent with the Riverside County General Plan and Jurupa Area Plan, and these inconsistencies are neither delineated nor analyzed in the EIR. The Riverside County General Plan states:

"[W]here necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to

protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses." [emphasis added]

The Jurupa Area Plan also recognizes the significant air quality issues associated with development in the Mira Loma Area stating that the "proximity of the warehousing uses to the residential areas has generated considerable concern," particularly with regards to associated "diesel-powered vehicles and heavy trucks." This project will develop warehouses in close proximity to residential uses.

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The project is, likewise, still contrary to the following General Plan policies.

LU 6.4 Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic.

LU 10.2 Ensure adequate separation between pollution producing activities and sensitive emission receptors, such as hospitals, residences, and schools.

LU 24.6 Control the development of industrial uses that use, store, produce, or transport toxins, generate unacceptable levels of noise or air pollution, or result in other impacts.

AQ 2.1 The County land use planning efforts shall assure that sensitive receptors are separated and protected from polluting point sources to the greatest extent possible.

AQ 2.2 Require site plan designs to protect people and land uses sensitive to air pollution through the use of barriers and/or distance from emissions sources when possible.

C 3.8 Restrict heavy duty truck through-traffic in residential and community center areas and plan land uses so that trucks do not need to traverse these areas.

HC (Healthy Communities) 14.1; "Pursue a comprehensive strategy to ensure that residents breathe clean air..."

HC 14.3: "To the extent feasible, avoid locating new facilities that may produce harmful air pollution near homes and other sensitive receptors."

The EIR does not provide these land use policies for informational purposes nor analyze these inconsistencies with Land Usc/ Planning in the EIR. Instead, the EIR merely determines, based on no information provided and no evidence, that the project will have less than significant land use impacts. The EIR again fails entirely as an informational document and was not completed in compliance with CEQA. Furthermore, as this project is plainly contrary to the RCIP, the project should be denied.

Response to CCAEJ Comment #C-4

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response to CCAEJ Comment #B-8 [responding to CCAEJ letter dated March 17, 2011].

CCAEJ Comment #C-5

Air Quality:

Construction:

The EIR concludes that the project will likely result in the emission of ROG and NOx above the South Coast Air Quality Management District (SCAQMD) recommended daily regional thresholds and the emission of PM10 and PM2.5 above the SCAQMD recommended localized thresholds during construction. Although the Project will result in significant and unavoidable

direct and cumulative air quality impacts from construction and abuts the residential communities of Country Village (a senior community) and Mira Loma Village, the EIR fails to adopt all feasible mitigation. For instance, it is feasible to prohibit concurrent construction of plot plans despite the fact that they are separately owned. Neither the EIR nor subsequent documentation has provided evidence that such prohibition is economically or otherwise infeasible. This additional mitigation must be required of the project.

Response to CCAEJ Comment #C-5

Prohibiting concurrent construction was considered as mitigation for Project impacts. As stated in the Annotated Final EIR on page 4.3-42:

To mitigate potential PM-10 and PM-2.5 impacts associated with a potential larger disturbance area during grading due to the grading of multiple plot plan sites simultaneously, mitigation measure MM Air 3e was incorporated, which shall require each plot plan to be graded separately. Implementation of this measure will ensure that regional PM-10 and PM-2.5 impacts remain less than significant.

Evaluation of Table 4.3-E shows that prohibiting concurrent plot plans construction would not reduce regional construction impacts from NO_X and ROG as ROG emissions from construction of each of the six plot plans exceeds the SCAQMD threshold. Similarly, localized PM-10 and PM-2.5 construction impacts exceed applicable SCAQMD thresholds during construction of individual plot plans and would not reduce impacts to less than significant levels if concurrent construction were prohibited [See Tables 4.3-I and 4.3-J.].

Finally, several mitigation measures have been implemented to reduce NO_X emissions during construction such as MM Air 3a which requires the use of Tier 4 construction equipment once they become available. Disposition of recommended measure 17 in Response to JS Comment#5 [responding to Johnsons and Sedlack comment letter dated November 30, 2010.] states that Tier 4 emissions of NO_X are reduced between 12 and 47 percent compared to Tier 3 engines, depending upon engine size. This reduction could be greater if the unmitigated engine was lower than Tier 3.

Operational:

The County failed to support with evidence in the EIR, that trip lengths associated with this project will be significantly lower than that projected for other warehouse distribution centers where an average trip length of 40 miles has been used. The County failed to provide any substantive authority for why such a short trip length was used or why only trips to the Ontario Airport will be part of the project. Studies justifying this reduced trip length in staff reports regarding the project were not incorporated into the EIR or available for comment by the public with reference to the EIR. The EIR therefore fails as an informational document and is substantively flawed. Moreover, trip lengths relied on in the EIR are still not justified at the length chosen where tenants and uses of the warehouses are unknown.

Additionally, all feasible mitigation measures were not adopted. It is feasible that certain mitigation be required to be incorporated into contracts of site users. For instance, by contract specification, the County could require that facility operators become SmartWay Partners; incorporate requirements or incentives sufficient to achieve at least 20% per year increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers; or incorporate requirements or incentives sufficient to achieve a 15% per year increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Additionally, implementing a parking fee for single occupancy vehicles is feasible-this would not penalize people for driving to work, but penalize them for driving singly rather than carpooling. Other feasible mitigation includes: requiring electrical equipment be used for landscape maintenance; requiring only low pressure sodium fixtures for exterior lighting including parking lots; utilizing electric yard trucks; require LEED Platinum certification; require photovoltaic solar systems sufficient to offset electrical usage on all buildings; and require solar water heaters for all hot water requirements.

Response to CCAEJ Comment #C-6

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response to JS Comment #6 [responding to Johnson and Sedlack letter dated November 30, 2010.] regarding trip lengths used in the EIR and Response to JS Comment #8 [responding to Johnson and Sedlack letter dated November 30, 2010] regarding the mitigation measures proposed in the comment.

Health Risk Assessment

This project will substantially contribute to Toxic Air Contaminants in the form of Diesel PM, the result of which is an increased risk of cancer and other health impacts to the individuals residing near this project, especially infants, children, and the elderly. In the immediate vicinity of the project site are the Mira Loma Village neighborhood, the retirement community of Country Village, Mission Belt Elementary School (approximately ¼ mile southeast of the project site), Granite Hill Elementary School (approximately 1¼ mile east of the project site), and Jurupa Valley High School (approximately 1¼ mile south of the project site). All of these sensitive receptors will be adversely impacted by the diesel PM emissions created by this project. Although this will be substantially reduced through the denial of Plot Plan No. 17788, the project nonetheless creates additional diesel PM emissions and traffic in an area already severely impacted by such emissions.

The Riverside County General Plan states the following with regards to particulate matter:

"The Environmental Protection Agency (EPA) defines particulate matter (PM) as either airborne photochemical precipitates or windborne dust. Consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols, common sources of PM are manufacturing and power plants, agriculture, diesel trucks and other vehicles, construction sites, fire and windblown dust. Generally PM settles from atmospheric suspension as either particulate or acid rain and fog that has the potential to damage health, crops, and property. Particulate of 2.5 microns or smaller (2.5 microns is approximately equal to .000098 inches) may stay suspended in the air for longer periods of time and when inhaled can penetrate deep into the lungs. Among the health effects related to PM2.5 are premature death, decreased lung function and exacerbation of asthma and other respiratory tract illnesses.

Particulate sized between 2.5 and 10 microns (10 microns is approximately equal to .0004 inches), known as PM10 also pose a great risk to human health. PM10 can easily enter the air sacs in the lungs where they may be deposited, resulting in an increased risk of developing cancer, potentially changing lung function and structure, and possibly exacerbating preexisting respiratory and cardiovascular diseases. It can also irritate the eyes, damage sensitive tissues, sometimes carry disease, and may even cause premature death. PM2.5 and PM10 are especially hazardous to the old, young and infirm.

Although it produces less than 10% of the South Coast Air Basin's particulate matter, western Riverside County, which is part of the SOCAB, exceeds federal standards more than any other urban area in the nation, and has the highest particulate concentration in the SOCAB. These high levels of particulate matter are largely imported from the urbanized portions of Los Angeles and Orange Counties. This imported particulate is generally composed of photochemical precipitates rather than dust, smoke or soot. Riverside County is also responsible for generating large amounts of particulate matter from sources such as agriculture, warehousing operations, and truck traffic...

While sources and severity of particulate pollution differ in subareas of the County, it is the County's objective to control particulate matter throughout all of Riverside County. However, where necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses." [emphasis added]

The addition of industrial warehousing in an area already severely impaired from diesel PM emissions will cumulatively and individually result in health risks to the area and region. The EIR finds that this impact would be significant and unmitigated, as the Health Risk Assessment finds up to 22.2 in one million additional cancers, well above SCAQMD significance threshold of 10. The impact without approval of Plot Plan 17783 is still likely to exceed the threshold. This impact is significant, and feasible mitigation, detailed above, must be incorporated to reduce this impact.

Response to CCAEJ Comment #C-7

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response to CCAEJ Comment #B-3 and #B-4 [responding to CCAEJ letter dated March 17, 2011].

CCAEJ Comment #C-8

Greenhouse Gas/Climate Change:

GHG impacts were found to be cumulatively significant and unavoidable in the EIR.

Response to CCAEJ Comment #C-8

This comment correctly states that impacts to GHG were found to be cumulatively significant and unavoidable in the Draft EIR (p. 4.3-106). As it does not raise any specific environmental concerns, no further response is necessary. (See CEQA Guidelines Section 15088.)

Noise:

The project will result in significant noise impacts. Noise levels due to construction at the project site are expected to reach up to 85 dBA at the nearest sensitive receptors, consisting of occupied residences. This is well in excess of the daytime exterior noise standards. The EIR concludes that merely through the project's compliance with RCO No. 847, Section 2, that construction-related noise impacts will be less than significant. This is a completely faulty analysis and conclusion, as Ord. 847 is meant for code enforcement, not as a noise standard. Moreover, the fact that the excess construction noise will be restricted to daytime hours does not mitigate the fact that noise levels of 85 dBA will be in excess of the County's noise ordinance and experienced by nearby residents during daytime hours. Thus, reliance on MM Noise 1 which merely limits construction activities "within one-quarter mile of occupied residences" to the daytime hours set forth in RCO No. 457, Section 1.G.1, (recently amended to RCO No. 457.102, Section 1.F.1) does nothing to mitigate these substantial effects.

The following mitigation is feasible to reduce construction noise impacts to below a level of significance:

- 1. Provide temporary noise attenuation during project construction. This includes sites utilizing non-combustion powered equipment.
- 2. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.
- 3. When technically feasible, utilize only electrical construction equipment.

The County states that "[d]aytime operational noise is not considered a source of significant impact if a barrier shields the *visibility* of the loading activity from any ground-floor observers. (Resolution No. 2010-06, pg. 103.) This is false.

Further, the Project will have significant cumulative noise impacts due to the already existing noisy environment. The Draft EIR demonstrates up to an 8 dBA cumulative increase with the project. Yet, the only mitigation provided is for nighttime operations and individual project noise, rather than project contributions to noise exceedences. The project should, at the least, require that the noise attenuation walls specified for the project be designed to reduce noise impacts below a level of significance.

Response to CCAEJ Comment #C-9

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response to JS Comment #14 [responding to Johnson and Sedlack letter dated November 30, 2010.].

Traffic and Transportation:

As the EIR concludes, even after mitigation, the Project's cumulative traffic impacts will remain significant. Although development fees will be paid, "the actual construction of the required off-site improvements" is uncertain and therefore cumulative traffic impacts may not be mitigated to below a level of significance. Yet, the Project fails to adopt all feasible mitigation measures and those measures that were adopted are uncertain and not fully enforceable. (See, Air Quality mitigation suggestions.) Moreover, these traffic impacts will result in the health risk impacts detailed above.

Response to CCAEJ Comment #C-10

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response to JS Comment #15 [responding to Johnson and Sedlack letter dated November 30, 2010.].

STATEMENT OF OVERRIDING CONSIDERATIONS

This project will not have the specific economic, legal, social, technological, or other benefits to the County, region, or state which a Statement of Overriding Consideration requires. The benefits of the project, as enumerated in the Statement of Overriding Considerations, are insubstantial and will at best benefit only a few select individuals. The specific "benefits" identified for this project in support of the Statement of Overriding Considerations include:

- A. Optimizing the economic potential of vacant land by developing the property in compliance with the land use designation.
- B. Generating additional employment opportunities for skilled labor.
- C. Maximizing the site's existing location and proximity to transportation corridors.
- D. Creating a cohesive design and building theme.
- E. Balancing housing and employment opportunities.
- F. Co-locating jobs and housing to reduce vehicle miles traveled.
- G. Placing project in an area compatible with its land use designation.
- H. Alternative locations are not environmentally superior.
- I. Avoid urban sprawl into previously undeveloped areas.

These "benefits" are minimal at best. The project (with Plot Plan No. 17788) was estimated to create anywhere between 567 to 1,101 jobs. The project as approved will likely create even fewer jobs. Moreover, these jobs would be created only if and when the warehouses are built and occupied, and it is entirely uncertain whether any of these jobs will require "skilled labor." Hence the potential benefit of employment is minimal and speculative. Other than job creation, project benefits merely state the project's location, design, and profitability for the developers/owners/users. These are not specific economic, legal, social, technological, or other benefits to the County, region, or state which a statement of overriding considerations requires.

On the other hand, the environmental harms of this project are extensive, as discussed above. Particularly, the project will result in significant health risks and air quality impacts from diesel PM in an area already acknowledged to have some of the worst air quality in the nation. A statement of overriding considerations was thus improperly adopted.

In light of the fundamental flaws of the EIR and significant impacts associated with this project, CCAEJ therefore respectfully requests that you deny this project in its entirety.

Response to CCAEJ Comment #C-11

This comment was previously raised by the CCAEJ and was fully responded to in prior responses. Please see Response to CCAEJ Comment #B-9 [responding to CCAEJ letter dated March 17, 2011].



Raymond W. Johnson, Esq. AICP Carl T. Sedlack, Esq., *Retired* Abigail A. Broedling, Esq. Kimberly Foy, Esq. 26785 Camino Seco, Temecula CA 92590

E-mail: EsqAICP@Wildblue.net

Abby.JSLaw@Gmail.com Kim.JSLaw@Gmail.com Telephone: 951-506-9925 Facsimile: 951-506-9725

May 17, 2011

Riverside County Board of Supervisors 4080 Lemon Street P.O. Box 1409 Riverside, CA 92502 Fax: (951) 955-1811

RE: Appeal of Planning Commission's Approval of Resolution No. 2010-006, Certifying Environmental Impact Report No. 450 for the Mira Loma Commerce Center, State Clearinghouse No. 2002121128.

Honorable Supervisors:

This is one of two letters submitted on behalf of the Center For Community Action and Environmental Justice in support of their appeal of the approval of the Mira Loma Commerce Center. The second letter is of a more technical nature and I hope that you will read and head it. This letter is aimed at a more policy level. This letter will really only deal with the issue of pollution.

There are two significant and distinct areas of pollution, one generalized air pollution and the other health risks associated with diesel particulates. Unfortunately, at the February Planning Commission hearing, there seemed to be some confusion and conflation of the two issues. The Project will result in significant air quality impacts and this seemed to be the focus of the hearing. While there are unquestionably significant air quality impacts that will cumulatively impact the entire community, there are also significant health risks from increased cancer risk that are particular to the Mira Loma Village community. Unfortunately the discussion tended to concentrate on the generalized cumulative impacts, not the increased cancer and respiratory impacts to the adjacent community. These impacts are avoidable.

Mitigation measures proposed at the February hearing, while they may improve air quality issues county wide and make the Commissioners feel better, will do nothing to prevent the health risk to the residents of Mira Loma Village from the toxic air contaminants.

The nearby residents are among the most powerless in the County, a lower income, elderly, largely minority community. Neighborhood schools are also serve lower income areas and the children attending them are without a political voice. Their interest is pitted against the development community, with seemingly unlimited resources and massive campaign contributions.

The developer falsely presents the issue as an all or nothing question. Either he must be allowed to build precisely what he wants or he can't build anything. This is simply not the case. There is an environmentally superior alternative that will significantly decrease not only the generalized air quality impacts but also the cancer and respiratory risks to the adjacent subdivision, retirement community and schools.

Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible, (PRC§ 21002; Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 597.) even if the alternative would impede to some degree the attainment of the project objectives, or would be more costly. (Guidelines § 15126.6(b). In this case, the developer falsely claims that the alternative is infeasible. This claim is based upon a contention that the alternative will not meet three Project Objectives:

- The proposed alternative will not **optimize** the economic potential of the undeveloped parcels within the Mira Loma Commerce Center in compliance with the site's land use designation. [emphasis added]
- The alternative will not create an array of new employment opportunities to utilize the skilled labor pool within Riverside County as compared to the proposed Project. [emphasis added]
- The proposed alternative will not improve the economic development potential of the Mira Loma area by utilizing the site's location and proximity to major interstate transportation corridors pursuant to the Mira Loma Warehouse/Distribution Center policy in the Jurupa Area Plan to the same extent as the proposed project. [emphasis added]

Too often, project alternatives are selected that are not realistic from the county perspective but rather are designed by the developer to ensure that there are no feasible project alternatives. County government is here to protect the welfare of the residents, not just to guarantee profits for their campaign contributors. In this case, there is no contention that the environmentally superior alternative fails to completely meet core project objectives, but rather that it doesn't do so as well as the Project. There is no contention that the environmentally superior alternative is not financially feasible.

A basic question remains: Is it the job of the Board to ensure that the Developer is entitled to the maximum profit he can get on the project regardless of the impact on the citizens of Riverside County, or it is to protect the residents of Riverside County to the maximum possible while allowing developers a reasonable return on their investment?

What is the cost of allowing the developer to maximize his profit? In this case, in addition to adding to existing serious problems with air pollution in an area that has been identified as having one of the worst air quality in the nation, causing a significant traffic impact, creating a significant noise impact, the cost is a significant cancer risk to the residents of Mira Loma Village. Not only will there be an increased cancer risk but there will also be greatly increased non-cancer risk of pulmonary and cardio vascular problems particularly for the elderly and the young. Is the developer contributing to the County for the lost utility of the public schools in the area? Is the developer compensating the residents of Mira Loma Village for the lost quiet enjoyment of their property.

The developer in this case, aided by the County is creating a taking of the private property without compensation and without due process of law, of the residents of Mira Loma Village. The residents are losing the right of quiet enjoyment of their property. If they want to be able to

live, free of cancer, asthma or heart attack, they must abandon their property and move somewhere else. They are being forced from their property, or in the alternative, being forced to endure the certainty of increased and unhealthy noise levels, and the very real likelihood of asthma, heart disease or cancer as a result of allowing the developer to maximize his profits.

This is not an all or nothing decision. There is an environmentally superior alternative, that while it might not maximize developer profits, would none the less, meet other project objectives and would not endanger the health of nearby residents and school children. While the alternative might not provide as many jobs as the proposed Project, this is not the last piece of developable ground in Riverside County. There remain many other opportunities to provide employment in Riverside County without jeopardizing the health of nearby residents and school children. If this Project is unable to meet demands for warehouse space in the County then there will be plenty of opportunities for other projects to do so and increase the employment base without jeopardizing the health of the residents of the county. It is also entirely likely that by reducing the building sizes that there will actually be more jobs created as the uses become more process oriented and less bulk warehousing which has a very low level of employment per square foot.

It would appear to me that the appropriate role for the County Government is to maximize opportunities without jeopardizing the health and welfare of the residents of the county. Where there are opportunities to mitigate the environmental impacts of a project then these measures should be adopted. By law, where the mitigation measures are incapable of mitigating the significant environmental impacts then project alternatives that will substantially mitigate the environmental impacts, <u>must</u> be approved <u>instead</u> of the Project.

I would ask that the Board either deny the proposed Project, approve the Reduced Density Alternative or have the Project redesigned to remove heavy diesel truck users thus protecting nearby residents and students.

Sincerely,

Johnson & Sedlack

Raymond W. Johnson, Esq. AICP

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focuses on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like."

The Mira Loma Commerce Center will have significant and immitigable environmental impacts to air quality, noise, and transportation/traffic impacts, and CEQA requires that the County adopt a Statement of Overriding Considerations for these impacts. Such a Statement is improper in this instance as there is no substantial evidence in the record to support a determination that this project's so-called benefits outweigh its severe impacts, particularly when it comes to Toxic Air Contaminants (TACs) resulting from the project's mobile diesel emissions. The potential health risks to the community including the risk of cancer, death, lung diseases, etc. far outweigh any potential the meager benefits of this project to the developers and site users. CCAEJ thus respectfully asks that the Planning Commission deny approval of this project.

Diesel Particulate Matter (PM) and Health Risks:

This project will substantially contribute to TACs in the form of Diesel PM, the result of which is an increased risk of cancer and other health impacts to the individuals residing near this project, especially infants, children, and the elderly. In the immediate vicinity of the project site are the Mira Loma Village neighborhood, the retirement community of Country Village, Mission Bell Elementary School (approximately ¾ mile southeast of the project site), Granite Hill Elementary School (approximately 1¼ mile east of the project site), and Jurupa Valley High School (approximately 1¼ mile south of the project site). All of these sensitive receptors will be adversely impacted, as detailed below, by the diesel PM emissions created by this project.

TACs are air pollutants which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health. In 1998, CARB designated Diesel PM as a TAC. CARB also set a lifetime cancer risk from diesel particles at 3 in 10,000.

The Riverside County General Plan states the following with regards to particulate matter:

"The Environmental Protection Agency (EPA) defines particulate matter (PM) as either airborne photochemical precipitates or windborne dust. Consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols, common sources of PM are manufacturing and power plants, agriculture, diesel trucks and other vehicles, construction sites, fire and windblown dust. Generally PM settles from atmospheric suspension as either particulate or acid rain and fog that has the potential to damage health, crops, and property. Particulate of 2.5 microns or smaller (2.5 microns is approximately equal to .000098 inches) may stay suspended in the air for longer periods of time and when inhaled can penetrate deep into the lungs. Among the health effects related to PM2.5 are premature death, decreased lung function and exacerbation of asthma and other respiratory tract illnesses.

Particulate sized between 2.5 and 10 microns (10 microns is approximately equal to .0004 inches), known as PM10 also pose a great risk to human health. PM10 can easily enter the air sacs in the lungs where they may be deposited, resulting in an *increased risk*

of developing cancer, potentially changing lung function and structure, and possibly exacerbating preexisting respiratory and cardiovascular diseases. It can also irritate the eyes, damage sensitive tissues, sometimes carry disease, and may even cause premature death. PM2.5 and PM10 are especially hazardous to the old, young and infirm.

Although it produces less than 10% of the South Coast Air Basin's particulate matter, western Riverside County, which is part of the SOCAB, exceeds federal standards more than any other urban area in the nation, and has the highest particulate concentration in the SOCAB. These high levels of particulate matter are largely imported from the urbanized portions of Los Angeles and Orange Counties. This imported particulate is generally composed of photochemical precipitates rather than dust, smoke or soot. Riverside County is also responsible for generating large amounts of particulate matter from sources such as agriculture, warehousing operations, and truck traffic...

While sources and severity of particulate pollution differ in subareas of the County, it is the County's objective to control particulate matter throughout all of Riverside County. However, where necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses." [emphasis added]

Diesel particulates contribute about 84% of the total air toxics cancer risk in the project area. (Multiple Air Toxics Exposure Study (MATES) III Final Report September 2008, http://aqmd.gov/prdas/matesIII/matesIII.html, p. 2-10.) The Health Risk Assessment ("HRA") conducted for this project found that at residences in Mira Loma Village and Country Village the Mira Loma Commerce Center project, in and of itself, would result in up to 22.2 in one million additional cancers (21.5 with mitigation), more than double SCAQMD's significance threshold of 10 in one million. (EIR, Table 4.3-V) The project would exceed significance levels at 12 out of the 40 sensitive receptors measured, and 12 out of the 20 measured in the Mira Loma Village residential area. (EIR, Table 4.3-V) This is in addition to the existing ambient TACs and diesel PM at these sensitive receptors, which are far in excess of acceptable levels at up to 45.6 additional cancers per million. (EIR, Table 4.3-T)

Importantly, in studies conducted for this project regarding adopting specific truck fleet requirements to reduce air quality impacts, namely 50 % of trucks at 2007 emission standards and 20% at 2010 emission standards, it was found that these improvements would not significantly reduce TACs. These requirements would therefore *not mitigate* for the substantial health impacts from TACs to area residents, despite any improvements to air quality overall.

Moreover, the HRA accounts only for the cancer risk caused by this project. In addition to the risk of cancer, diesel PM is known to cause immune system effects; reproductive, developmental, and endocrine effects; nervous system effects; and lung health problems, as recognized by the County in the General Plan. Immune system effects include increased allergic

inflammatory responses and suppression of infection fighting ability. Diesel PM has also been associated with reproductive effects such as decreased sperm production, changes in fetal development, low birth weight and other impacts. Diesel PM exposure may also cause impairment to the central nervous system. (*The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000,

http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren; See also, Diesel and Health in America: the Lingering Threat, Clean Air Task Force, February 2005, http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf)

SCAOMD has stated with regards to the health effects from diesel PM:

"Diesel particles consist mainly of elemental carbon and other carbon-containing compounds... Diesel particles are microscopic...Due to their minute size, diesel particles can penetrate deeply into the lung. There is evidence that once in the lung, diesel particles may stay there for a long time.

In addition to particles, diesel exhaust contains several gaseous compounds including carbon monoxide, nitrogen oxides, sulfur dioxide and organic vapors, for example formaldehyde and 1,3-butadiene. Formaldehyde and 1,3-butadiene have been classified as toxic and hazardous air pollutants. Both have been shown to cause tumors in animal studies and there is evidence that exposure to high levels of 1,3-butadiene can cause cancer in humans...

Diesel emissions may also be a problem for asthmatics. Some studies suggest that children with asthma who live near roadways with high amounts of diesel truck traffic have more asthma attacks and use more asthma medication.

Some human volunteers, exposed to diesel exhaust in carefully controlled laboratory studies, reported symptoms such as eye and throat irritation, coughing, phlegm production, difficulty breathing, headache, lightheadedness, nausea and perception of unpleasant odors. Another laboratory study, in which volunteers were exposed to relatively high levels of diesel particles for about an hour, showed that such exposures could cause lung inflammation." (The Health Effects of Air Pollution on Children, supra; See also, Mira Loma Commerce Center EIR No. 450, Air Quality, Section 4.)

Furthermore, infants, children, and the elderly are more susceptible to diesel PM and its associated health impacts. Given this project's close proximity to three schools and a retirement community, this increased susceptibility is extremely relevant. With regards to infants and children, increased susceptibility to TACs and diesel PM exists for a variety of reasons. Children are generally more active than adults, have higher respiration rates, and inhale more pollutants deeper into the lung. Children also have more lung surface area in proportion to their body size and inhale more air pound for pound when compared to adults, taking in 20 to 50 percent more air and associated air pollutants than adults. When compared to adults, children spend more active time outdoors in polluted air environments and exert themselves harder than adults when playing outside. Importantly, this exposure to high pollutant levels in children

occurs while their lungs are still developing, and therefore has more severe impacts on this sensitive group. (The Health Effects of Air Pollution on Children, supra.)

This increased susceptibility to air pollutant emissions for children has resulted in the California EPA Office of Environmental Health Hazard Assessment ("OEHHA") weighting cancer risk by a factor of 10 for exposures to carcinogens from birth to two years old, and by a factor of 3 for exposures from 2 years old to 15 years old. (*Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf.)
Additionally, recent studies conducted by SCAQMD's Brain and Lung Tumor and Air Pollution Foundation have found a specific connection between exposure to diesel PM and brain cancer in children. (Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation, April 2, 2010, http://www.aqmd.gov/hb/2010/April/100425a.htm)

In addition to an increased risk of cancer, the effects of diesel PM on children include slowed lung function and growth, increased emergency room visits, increased incidences of asthma and bronchitis, crib death, asthma respiratory infections, allergic symptoms, and asthma hospitalizations. (Diesel and Health in America: the Lingering Threat, supra.)

Seniors have also been found to be at higher risk to diesel PM. Studies have found that diesel PM changes heart rhythms in seniors, increases cardiovascular disease mortality, and increases daily mortality. (Diesel and Health in America: the Lingering Threat, supra.)

This project will contribute to an already dire TAC situation in Riverside and particularly the Mira Loma area. Notably, the same day that the appeal of this project last came before the Planning Commission for consideration, you considered and approved GPA 1096, an amendment to the General Plan to add a Healthy Communities Element which seeks to reduce hazardous air quality impacts to environmental and human health. The Healthy Communities Element of the General Plan was approved in view of the following significant health impacts resulting from already poor air quality in Riverside County:

- Asthma-Related Hospitalizations: In 2005, the greatest percentage of asthma-related hospitalizations were among those under age 18 (38%) followed by those over 65 (19%). Blacks experienced the greatest rate of hospitalizations in 2005 at 225.7 per 100,000 population, versus 99.5 and 81.2 for Hispanics and whites, respectively.
- Risk of Cancer from Diesel Soot and Other Toxic Air Pollutants: Whereas the regional risk of cancer from diesel soot and other toxic air pollutants dropped by 8 percent between 1998 and 2005, the cancer risk in Riverside County increased by 2 percent.
- Poor air quality costs Riverside and San Bernardino around \$6.3 billion annually in health care expenses.
- 19% of private schools, 11% of public schools, an 21% of licensed child care centers in Riverside County are located within a quarter (1/4) mile of a major highway.
- Around 350,000 Riverside County residents live within a half (1/2) mile of a major highway, including about 40,000 children under age 5.

• Five schools in Riverside County rank in the 10th percentile for air quality, meaning that 90 percent of the schools in the country had better air. Twenty-five schools ranked in the 50th percentile or below.

Recognizing these present and unacceptable consequences of air pollution to the health of Riverside's residents, particularly children and the elderly, the County General Plan and recently approved Healthy Communities Element have adopted General Plan policies pertinent to this project.

General Plan Policies

Specifically with regards to Mira Loma and as stated above, the Riverside County General Plan states:

"[W]here necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses."

In approving this project, the County will be subjecting the residents of Mira Loma and the County to even higher particulate pollutant levels than already exist. These are not the "strong measures" needed to protect the health and welfare of residents that the General Plan aspired to implement.

The Jurupa Area Plan also recognizes the significant air quality issues associated with development in the Mira Loma Area:

"The proximity of the warehousing uses to the residential areas has generated considerable concern in the community relating to air pollution impacts from the many diesel-powered vehicles and heavy trucks associated with the warehousing and distribution uses."

In order to implement the objectives of the General Plan and reduce health risks associated with TACs, particularly with regards to Mira Loma, the Riverside County General Plan has adopted the following pertinent policies:

LU 6.4 Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic.

LU 10.2 Ensure adequate separation between pollution producing activities and sensitive emission receptors, such as hospitals, residences, and schools.

LU 24.6 Control the development of industrial uses that use, store, produce, or transport toxins, generate unacceptable levels of noise or air pollution, or result in other impacts.

- AQ 2.1 The County land use planning efforts shall assure that sensitive receptors are separated and protected from polluting point sources to the greatest extent possible.
- AQ 2.2 Require site plan designs to protect people and land uses sensitive to air pollution through the use of barriers and/or distance from emissions sources when possible.
- C 3.8 Restrict heavy duty truck through-traffic in residential and community center areas and plan land uses so that trucks do not need to traverse these areas.

The recently approved Healthy Communities Element also creates the following policies:

HC 14.1: "Pursue a comprehensive strategy to ensure that residents breathe clean air..."

HC 14.3: "To the extent feasible, avoid locating new facilities that may produce harmful air pollution near homes and other sensitive receptors."

This project is in complete opposition with all of the above policies of the RCIP. The County has repeatedly recognized the harm to human health caused by diesel PM. The County has also repeatedly recognized the necessity to avoid siting facilities which will generate harmful air pollution and diesel PM near sensitive receptors. Yet, when this project will site twenty four (24) industrial buildings comprising 1,128,237 square feet, with 1,427 parking spaces, 30 trailer parking spaces and 123 loading docks, in an area with one of the worst PM pollution problems in the nation and in close proximity to single family residences, the County approved the project.

Pursuant to CEQA, it is requisite that this decision to approve the project in light of its grave impacts to resident health, and in light of its total inconsistency with the above General Plan policies, must be based on ample overriding project benefits. This, however, is not the case, as the benefits of this project are meager and speculative at best.

Project Benefits:

This project will not have the specific economic, legal, social, technological, or other benefits to the County, region, or state which a Statement of Overriding Consideration requires. The benefits of the project, as enumerated in the Statement of Overriding Considerations, are insubstantial and will at best benefit only a few select individuals. Moreover, the "benefits" of this project merely restate the project objectives. Consequently, a Statement of Overriding Considerations cannot properly be adopted.

The specific "benefits" identified for this project in support of the Statement of Overriding Considerations include:

A. Optimizing the economic potential of vacant land by developing the property in compliance with the land use designation.

- B. Generating additional employment opportunities for skilled labor.
- C. Maximizing the site's existing location and proximity to transportation corridors.
- D. Creating a cohesive design and building theme.
- E. Balancing housing and employment opportunities.
- F. Co-locating jobs and housing to reduce vehicle miles traveled.
- G. Placing project in an area compatible with its land use designation.
- H. Alternative locations are not environmentally superior.
- I. Avoid urban sprawl into previously undeveloped areas.

Of these "benefits," only (B) represents a benefit to the community, and can in no way be deemed to outweigh the severe environmental impacts of this project to human health and the environment. Furthermore, the benefit of employment opportunities is speculative, as the final development of these plot plans is uncertain and future occupation is unknown. While the project is speculatively estimated to create anywhere between 567 to 1,101 jobs (DEIR p. 5.0-4) if and when the warehouses are built and occupied, it is uncertain whether any of these jobs will require "skilled labor" as the warehouses uses are unknown. Hence the potential benefit outlined in (B) is minimal and speculative at best.

The remainder of the "benefits" merely state information about the project site or only benefit the developers and/ or future occupants of the building. Most of the "benefits" are simply facts about the site's land use and location. Benefits (A), (C), (G), and (H) all merely state that the project is in a good location for the developer(s) to turn a profit, and state facts about the land use designation of the project site. These statements assert absolutely no "specific economic, legal, social, technological, or other benefits" as required by CEQA.

(D) is simply a recitation of the project's requirement to reduce aesthetic impacts. This "cohesive building theme" would be unnecessary if the project was not developed.

The "benefits" of (E), (F), and (I) again merely make statements about the project site, and are nonetheless specifically offset by the resulting substantial harm from TACs that will result from this project. While land use policies generally seek to balance housing and employment and reduce vehicle miles traveled, coincident policies recognize the need to separate significant sources of TACs from existing residential communities, as discussed above. These so called benefits are particularly countered in the Mira Loma area where the County has repeatedly recognized the need for strong and immediate action to reduce PM and related health impacts to residents. Any alleged benefits are therefore specifically offset by the need to protect the health of residents from carcinogenic risks, risk of death, and other non-cancer impacts.

Overall, the so-called project "benefits" are merely statements that the project is in a good location for the developer, without referencing any specific economic, social, technological, or other benefits to the community which could outweigh the substantial impacts from the project to TACs and the health of area residents.

"The requirement of a statement of overriding considerations is central to CEQA's role as a public accountability statute; it requires public officials, in approving environmentally detrimental projects, to justify their decisions based on the counterbalancing social, economic or

other benefits, and to point to substantial evidence in support." (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 124) There is no evidence, substantial or otherwise, which would support a policy decision approving this project. The benefits of this project are minimal at best, whereas the environmental impacts and concomitant health risks of this project severe in one of the worst air quality areas in the nation. This project simply generates too substantial of an impact for too little benefit. CCAEJ therefore respectfully requests that the Planning Commission deny approval of this project in order to protect and preserve the health and well-being of area residents, and particularly the most vulnerable children and the elderly.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

If the Planning Commission determines to approve the project, it must adopt the environmentally superior alternative since the environmentally superior alternative is feasible and will substantially reduce impacts from TAC emissions, among others. CEQA is premised on the policy that state agencies should not approve projects as proposed if feasible alternatives exist which would substantially lessen the environmental effects of a project. (Public Resources Code § 21002.) To further this objective, CEQA requires that a public agency make the following finding if it decides to approve a project for which will cause significant environmental effects: "Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the ...project alternatives identified in the final EIR." (PRC § 21081 (a)(3), Guidelines § 15091 (a)(3).) There is no evidence to support the County making of this finding with regards to this project.

The Reduced Scope Alternative was the environmentally superior alternative for this project. The Reduced Scope Alternative would develop 58.5% of the proposed building square footage and would correspondingly reduce traffic trips, air quality emissions from traffic (diesel PM), greenhouse gases, noise, and impacts solid waste. Importantly, adoption of this alternative would reduce vehicular traffic by 41.5%, and correspondingly reduce project related emission of diesel PM. Although the project would continue to contribute to an existing exceedence of diesel PM in the SCAB (cumulative impact), the project's individual impact would be substantially reduced. Notably, the alternatives analysis in the EIR does not quantify this reduction, and the finding stating that individual exceedances of cancer risk due to diesel exhaust will persist is not based on substantial evidence.

Presumably the HRA for the Reduced Scope Alternative would find at least a 41.5% reduction in cancer risk, from high of 21.5 additional cancers per million (with project mitigation) to 12.6 additional cancers per million. (Table 4.3 V) This is almost half of the cancer risk of the project as proposed. Non-cancer health risks associated with diesel PM would likewise be halved. Moreover, applying this same 41.5% reduction, the Reduced Scope alternative would substantially reduce the number of sensitive receptors which would experience an exceedance of SCAQMD's threshold (10 additional cancers per million), from twelve (12) receptors to only two (2) receptors. (Receptors 2 (12.6) and 3 (11.6) in the Mira Loma Village community) Stated another way, approving the Reduced Scope Alternative would reduce project specific impacts at ten sensitive receptors below a level of significance.

CANCER RISK FROM PROJECT ONLY AT SENSITIVE RECEPTORS WHICH EXCEED SCAQMD THRESHOLD WITH PROJECT MITIGATION

Receptor	Mitigated Cancer Risk of Proposed Project (Per Million)	Reduced Scope Alternative Cancer Risk Applying 41.5% Reduction (Per Million)
1	14.5	8.5
2	19.8	11.6
3	21.5	12.6
4	13.6	8.0
5	11.4	6.7
6	11.2	6.6
7	10.3	6.0
9	11.4	6.7
10	15.6	9.1
11	10.1	5.9
14	10.7	6.3
19	10.1	5.9

Also with the Reduced Scope Alternative, traffic impacts will be reduced to a level below significance. The reduction in vehicular traffic is likely to reduce TACs even further, as circulation will be improved compared to the project as proposed. This improved circulation will result in less idling on roadways and intersections near sensitive receptors, reducing TAC emissions individually and cumulatively. The Reduced Scope Alternative thereby substantially lessens the air quality impacts from TAC emissions and reduces traffic impacts below a level of significance. It also appears that this improvement will, individually, reduce project noise impacts below a level of significance, although cumulative impacts will remain the significant. Accordingly, this alternative must be adopted unless it is found to be infeasible.

There is no substantial evidence which the County may rely on to support a determination that the Reduced Scope Alternative is infeasible. The EIR found that the only impacts which will be "worse" with the Reduced Scope Alternative are Population and Housing and "Regional Element." Both of these sections state the same thing: a reduced project will result in reduced jobs. However, impacts from reduced job creation are speculative. First, as detailed above, it is uncertain how many and what type of jobs this project will create, if it creates any at all. This is because the development and end uses to which the sites will be put are unknown. Second, the number of jobs created will depend on the end uses to which the development is put. As conceived, these end uses will most likely be warehouse distribution. If the uses are altered due to smaller building size, there is a potential that smaller sites may require more employees per square foot. Third, given the range estimating the number of jobs created by this project, from 567 to 1,101 jobs, it is possible that even half of the jobs created with a reduced project will remain within this range. Fourth, the "Regional Element," namely the jobs/ housing ratio, is already evaluated as part of the Population and Housing section. As discussed above, the General Plan recognizes that the need to improve the jobs/ housing ratio must be balanced

against the health risks of siting new sources of air pollutants near sensitive receptors. The EIR evidently chose to overlook those contrary General Plan policies.

The findings necessary to approve the project over the Reduced Scope Alternative are weak and insubstantial, and surely not, "Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers" which "make infeasible the ...project alternatives," as CEQA requires. Essentially, the findings state that the alternative will not (1) "optimize the economic potential" of the site to the developer and (2) will create fewer jobs.

"The outcomes offered by the Reduced Project Scope Alternative are limited when compared to the proposed Project, to the extent that the proposed alternative will not optimize the economic potential of the undeveloped parcels within the Mira Loma Commerce Center in compliance with the site's land use designation. (Draft EIR, p. 6.0-57.) The alternative will also not create an array of new employment opportunities to utilize the skilled labor pool within Riverside County as compared to the proposed Project. (Draft EIR, p. 6.0-57.) The proposed alternative also will not improve the economic development potential of the Mira Loma area by utilizing the site's location and proximity to major interstate transportation corridors pursuant to the Mira Loma Warehouse/ Distribution Center policy in the Jurupa Area Plan to the same extent as the proposed Project. (Draft EIR, p. 6.0-57.) This alternative would not result in maximum utilization of the land use as compared to the proposed Project: Therefore, although the Reduced Project Scope Alternative is an environmentally superior alternative, it is not feasible for the economic, social, technological, and other factors identified above and thus is not being further considered for development in lieu of the proposed Project. (Draft ElR, p. 6.0-57.)"

When compared to the significant impacts of the project which will be reduced with this superior alternative, it is difficult to concur with the finding made for the project. As far as job creation, the number of jobs created is not merely reliant on the size of the buildings, but will have just as much to do with the end users and uses to which the sites are put, as discussed above. Reducing the size of buildings could actually *increase* the number of jobs created, as smaller buildings are more likely to be put to more people intense and process oriented uses when compared to warehousing/distribution. Moreover, stating that this alternative will not create an "array of new employment opportunities" is not based on any evidence, much less substantial evidence. Development of this alternative could potentially occur in a manner which would meet or exceed the employment creation objectives of the project.

Any discussion of "optimizing the economic potential of undeveloped parcels" and like statements discuss only benefits to those persons associated with the project, in this case the developer(s) and/or end users. There is in fact no indication or evidence that this alternative is economically infeasible, but instead only that it will result in some decreased profitability to the developer and/or end users. As stated in *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599:

"The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." [emphasis added]

While the Reduced Scope Alternative may result in reduced profitability to the developer, there simply no substantial evidence to support a finding that the Reduced Scope Alternative is financially infeasible.

As there is no substantial evidence to demonstrate that the Reduced Scope Alternative's impact on jobs and lost profits render the project impractical, the environmentally superior Reduced Scope Alternative must be approved over the proposed project.

OTHER POTENTIAL ALTERNATIVES

Alternatively, CCAEJ recommends either reducing the size of the buildings or putting the development to an alternative use. Reducing the size of the buildings at the project sites would correspondingly reduce the size of the trucks and distance the trucks will travel in accessing the building sites. This would substantially reduce the impact from the project's mobile emissions of TACs while maintaining distribution warehouse uses.

Another alternative which would substantially reduce air quality impacts from TACs would involve putting this development to alternative uses not reliant on heavy trucks. Currently, the project proposes the development of distribution warehouses, a use reliant on heavy, diesel PM emitting trucks. However, the land use designations for the project sites permit land uses, such as service and commercial uses, which will have considerably reduced TAC emissions. For example, the Industrial Park and Medium Manufacturing designations permit: banks and financial institutions; blueprint and duplicating services; laboratories, film, medical, research, or testing centers; office equipment sales and service; offices, professional sales and service, including business, law, medical, dental, chiropractic, architectural and engineering; restaurants and other eating establishments; barber and beauty shops; health and exercise centers, etc.

Putting this proposed development toward these commercial or service uses instead of its present proposed use will substantially reduce the impacts and health risks from diesel PM. What is more, as with the Reduced Scope Alternative, development could potentially occur in a manner which would meet or exceed the employment creation objectives of the project, namely create between 500-1,100 new and varied employment opportunities in the area.

CONCLUSION

It boils down to a determination of what is more important: That the land be developed to the maximum extent so that the developer(s) can maximize profits? Or that the residents of Mira Loma and Riverside do not suffer adverse health impacts from harmful air quality emissions, extensive traffic, and excessive noise as a result of a poorly conceived project? It is time to stop promoting development to the detriment of the health of the area citizens. Please choose to act for the greatest benefit to the greatest number of people in Mira Loma. Deny this project.

Thank you for your consideration of this appeal and the above comments.

Sincerely,

Raymond W. Johnson Johnson & Sedlack

cc: Sarah Morrison

Riverside County Board of Supervisors Request to Speak

Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.
SPEAKER'S NAME: KNYMOND JOHNSON
Address: 20785 CAMINO SECO (only if follow-up mail response requested)
City: VEMECULA Zip: 92590
Phone #: 951-506-9925
Date: Agenda #
PLEASE STATE YOUR POSITION BELOW:
Position on "Regular" (non-appealed) Agenda Item:
Support OpposeNeutral
Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:
SupportOpposeNeutral
I give my 3 minutes to:

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME:	Rassa	Ma.	Viel	mas
Address: 5/27 (only if follo	Roffe Dw-up mail r	S/R esponse	versed request	e a
city: <u>Riverside</u>	Zip:	90	2509	7
Phone #: <u><i>951) </i></u>	28 <u>3/</u>			
Date: <u>5-/7-//</u>	_ Agenda	#	6.2	
PLEASE STATE YOUR	R POSITION	I BELOV	V:	
Position on "Regula	r" (non-ap	pealed)	Agend	la Item:
Support _	Орр	ose		_Neutral
Note: If you are he for "Appeal", please the appeal below:	state separ	ately yo	our posi	tion on
I aive mv 3 minutes	to:			

BOARD RULES

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Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Stephen Anderson
Address: 11378 Pona Way (only if follow-up mail response requested)
City: Mira Loma Zip: 91752
Phone #:
Date: 18-5-17-11 Agenda # 16.2
PLEASE STATE YOUR POSITION BELOW:
Position on "Regular" (non-appealed) Agenda Item: "pposed to the Wardows Tridus trid Project Support Oppose Neutral
Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:
SupportOpposeNeutral
I give my 3 minutes to:

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SPEAKER'S NAME:_F	rancisco	Done	ι,	US EPA
Address: 600 W. Is	shire Blv w-up mail res	<u>d., Su</u> sponse r	¦†e eques	1460 ted)
City: Los Angeles	Zip:	9001	7	
Phone #: <u>213-244-</u>	- 1834			
Date: 5/17/2011	Agenda #	<u> </u>	۷	
PLEASE STATE YOUR	POSITION	BELOW:	:	
Position on "Regular'	" (non-app	ealed)	Agen	da Item:
Support	Oppos	se _	Χ	_Neutral
Note: If you are here for "Appeal", please s the appeal below:	_			
Support	Oppo:	se _	Χ	_Neutral
I give my 3 minutes t	to:			

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Board Rules listed on the reverse side of this form.
SPEAKER'S NAME: Rachel Lopez
SPEAKER'S NAME: Name:
Address: 6599 Lucretia MC (only if follow-up mail response requested)
City: Mira Loma zip: 91752 Surupa Valley
Phone #:
Date: 5/17/11 Agenda # 16.2
PLEASE STATE YOUR POSITION BELOW:
Position on "Regular" (non-appealed) Agenda Item:
SupportOpposeNeutral
Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below: Support Oppose Oppose Neutral
SupportOpposeNeutral
I I give my 3 minutes to:

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		1 d
	Mc Cray S. Ilow-up mail response	
City: Kierji	Le zip: 925	06
Phone #: <u>951 68</u>	6-1070	
Date: 5/7/1/	/ Agenda # <u>/ 6</u>	7. Z
PLEASE STATE YOU	IR POSITION BELOW	/ :
Position on "Regula	ar" (non-appealed)	Agenda Item:
Support	Oppose _	Neutral
AROJECT		
Note: If you are he	ere for an agenda ite e state separately yo	
Note: If you are he for "Appeal", please	ere for an agenda ite e state separately yo	

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SPEAKER'S NAM	E. Charity Sd	uller
Address: (only in	Applicant's representations of the specific of	enative, Onl requested) pon.
City:	Zip:	· .
Phone #: 95 -	<u>826-8223</u>	
Date: May 7	<u> </u>	2.2
PLEASE STATE Y	OUR POSITION BELOV	V:
Position on "Reg	gular" (non-appealed)	Agenda Item:
Support	Oppose	Neutral
	e here for an agenda it ase state separately yo v:	
x support	Oppose Cappeal of CCAEJ	Neutral
I give my 3 min		

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RIVERSIDE COUNTY PLANNING DEPARTMENT

	Director				
P S	Office of Planning and Research (OPR) O. Box 3044 acramento, CA 95812-3044 county of Riverside County Clerk	FROM:	Riverside County Planning Department 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409		38686 El Cerrito Road Palm Desert, California 92211
SUBJECT:	Filling of Notice of Determination in compliance with	Section :	21152 of the California Public Resources	Code.	
EIR00450, Project Title/Ca	Plot Plan Nos. 16979, 17788, 18875, 18876, 18877 : ise Numbers	and 18879	9		
Christian Hi		(951) 9 Phone No	955-0972 umber		
200212112 State Clearing	8 nouse Number (if submitted to the State Clearinghouse)				4
Obayashi C	Corp.	420 E :	3rd Street, Suite 600; Los Angeles, CA 90	013	
	f State Highway 60, southerly of Philadelphia Avenue		of Etiwanda Avenue and westerly of Gran	pevine	Street
0.42 (Light square feet a 20.48 gro 104,210 sq landscaping 0.25-0.60 ff square feet a ratio). of office an gross (net) Project Description of the feet and the fe	advise that the Riverside County Planning Commission ollowing determinations regarding that project: roject WILL have a significant effect on the environmental Impact Report was prepared for the protein measures WERE made a condition of the approgration Monitoring and Reporting Plan/Program WAS ement of Overriding Considerations WAS adopted for certify that the Final Environmental Impact Report, County Planning Department, 4080 Lemon Street, 12	lot Plan Nace, 106,9 3 (Light Int of warehocks on a evelop twee ce, 42,948 quires a (92,094 seross (10.20 square fuping area ial requires ion, as the same control of the same control of the project pursual	lo. 17788 proposes to develop a 426,21: 280 square feet of landscaping area (12%) dustrial requires a 0.25-0.60 floor area ratiouse space, 10,860 square feet of office 5.99 gross (5.00 net) acre site with a flooelye (12) industrial buildings with a total bits a square feet of landscaping area (15%) a 0.25-0.60 floor area ratio). Plot Plan No. 10,000 guare feet of storage space, 52,500 squares area (16%), 131 parking spaces, 30 trailer pass a 0.25-0.60 floor area ratio). The lead agency, has approved the above-regard to the provisions of the California Environments, responses, and record of project Riverside, CA 92501.	2 squa 1, 257 ro). Plo and m r area uilding and 24: 18877 re feet 0.26 (Le) feet courking services eferences	re foot industrial building with 418,21 barking spaces and 51 loading docks of Plan No. 18875 proposes to develop lezzanine space, 41,699 square feet ratio of 0.40 (Light Industrial requires area of 97,010 square feet with 83,813 parking spaces on a 6.83 gross (6.4 proposes to develop eight (8) industrial of office space, 122,307 square feet eight Industrial requires a 0.25-0.60 floof warehouse space, 10,000 square feet spaces and 25 loading docks on a 7.5 are project on March 23, 2011, and have the project on March 23, 2011, and have the project of the project on March 23, 2011, and have the project on March 24, 2011, and have the projec
UMIT Revised	8/25/2009 Y:\Planning Master Forms\CEQA Forms\NOD Form.doc	•			
Please	charge deposit fee case#: ZEIR00450 ZCFG02693 . F0	OR COUN	NTY CLERK'S USE ONLY	14	

DM/rj Revised 8/25/2009 Y:\Planning Master Forms\CEQA Forms\NOD Form.doc

J* REPRINTED * R0317073 COUNTY OF RIVERSIDE SPECIALIZED DEPARTMENT RECEIPT Permit Assistance Center

4080 Lemon Street

39493 Los Alamos Road

38686 El Cerrito Rd

Second Floor

Suite A

Indio, CA 92211

Riverside, CA

Murrieta, CA 92563

(760) 863-8271

(951) 955-3200

(951) 694-5242

************************* ************************

Received from: KCT CONSULTANTS INC

92502

\$64.00

paid by: CK 5940/5945

FISH AND GAME DOC FEE FOR PP18879 & EA39225

paid towards: CFG02693

CALIF FISH & GAME: DOC FEE

at parcel:

appl type: CFG3

Sep 11, 2003 posting date Sep 11, 2003 ************************** *************************************

Account Code 658353120100208100 Description CF&G TRUST: RECORD FEES Amount \$64.00

Overpayments of less than \$5.00 will not be refunded!

COUNTY OF RIVERSIDE SPECIALIZED DEPARTMENT RECEIPT Permit Assistance Center

J* REPRINTED * R1013606

4080 Lemon Street Second Floor

39493 Los Alamos Road Suite A

38686 El Cerrito Rd Indio, CA 92211

Riverside, CA 92502

Murrieta, CA 92563

(760) 863-8271

(951) 955-3200

(951) 694-5242

****************************** ***********

Received from: KCT CONSULTANTS INC

\$47.00

paid by: CK 7616

FISH AND GAME DOC FEE FOR PP18879 & EA39225

paid towards: CFG02693 CALIF FISH & GAME: DOC FEE

at parcel:

appl type: CFG3

Dec 22, 2010 MGARDNER posting date Dec 22, 2010

Account Code 658353120100208100 Description CF&G TRUST

Amount \$47.00

Overpayments of less than \$5.00 will not be refunded!

COUNTY OF RIVERSIDE SPECIALIZED DEPARTMENT RECEIPT

Permit Assistance Center

4080 Lemon Street Second Floor

39493 Los Alamos Road Suite A

38686 El Cerrito Rd

J* REPRINTED * R1000782

Riverside, CA 92502

Murrieta, CA 92563

Indio, CA 92211 (760) 863-8271

(951) 955-3200

(951) 694-5242

Received from: KCT CONSULTANTS INC

\$2,792.25

paid by: CK 7431

FISH AND GAME DOC FEE FOR PP18879 & EA39225

paid towards: CFG02693 CALIF FISH & GAME: DOC FEE

at parcel:

appl type: CFG3

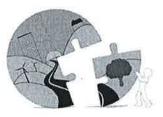
Jan 26, 2010 09:02

SBROSTRO posting date Jan 26, 2010

Account Code 658353120100208100 Description CF&G TRUST

Amount \$2,792.25

Overpayments of less than \$5.00 will not be refunded!



Carolyn Syms Luna Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

RIVERSIDE COUNTY
CLERK OF THE BOARD
OF SUPERVISORS

PAID

APPLICATION FOR APPEALDATE

4-14-11

05.17.201

DATE SUBMITTE	D: April 14, 2011		ei.	RECT BY: CONTER
Appeal of application	ion case No(s): Plot Plan 17 List at Agency: Planning Commissi	ll concurrent a	applications	
Date of the decision	on or action: April 6, 2011			
Appellant's Name:	Michael Del Santo, SP 4 Dul	lles LP	E-Mail:	mdelsanto@cbreinvestors.com
Mailing Address:	SP4 Dulles LP, 515 S. Flower			
Los Angeles		Street CA	90071	
	City	State		ZIP
Daytime Phone No	o: (213) 683-4200		Fax No: (213) 683-4336

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans.	Clerk of The Board for: Appeals before the Board of Supervisors.
	Planning Commission for: all other decisions.	Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
Change of Zone denied by the Planning	Within 10 days after the notice of decision appears on
Commission	the Board of Supervisors Agenda.
Commercial WECS Permit	
Conditional Use Permit	
Hazardous Waste Facility Siting Permit	
Public Use Permit	
Variance	
Specific Plan denied by the Planning Commission	
Substantial Conformance Determination for WECS	
Surface Mining and Reclamation Permit	

Riverside Office · 4080 Lemon Street, 12th Floor P.O. Box 1409, Riverside, California 92502-1409 (951) 955-3200 · Fax (951) 955-1811 Desert Office · 38686 El Cerrito Road Palm Desert, California 92211 (760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

2011-4-106817

Land Division (Tentative Tract Map or Tentative	Within 10 days after the notice of decision appears on
Parcel Map)	the Board of Supervisor's Agenda.
Revised Tentative Map	
Minor Change to Tentative Map	
Extension of Time for Land Division (not vesting map)	
	Within 15 days after the notice of decision appears on
Extension of Time for Vesting Tentative Map	the Board of Supervisor's agenda.
General Plan or Specific Plan Consistency	Within 10 days after date of mailing or hand delivery of
Determination	decision of the Planning Director.
Temporary Outdoor Event	
	Within 10 days of receipt of project sponsor or Planning
Environmental Impact Report	Director determination, or within 7 days after notice of
' '	decision by Planning Commission appears on the Board's agenda.
Plot Plan	Within 10 calendar days after the date of mailing of the
Second Unit Permit	decision.
Temporary Use Permits	
Accessory WECS	
Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the
Letter of Substantial Comormance for Specific Flam	Board of Supervisor's agenda.
Revised Permit	Same appeal deadline as for original permit.
Certificate of Compliance	Within 10 days after the date of the decision by the
Tree Removal Permit	Planning Director.
	Within 10 days following the mailing of the notice of
Develop of Veriances and Dermits	revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning
Revocation of Variances and Permits	Commission appears on the Board of Supervisor's
	agenda.
	againes.

PLEASE STATE THE REASONS FOR APPEAL.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

APPLICATION FOR APPEAL

This is an appeal of the Planning Commission's decision to deny approval of Plot Plan 17788. Plot Plan	
should be approved for the following reasons: the site is consistent with the General Plan land use de	
and zoning; the site is infill within the existing Mira Loma Commerce Center and is surrounded by con	
uses; loading activities for Plot Plan 17788 are greater than 600 feet from the nearest residences (Dra	
4.11-17) and the site is approximately 500 feet or more away from existing residential uses and is sepexisting industrial (non-residential) uses and a flood control channel; the applicant has been responsi	
agreed to numerous conditions of approval added during the five public hearings since October 2010 air quality concerns. Finally, the maximum unmitigated health risk at sensitive receptors nearest to Pk	
17788 disclosed in Draft Environmental Impact Report (EIR) No. 450 is 4.7 in one million, below the S	South Coast
Air Quality Management District threshold of significance of 10 excess cases of cancer per one million (Draft EIR. Figure 4.3-5 and Table 4.3-U)	1 people
Use additional sheets if necessary	
Michael Del Santo, representing SP 4 Dulles, LP	
PRINTED NAME OF APPELLANT SIGNATURE OF APPELLANT Michs	nel V. Del Santo
4/13/11 Asst.	Vice President

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

One completed and signed application form.

DATE

- Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
- All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.



PLANNING DEPARTMENT

Carolyn Syms Luna Director

PUBLIC HEARING NOTICE LABEL REQUIREMENTS

CASE TYPES REQUIRING LABELS:

CHANGES OF ZONE	TEMPORARY USE PERMIT (Requiring	
CONDITIONAL USE PERMIT	Environmental Assessment)	
TENTATIVE PARCEL MAP	TENTATIVE TRACT MAPS	
PLOT PLAN (Requiring Environmental Assessment)	VARIANCE	
PUBLIC USE PERMIT	WIND ENERGY CONVERSION SYSTEMS	
ALL OTHER APPLICATIONS REQUIRING PUBLIC NOTIFICATION		

The following items must be submitted to the project planner prior to the scheduling of the application for a public hearing; or the setting of a decision date, if the application need not be set for public hearing; or as part of an Application for Appeal.

Three identical packages, each of which is to be inserted in its own 9½" x 12½" manila envelope. Each envelope shall indicate the application case number(s) and the words "SURROUNDING PROPERTY OWNERS LABELS," the date the labels were certified, and shall contain the following:

One (1) typed set of self-sticking labels indicating the names and mailing address of the owners of all the properties that are within 600 feet of the exterior property boundary of the subject site, as well as any contiguously owned properties, if applicable. If the total number of properties located within the notification area described above is less than 25, the notification area will be expanded until that area yields 25 properties, but the notification area need not exceed more than 2,400 feet from the exterior boundary of the project site and any contiguously owned properties, if any. For purposes of this requirement, multiple properties owned by a single entity shall count as one property.

One (1) typed set of self-sticking labels with the name and mailing address of the owner(s) of the project site, the project applicant, and the applicant's engineer/representative, if any.

If the project site is located within a City's Sphere of Influence and/or any City, which is within one mile of the project site, one (1) self-sticking label with the mailing address of the City Planning or Development Department.

A photocopy of all the aforementioned labels.

Riverside Office · 4080 Lemon Street, 12th Floor P.O. Box 1409, Riverside, California 92502-1409 (951) 955-3200 · Fax (951) 955-1811 Desert Office · 38686 El Cerrito Road Palm Desert, California 92211 (760) 863-8277 · Fax (760) 863-7555

PUBLIC HEARING NOTICE LABEL REQUIREMENTS

A completed Public Hearing Notice Labels Certification Form (see page 3), signed by a title company, engineer or surveyor, or the individual who prepared the labels certifying that the list of property owners is complete and accurate.

One (1) copy of an exhibit/map showing the subject property boundary (including any contiguous properties, if applicable) and the notification radius line indicating the radius distance (between 600 ft. and 2,400 ft.) overlaying all of the properties within that area.

One 8½" x 11" reduction of the latest amended exhibit or tentative map.

FOR PROJECTS WITH IDENTIFIED OFF-SITE ACCESS/IMPROVEMENTS: In addition to the label requirements described above, three identical packages are to be prepared, each of which is to be inserted in its own $9\frac{1}{2}$ " x $12\frac{1}{2}$ " manila envelope. The envelope shall indicate the case number and the words "LABELS FOR OFF-SITE ACCESS/IMPROVEMENTS," and shall contain the following:

- a. One typed set of self-sticking labels indicating the names and mailing address of the owners of all the property that is adjacent to the proposed off-site improvement/alignment.
- b. A photocopy of the aforementioned labels.

Note that the Riverside County's Assessor's Office will not prepare, nor certify the property owner's list. A title insurance company can be contacted to prepare the labels packages (generally for a fee), or by requesting the Riverside County Transportation Land Management Agency's (TLMA) Geographic Information System staff, at (951) 955-1844, to prepare the labels packages (a charge will be determined by GIS staff based upon the number of labels required.) Or, an individual can prepare their own labels packages by determining the property owner and mailing address for properties within the County from the Riverside County Assessor's Office through the use of Assessor's Map Books and microfiche records.

PUBLIC HEARING NOTICE LABELS CERTIFICATION FORM

I, Michael Del Santo, representing SP 4 Dulles LI	P, certify that on April 2	12, 2011
Print name		Date
the attached property owner's list was prepared b		
Albert A. Webb Associates for t	the following project, Plot Plan 17	7788
Print Company Name and/or Individual's Name	Projecti	oject case number(s)
using a radius distance of 600 feet, pursuant County Planning Department. Said list is a comapplicant's engineer/representative, if any, the districts within whose boundary the subject project property or within whose sphere of influence the sowners within a 600 foot radius around the sublany, or if that area yields less than 25 different expanded to yield a minimum of 25 different own boundaries, based upon the latest equalized a identified off-site access/improvements, said list and mailing addresses of the owners of all this improvement/alignment.	nplete and true compilation of the owner(s) of the subject property ect is located, every City within subject property is located, if any oject property, and all contiguous towners, all property owners wereners, to a maximum area of 2,40 assessment rolls. If the propert includes a complete and true couche property that is adjacent to	ne project applicant, the y, the school district or one mile of the subject y, and, all other property sly owned properties, if vithin a notification area 00 feet from the project ty is a subdivision with ompilation of the names of the proposed off-site
I further certify that the information field is true an Name: Michael Del Santo, representing SP 4 Dulles		leage.
Title/Registration:Asst. Vice President	Michael V. Del Santo Asst. Vice President	
Address: SP4 Dulles, LP		
Address: 515 S. Flower Street, 31st Floor		
City: Los Angeles	State: CA	Zip:
Telephone No.: (_213_) 683-4200	Fax No.: (<u>213</u>) <u>683-433</u>	6
E-Mail: mdelsanto@cbreinvestors.com		
Case No. Plot Plan 17788		

Œ \$1,002.95*** 5184 04/13/2011 Wells Fargo Bank 333 South Grand Avenue Los Angeles, CA 90071 11-24/1210 **** ONE THOUSAND TWO AND 95/100 DOLLARS **CBRE Investors AAF CBRE Strategic** COUNTY OF RIVERSIDE

US IV REIT Operating, LP 515 So Flower St, 31st Floor Los Angeles, CA 90071

-11 B C 1 C B II■

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MEMO: GOV'T AGENCY

TO THE ORDER OF



Director

PLANNING DEPARTMENT

PUBLIC HEARING NOTICE LABEL REQUIREMENTS

CASE TYPES REQUIRING LABELS!

CHANGES OF ZONE	TEMPORARY USE PERMIT (Requiring
CONDITIONAL USE PERMIT	Environmental Assessment)
TENTATIVE PARCEL MAP	TENTATIVE TRACT MAPS
PLOT PLAN (Requiring Environmental Assessment)	VARIANCE
PUBLIC USE PERMIT	WIND ENERGY CONVERSION SYSTEMS
ALL OTHER APPLICATIONS REQUIRING PUBLIC N	NOTIFICATION

The following items must be submitted to the project planner prior to the scheduling of the application for a public hearing; or the setting of a decision date, if the application need not be set for public hearing; or as part of an Application for Appeal.

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One (1) typed set of self-sticking labels with the name and mailing address of the owner(s) of the project site, the project applicant, and the applicant's engineer/representative, if any.

If the project site is located within a City's Sphere of Influence and/or any City, which is within one mile of the project site, one (1) self-sticking label with the mailing address of the City Planning or Development Department.

A photocopy of all the aforementioned labels.

Riverside Office · 4080 Lemon Street, 12th Floor P.O. Box 1409, Riverside, California 92502-1409 (951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road Palm Desert, California 92211 (760) 863-8277 · Fax (760) 863-7555 A completed Public Hearing Notice Labels Certification Form (see page 3), signed by a title company, engineer or surveyor, or the individual who prepared the labels certifying that the list of property owners is complete and accurate.

One (1) copy of an exhibit/map showing the subject property boundary (including any contiguous properties, if applicable) and the notification radius line indicating the radius distance (between 600 ft. and 2,400 ft.) overlaying all of the properties within that area.

One 8½" x 11" reduction of the latest amended exhibit or tentative map.

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- b. A photocopy of the aforementioned labels.

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PUBLIC HEARING NOTICE LABELS CERTIFICATION FORM

Michael Del Santo, representing SP 4 Dulles LP	, certify that on April 12,	2011
Print name the attached property owner's list was prepared by:		Date
	ollowing project, Plot Plan 1778	88
Print Company Name and/or Individual's Name	Projec	t case number(s)
using a radius distance of 600 feet, pursuant to a County Planning Department. Said list is a complet applicant's engineer/representative, if any, the owned districts within whose boundary the subject project is property or within whose sphere of influence the subject owners within a 600 foot radius around the subject any, or if that area yields less than 25 different owners boundaries, based upon the latest equalized assessidentified off-site access/improvements, said list incluand mailing addresses of the owners of all the primprovement/alignment.	te and true compilation of the per(s) of the subject property, to solve located, every City within one ect property is located, if any, a property, and all contiguously ners, all property owners within, to a maximum area of 2,400 sement rolls. If the property indes a complete and true compares	project applicant, the school district or emile of the subject nd, all other property owned properties, if n a notification area feet from the projects a subdivision with pilation of the names
I further certify that the information field is true and co Name: Michael Del Santo, representing SP 4 Dulles LP	preet to the best of my knowled	ge.
Title/Registration: Asst. Vice President	Michael V. Del Santo Asst. Vice President	
Address: SP4 Dulles, LP		
Address: 515 S. Flower Street, 31st Floor		
City: Los Angeles	State: CA	Zip: 90071
Telephone No.: (_213_) 683-4200	Fax No.: (213) 683-4336	
E-Mail:		——————————————————————————————————————
Case No.: Plot Plan 17788		



Carolyn Syms Luna Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

APPLICATION FOR APPEAL

DATE SUBMITTE	D: April 14, 2011		
	on case No(s): Plot Plan 17788 List all concurre Agency: Planning Commission	ent applications	
Date of the decision	on or action: April 6, 2011		
Appellant's Name:	Michael Del Santo, SP 4 Dulles LP	E-Mail:	mdelsanto@cbreinvestors.com
Mailing Address:	SP4 Dulles LP, 515 S. Flower Street,	31st Floor	
Los Angeles	Str	eet CA 90071	
	City	tate	ZIP
Daytime Phone No	o: (<u>213</u>) <u>683-4200</u>	Fax No: (_	213) 683-4336

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans.	Clerk of The Board for: Appeals before the Board of Supervisors.
	Planning Commission for: all other decisions.	Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE	
 Change of Zone denied by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denied by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit 		

Riverside Office · 4080 Lemon Street, 12th Floor P.O. Box 1409, Riverside, California 92502-1409 (951) 955-3200 · Fax (951) 955-1811 Desert Office · 38686 El Cerrito Road Palm Desert, California 92211 (760) 863-8277 · Fax (760) 863-7555

 Land Division (Tentative Tract Map or Tentative Parcel Map) Revised Tentative Map Minor Change to Tentative Map Extension of Time for Land Division (not vesting map) 	Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.
Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.
 General Plan or Specific Plan Consistency Determination Temporary Outdoor Event 	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.
Environmental Impact Report	Within 10 days of receipt of project sponsor or Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
Plot Plan Second Unit Permit Temporary Use Permits Accessory WECS	Within 10 calendar days after the date of mailing of the decision.
Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.
Revised Permit	Same appeal deadline as for original permit.
Certificate of Compliance Tree Removal Permit	Within 10 days after the date of the decision by the Planning Director.
Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.

PLEASE STATE THE REASONS FOR APPEAL.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

APPLICATION FOR APPEAL

This is all appear of the Flathling Continussion's decision to deny approval of Flot Flath 17700, Flot Flath 17700
should be approved for the following reasons: the site is consistent with the General Plan land use designation
and zoning; the site is infill within the existing Mira Loma Commerce Center and is surrounded by compatible
uses; loading activities for Plot Plan 17788 are greater than 600 feet from the nearest residences (Draft EIR p.
4.11-17) and the site is approximately 500 feet or more away from existing residential uses and is separated by
existing industrial (non-residential) uses and a flood control channel; the applicant has been responsive to and
agreed to numerous conditions of approval added during the five public hearings since October 2010 that address
air quality concerns. Finally, the maximum unmitigated health risk at sensitive receptors nearest to Plot Plan
17788 disclosed in Draft Environmental Impact Report (EIR) No. 450 is 4.7 in one million, below the South Coast
Air Quality Management District threshold of significance of 10 excess cases of cancer per one million people
(Draft EIR. Figure 4.3-5 and Table 4.3-U)

Use additional sheets if necessary

Michael Del Santo, representing SP 4 Dulles, LP

PRINTED NAME OF APPELLANT

SIGNATURE OF APPELLANT

Michael V. Del Santo Asst. Vice President

4/13/11

DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

- 1. One completed and signed application form.
- 2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
- 3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.

November 15, 2010

RE:

Legal Notice

PLANNING COMMISSION HEARING

ATTN: Legals Department

Attached, please find a notice of public hearing to appear one time only on in the Press Enterprise, Wednesday November 17, in order to comply with County ordinance.

Please compose this legal advertisement without any indentations, and the composed copy should fill a complete block inch.

Kindly furnish our office with the affidavits of publication in duplicate and your bill in triplicate. Should you have any questions, please contact Desiree Bowie at (951) 955-0222.

Regards,

RIVERSIDE COUNTY PLANNING DEPARTMENT Carolyn Syms Luna, Planning Director

Desiree Bowie, Interim Planning Commission Secretary dbowie@rctlma.org.

Attached: Legal ad(s)

NOTICE OF PUBLIC HEARING

and

INTENT TO TENTATIVELY CERTIFY AN ENVIRONMENTAL IMPACT REPORT

A PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use and Subdivision Ordinance Nos. 348 460, before the RIVERSIDE COUNTY PLANNING COMMISSION to consider the project shown below:

APPEAL OF ADOPTION OF PLANNING COMMISSION RESOLUTION NO. 2010-006, CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 450, PLOT PLAN NOS. 16979, 17788, 18875, 18876, 18877 AND 18879 -EIR00450 - Applicant: Investment Building Group, RGA Office of Architectural Design, Obayashi Corp. and OC Real Estate Management LLC - Engineer/Representative: William Simpson & Assoc., Inc. and KCT Consultants, Inc. - Second Supervisorial District - Prado-Mira Loma Zoning District - Jurupa Area Plan: Community Development: Light Industrial (CD: LI) (0.25 - 0.60 Floor Area Ratio) - Location: northerly of State Highway 60, southerly of Philadelphia Avenue, easterly of Etiwanda Avenue and westerly of Grapevine Street – 65.05 Gross Acres - Zoning: Manufacturing-Medium (M-M) and Industrial Park (I-P) - REQUEST: The appellant requests an appeal of the Planning Director's decision of approval issued on October 18, 2010. The Environmental Impact Report analyzes the potential environmental impacts of Plot Plan Nos. 16979, 17788, 18875, 18876. 18877 and 18879. Plot Plan No. 16979 proposes to develop a 200,731 square foot industrial building with 190,731 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 52,810 square feet of landscaping area (11%), 256 parking spaces and 29 loading docks on a 11.01 gross (10.76 net) acre site with a floor area ratio of 0.42 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 17788 proposes to develop a 426,212 square foot industrial building with 418,212 square feet of warehouse space, 8,000 square feet of office space, 106,980 square feet of landscaping area (12%), 257 parking spaces and 51 loading docks on a 20.48 gross (18.73 net) acre site with a floor area ratio of 0.48 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18875 proposes to develop a 104,210 square foot industrial building with 93,350 square feet of warehouse space, 10,860 square feet of office and mezzanine space, 41,699 square feet of landscaping area (16%), 96 parking spaces and 18 loading docks on a 5.99 gross (5.00 net) acre site with a floor area ratio of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18876 proposes to develop twelve (12) industrial buildings with a total building area of 97,010 square feet with 83,810 square feet of storage space, 13,200 square feet of office space 42.948 square feet of landscaping area (15%) and 243 parking spaces on a 6.83 gross (6.42 net) acre site with a floor area ratio of 0.33 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18877 proposes to develop eight (8) industrial buildings with a total building area of 144,594 square feet with 92,094 square feet of storage space, 52,500 square feet of office space, 122,307 square feet of landscaping area (22%) and 444 parking spaces on a 12.75 gross (10.23 net) acre site with a floor area ratio of 0.26 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18879 proposes to develop a 155,480 square foot industrial building with 145,480 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 53,941 square feet of landscaping area (16%), 131 parking spaces, 30 trailer parking spaces and 25 loading docks on a 7.99 gross (net) acre site with a floor area ratio of 0.45 (Light Industrial requires a 0.25-0.60 floor area ratio). -APN(s): 156-360-014, 156-360-015, 156-360-020, 156-360-021, 156-360-027, 156-360-028, 156-360-031, 156-360-032 and 156-360-041 (Legislative)

TIME OF HEARING: DATE OF HEARING: 9:00 a.m. or as soon as possible thereafter.

ATE OF HEARING: December 1, 2010

PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER

BOARD CHAMBERS, 1ST FLOOR

4080 LEMON STREET RIVERSIDE, CA 92501

For further information regarding this project, please contact Matt Straite, Project Planner at 951-955-0972 or e-mail chinojos@rctlma.org, or go to the County Planning Department's Planning Commission agenda web page at www.tlma.co.riverside.ca.us/planning/pc.html

The Riverside County Planning Department has determined that the above-described project has the potential to have a significant effect on the environment and has prepared an environmental impact report. Environmental Impact Report No. 453, which identifies all significant environmental effects, has been prepared in conjunction with the above referenced applications that constitute the proposed project. The Planning Commission will consider the proposed project, and the environmental impact report, at the public hearing.

The case file for the proposed project, and the environmental impact report, may be viewed Monday through Thursday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 9th Floor, Riverside, CA 92501.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of

public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to: RIVERSIDE COUNTY PLANNING DEPARTMENT Attn: Christian Hinojosa, P.O. Box 1409, Riverside, CA 92502-1409

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT ACTIVE BOARD

Planning Department

Ron Goldman · Planning Director

OF SUPERVISORS

PAID

APPLICATION FOR APPEA

DATE: Z	1-18	
AMOUNT:	978	. 46
REC'D BY	000	alle

DATE SUBMITTE	D:		
Appeal of applicati Name of Advisory	1011 case 140(s)	st all concurrent applications	Plans 16979. 18875,18876, 18877, 18879
Date of the decision	on or action: April 6, 2011		
Appellant's Name:	CCAEJ	Е-Ма	il: _esqaicp@wildblue.net
Mailing Address:	c/o Johnson & Sedlack	26785 Camino Seco	
Temecula, CA 9259		Street	
	City	State	ZIP
Daytime Phone No	o: (<u>951</u>) <u>506-9925</u>	Fax No:	(_951_) _506-9725

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans.	Clerk of The Board for: Appeals before the Board of Supervisors.
	Planning Commission for: all other decisions.	Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

Riverside Office · 4080 Lemon Street, 9th Floor P.O. Box 1409, Riverside, California 92502-1409 (951) 955-3200 · Fax (951) 955-3157 Form 295-1013 (8/27/07)

Desert Office · 38686 El Cerrito Road Palm Desert, California 92211 (760) 863-8277 · Fax (760) 863-7555 Murrieta Office · 39493 Los Alamos Road. Murrieta, California 92563 · Fax (951) 600-6145

 Land Division (Tentative Tract Map or Tentative Parcel Map) Revised Tentative Map Minor Change to Tentative Map Extension of Time for Land Division (not vesting map) 	Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.			
Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.			
General Plan or Specific Plan Consistency Determination Temporary Outdoor Event	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.			
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Plot Plan Second Unit Permit Temporary Use Permits Accessory WECS	Within 10 calendar days after the date of mailing of the decision.			
Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.			
Revised Permit	Same appeal deadline as for original permit.			
Certificate of Compliance Tree Removal Permit	Within 10 days after the date of the decision by the Planning Director.			
Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.			

PLEASE STATE THE REASONS FOR APPEAL.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

APPLICATION FOR APPEAL
See Attached Letter for basis of the appeal. Note* Does not appeal Denial of Plot Plan 17788
Penny J. Newman Swed Human
PRINTED NAME OF APPELLANT SIGNATURE OF APPELLANT
4-15-2011 DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

- 1. One completed and signed application form.
- 2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
- 3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.

COUNTY OF RIVERSIDE SPECIALIZED DEPARTMENT RECEIPT Permit Assistance Center

A* REPRINTED * R1103501

4080 Lemon Street Second Floor Riverside, CA 92502 (951) 955-3200

39493 Los Alamos Road Suite A

Murrieta, CA 92563 (951) 694-5242 38686 El Cerrito Rd Indio, CA 92211 (760) 863-8271

Received from: C.C.A.E.J. paid by: CK 8409

paid towards: EIR00450

at parcel:

appl type: EIR1

EIR: SPONSOR PREPARED

Account Code Description Amount

Description
CMP TRANS PLAN
CLERK OF THE BOARD
LMS SURCHARGE
PLANNING: APPEALS

\$26.00 \$14.46 \$910.00

\$28.00

\$978.46

Overpayments of less than \$5.00 will not be refunded!

Raymond W. Johnson, Esq. AICP Carl T. Sedlack, Esq., *Retired* Abigail A. Broedling, Esq. Kimberly Foy, Esq. 26785 Camino Seco, Temecula CA 92590

E-mail: EsqAICP@Wildblue.net

Abby.JSLaw@Gmail.com Kim.JSLaw@Gmail.com Telephone: 951-506-9925 Facsimile: 951-506-9725

April 14, 2011

Riverside County Planning Department 4080 Lemon Street, 9th Floor P.O. Box 1409 Riverside, CA 92502 Fax: (951) 955-1811

RE: Appeal of the Planning Commission's April 6, 2011 decision Denying Appeal of Planning Director's Hearing Resolution No. 2010-06 in Part, adopting Resolution No. 2011-04 Certifying EIR No. 450, and Approving Plot Plan Nos. 16979, 18875, 18876, 18877, and 18879 for the Mira Loma Commerce Center (State Clearinghouse No. 2002121128).

Greetings:

This firm represents the Center for Community Action and Environmental Justice (CCAEJ) and submits these comments on their behalf in support of this appeal. We hereby appeal the Planning Commission's April 6, 2011 decision denying CCAEJ's appeal of Director's Hearing Resolution No. 2010-06 in part, approving Plot Plan numbers 16979, 18875, 18876, 18877, and 18879, and adopting Resolution No. 2011-004 certifying the Final Environmental Impact Report No. 450 for the Mira Loma Commerce Center (SCH# 2002121128). The Planning Commission upheld the appeal in part and denied Plot Plan No. 17788; we agree with, and thereby do not challenge, this portion of the Planning Commission's determination.

The Mira Loma Commerce Center is a proposal to construct and operate twenty four (24) industrial buildings on 65.05 acres for a total building area of 1,128,237 square feet, with 1,427 parking spaces, 30 trailer parking spaces, and 123 loading docks. The Project site is currently vacant and abuts the residential communities of Mira Loma Village and Country Village. In is April 6, 2011 decision, the Planning Commission denied the largest and most environmentally harmful portion of the project, Plot Plan No. 17788, comprising 20.48 acres, upon recognizing that impacts to the health of area residents would be substantial. However, the reduced portion of the project will still comprise 44.57 acres for a total building area of 702,237 square feet, 1,105 parking spaces, and 72 loading docks. The project as approved by the Planning Commission will thus still have significant environmental and health impacts, and a statement of overriding considerations was made for the project.

The appeal is based on the following:

Certification of EIR No. 450 for the project is inappropriate as the EIR is fundamentally flawed and not completed in compliance with CEQA (See, State CEQA Guidelines (a)(1)). The EIR

fails to adequately analyze impacts pertaining to air quality and health, greenhouse gas emissions, traffic, and land use, among others, and fails to consider adequate project alternatives, per comments previously made by CCAEJ. The EIR fails as an informational document and fails to provide necessary and applicable information. The EIR improperly ignores the regional impacts of the project. The EIR is often conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions. Additionally, the EIR conducts impact analyses based on unreasonably low estimates. CCAEJ has commented extensively on the flaws of the EIR in its prior appeal and incorporates those comments herein.

The project further fails to adopt all feasible mitigation in violation of CEQA. CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. Furthermore, findings of infeasibility and support for those findings were lacking in the EIR and provided only later in later staff reports and responses to CCAEJ's previous appeal. Public commentary on this information was thus entirely precluded. Changes should be made to the EIR incorporating these references and alterations, and the EIR should be recirculated pursuant to CEQA Guidelines 15088.5(a)(4) [requiring recirculation where EIR is so fundamentally flawed and basically inadequate and conclusory that meaningful public comment and review was precluded.]

The statement of overriding considerations is unsupported by substantial evidence in the record. The project will have minimal benefits while result in substantial environmental harm.

The EIR fails to adequately evaluate and mitigation impacts to/from the following for the reasons detailed below and in previous CCAEJ comments with regards to this project:

Land Use:

The Land Use portion of the EIR is particularly conclusory and omits essential information. For instance, in evaluating compatibility with zoning, the EIR merely provides a table of zoning designations and states, "As shown in this table, the proposed project is compatible with existing surrounding M-M zoning." This sort of conclusory statement is completely contrary to CEQA as it provides zero analysis. Additionally, this conclusion ignores the other land use designations such as R-3 and R-1 which surround three portions of the project (two with the removal of PP 18877.)

Furthermore, the project remains inconsistent with the Riverside County General Plan and Jurupa Area Plan, and these inconsistencies are neither delineated nor analyzed in the EIR. The Riverside County General Plan states:

"[W]here necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to

¹ Board of Supervisors of the County of Santa Barbara v. Wallover, Inc. (1990) 52 Cal. 3d 553 (citing Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263,283; CEQA Guidelines §§ 15125, 15206.)

protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses." [emphasis added]

The Jurupa Area Plan also recognizes the significant air quality issues associated with development in the Mira Loma Area stating that the "proximity of the warehousing uses to the residential areas has generated considerable concern," particularly with regards to associated "diesel-powered vehicles and heavy trucks." This project will develop warehouses in close proximity to residential uses.

The project is, likewise, still contrary to the following General Plan policies.

- LU 6.4 Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic.
- LU 10.2 Ensure adequate separation between pollution producing activities and sensitive emission receptors, such as hospitals, residences, and schools.
- LU 24.6 Control the development of industrial uses that use, store, produce, or transport toxins, generate unacceptable levels of noise or air pollution, or result in other impacts.
- AQ 2.1 The County land use planning efforts shall assure that sensitive receptors are separated and protected from polluting point sources to the greatest extent possible.
- AQ 2.2 Require site plan designs to protect people and land uses sensitive to air pollution through the use of barriers and/or distance from emissions sources when possible.
- C 3.8 Restrict heavy duty truck through-traffic in residential and community center areas and plan land uses so that trucks do not need to traverse these areas.
- HC (Healthy Communities) 14.1: "Pursue a comprehensive strategy to ensure that residents breathe clean air..."
- HC 14.3: "To the extent feasible, avoid locating new facilities that may produce harmful air pollution near homes and other sensitive receptors."

The EIR does not provide these land use policies for informational purposes nor analyze these inconsistencies with Land Use/ Planning in the EIR. Instead, the EIR merely determines, based on no information provided and no evidence, that the project will have less than significant land use impacts. The EIR again fails entirely as an informational document and was not completed in compliance with CEQA. Furthermore, as this project is plainly contrary to the RCIP, the project should be denied.

Air Quality:

Construction:

The EIR concludes that the project will likely result in the emission of ROG and NOx above the South Coast Air Quality Management District (SCAQMD) recommended daily regional thresholds and the emission of PM10 and PM2.5 above the SCAQMD recommended localized thresholds during construction. Although the Project will result in significant and unavoidable

direct and cumulative air quality impacts from construction and abuts the residential communities of Country Village (a senior community) and Mira Loma Village, the EIR fails to adopt all feasible mitigation. For instance, it is feasible to prohibit concurrent construction of plot plans despite the fact that they are separately owned. Neither the EIR nor subsequent documentation has provided evidence that such prohibition is economically or otherwise infeasible. This additional mitigation must be required of the project.

Operational:

The County failed to support with evidence in the EIR, that trip lengths associated with this project will be significantly lower than that projected for other warehouse distribution centers where an average trip length of 40 miles has been used. The County failed to provide any substantive authority for why such a short trip length was used or why only trips to the Ontario Airport will be part of the project. Studies justifying this reduced trip length in staff reports regarding the project were not incorporated into the EIR or available for comment by the public with reference to the EIR. The EIR therefore fails as an informational document and is substantively flawed. Moreover, trip lengths relied on in the EIR are still not justified at the length chosen where tenants and uses of the warehouses are unknown.

Additionally, all feasible mitigation measures were not adopted. It is feasible that certain mitigation be required to be incorporated into contracts of site users. For instance, by contract specification, the County could require that facility operators become SmartWay Partners; incorporate requirements or incentives sufficient to achieve at least 20% per year increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers; or incorporate requirements or incentives sufficient to achieve a 15% per year increase in percentage of consolidator trips carried by SmartWay 1.0 or greater carriers a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Additionally, implementing a parking fee for single occupancy vehicles is feasible-this would not penalize people for driving to work, but penalize them for driving singly rather than carpooling. Other feasible mitigation includes: requiring electrical equipment be used for landscape maintenance; requiring only low pressure sodium fixtures for exterior lighting including parking lots; utilizing electric yard trucks; require LEED Platinum certification; require photovoltaic solar systems sufficient to offset electrical usage on all buildings; and require solar water heaters for all hot water requirements.

Health Risk Assessment

This project will substantially contribute to Toxic Air Contaminants in the form of Diesel PM, the result of which is an increased risk of cancer and other health impacts to the individuals residing near this project, especially infants, children, and the elderly. In the immediate vicinity of the project site are the Mira Loma Village neighborhood, the retirement community of Country Village, Mission Bell Elementary School (approximately ¾ mile southeast of the project site), Granite Hill Elementary School (approximately 1¼ mile east of the project site), and Jurupa Valley High School (approximately 1¼ mile south of the project site). All of these sensitive receptors will be adversely impacted by the diesel PM emissions created by this project. Although this will be substantially reduced through the denial of Plot Plan No. 17788, the project nonetheless creates additional diesel PM emissions and traffic in an area already severely impacted by such emissions.

The Riverside County General Plan states the following with regards to particulate matter:

"The Environmental Protection Agency (EPA) defines particulate matter (PM) as either airborne photochemical precipitates or windborne dust. Consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols, common sources of PM are manufacturing and power plants, agriculture, *diesel trucks* and other vehicles, construction sites, fire and windblown dust. Generally PM settles from atmospheric suspension as either particulate or acid rain and fog that has the potential to damage health, crops, and property. Particulate of 2.5 microns or smaller (2.5 microns is approximately equal to .000098 inches) may stay suspended in the air for longer periods of time and when inhaled can penetrate deep into the lungs. Among the health effects related to PM2.5 are premature death, decreased lung function and exacerbation of asthma and other respiratory tract illnesses.

Particulate sized between 2.5 and 10 microns (10 microns is approximately equal to .0004 inches), known as PM10 also pose a great risk to human health. PM10 can easily enter the air sacs in the lungs where they may be deposited, resulting in an increased risk of developing cancer, potentially changing lung function and structure, and possibly exacerbating preexisting respiratory and cardiovascular diseases. It can also irritate the eyes, damage sensitive tissues, sometimes carry disease, and may even cause premature death. PM2.5 and PM10 are especially hazardous to the old, young and infirm.

Although it produces less than 10% of the South Coast Air Basin's particulate matter, western Riverside County, which is part of the SOCAB, exceeds federal standards more than any other urban area in the nation, and has the highest particulate concentration in the SOCAB. These high levels of particulate matter are largely imported from the urbanized portions of Los Angeles and Orange Counties. This imported particulate is generally composed of photochemical precipitates rather than dust, smoke or soot. Riverside County is also responsible for generating large amounts of particulate matter from sources such as agriculture, warehousing operations, and truck traffic...

While sources and severity of particulate pollution differ in subareas of the County, it is the County's objective to control particulate matter throughout all of Riverside County. However, where necessary, the County shall tailor its control measures and implementation procedures to best address the unique situations found in each area. One example of such an area is the Mira Loma community, where particulate pollutant levels are among the worst in the nation. In such an area, strong measures must be taken immediately to protect the health and welfare of residents, especially children, the elderly and those with respiratory illnesses." [emphasis added]

The addition of industrial warehousing in an area already severely impaired from diesel PM emissions will cumulatively and individually result in health risks to the area and region. The EIR finds that this impact would be significant and unmitigated, as the Health Risk Assessment finds up to 22.2 in one million additional cancers, well above SCAQMD significance threshold of 10. The impact without approval of Plot Plan 17788 is still likely to exceed the threshold. This impact is significant, and feasible mitigation, detailed above, must be incorporated to reduce this impact.

Greenhouse Gas/Climate Change:

GHG impacts were found to be cumulatively significant and unavoidable in the EIR.

Noise:

The project will result in significant noise impacts. Noise levels due to construction at the project site are expected to reach up to 85 dBA at the nearest sensitive receptors, consisting of occupied residences. This is well in excess of the daytime exterior noise standards. The EIR concludes that merely through the project's compliance with RCO No. 847, Section 2, that construction-related noise impacts will be less than significant. This is a completely faulty analysis and conclusion, as Ord. 847 is meant for code enforcement, not as a noise standard. Moreover, the fact that the excess construction noise will be restricted to daytime hours does not mitigate the fact that noise levels of 85 dBA will be in excess of the County's noise ordinance and experienced by nearby residents during *daytime* hours. Thus, reliance on MM Noise 1 which merely limits construction activities "within one-quarter mile of occupied residences" to the daytime hours set forth in RCO No. 457, Section 1.G.1, (recently amended to RCO No. 457.102, Section 1.F.1) does nothing to mitigate these substantial effects.

The following mitigation is feasible to reduce construction noise impacts to below a level of significance:

- 1. Provide temporary noise attenuation during project construction. This includes sites utilizing non-combustion powered equipment.
- 2. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.
- 3. When technically feasible, utilize only electrical construction equipment.

The County states that "[d]aytime operational noise is not considered a source of significant impact if a barrier shields the *visibility* of the loading activity from any ground-floor observers. (Resolution No. 2010-06, pg. 103.) This is false.

Further, the Project will have significant cumulative noise impacts due to the already existing noisy environment. The Draft EIR demonstrates up to an 8 dBA cumulative increase with the project. Yet, the only mitigation provided is for nighttime operations and individual project noise, rather than project contributions to noise exceedences. The project should, at the least, require that the noise attenuation walls specified for the project be designed to reduce noise impacts below a level of significance.

Traffic and Transportation:

As the EIR concludes, even after mitigation, the Project's cumulative traffic impacts will remain significant. Although development fees will be paid, "the actual construction of the required off-site improvements" is uncertain and therefore cumulative traffic impacts may not be mitigated to below a level of significance. Yet, the Project fails to adopt all feasible mitigation measures and those measures that were adopted are uncertain and not fully enforceable. (*See*, Air Quality mitigation suggestions.) Moreover, these traffic impacts will result in the health risk impacts detailed above.

STATEMENT OF OVERRIDING CONSIDERATIONS

This project will not have the specific economic, legal, social, technological, or other benefits to the County, region, or state which a Statement of Overriding Consideration requires. The benefits of the project, as enumerated in the Statement of Overriding Considerations, are insubstantial and will at best benefit only a few select individuals. The specific "benefits" identified for this project in support of the Statement of Overriding Considerations include:

- A. Optimizing the economic potential of vacant land by developing the property in compliance with the land use designation.
- B. Generating additional employment opportunities for skilled labor.
- C. Maximizing the site's existing location and proximity to transportation corridors.
- D. Creating a cohesive design and building theme.
- E. Balancing housing and employment opportunities.
- F. Co-locating jobs and housing to reduce vehicle miles traveled.
- G. Placing project in an area compatible with its land use designation.
- H. Alternative locations are not environmentally superior.
- I. Avoid urban sprawl into previously undeveloped areas.

These "benefits" are minimal at best. The project (with Plot Plan No. 17788) was estimated to create anywhere between 567 to 1,101 jobs. The project as approved will likely create even fewer jobs. Moreover, these jobs would be created only if and when the warehouses are built and occupied, and it is entirely uncertain whether any of these jobs will require "skilled labor." Hence the potential benefit of employment is minimal and speculative. Other than job creation, project benefits merely state the project's location, design, and profitability for the developers/owners/users. These are not specific economic, legal, social, technological, or other benefits to the County, region, or state which a statement of overriding considerations requires.

On the other hand, the environmental harms of this project are extensive, as discussed above. Particularly, the project will result in significant health risks and air quality impacts from diesel PM in an area already acknowledged to have some of the worst air quality in the nation. A statement of overriding considerations was thus improperly adopted.

In light of the fundamental flaws of the EIR and significant impacts associated with this project, CCAEJ therefore respectfully requests that you deny this project in its entirety.

Thank you for your consideration of this appeal.

Sincerely,

Raymond W. Johnson, Esq. AICP

JOHNSON & SEDLACK

PAY TO THE ORDER OF

MEMO EIR 450

CENTER FOR COMMUNITY ACTION & ENVIRONMENTAL JUSTICE P. O. BOX 33124 PH.951-360-8451 RIVERSIDE, CA 92519

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COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Ron Goldman · Planning Director

PUBLIC HEARING NOTICE LABEL REQUIREMENTS

CASE TYPES REQUIRING LABELS:

CHANGES OF ZONE	TEMPORARY USE PERMIT (Requiring				
CONDITIONAL USE PERMIT	Environmental Assessment)				
TENTATIVE PARCEL MAP	TENTATIVE TRACT MAPS				
PLOT PLAN (Requiring Environmental Assessment)	VARIANCE				
PUBLIC USE PERMIT WIND ENERGY CONVERSION SYSTEMS					
ALL OTHER APPLICATIONS REQUIRING PUBLIC NOTIFICATION					

The following items must be submitted to the project planner prior to the scheduling of the application for a public hearing; or the setting of a decision date, if the application need not be set for public hearing; or as part of an Application for Appeal.

Three identical packages, each of which is to be inserted in its own 9½" x 12½" manila envelope. Each envelope shall indicate the application case number(s) and the words "SURROUNDING PROPERTY OWNERS LABELS," the date the labels were certified, and shall contain the following:

One (1) typed set of self-sticking labels indicating the names and mailing address of the owners of all the properties that are within 600 feet of the exterior property boundary of the subject site, as well as any contiguously owned properties, if applicable. If the total number of properties located within the notification area described above is less than 25, the notification area will be expanded until that area yields 25 properties, but the notification area need not exceed more than 2,400 feet from the exterior boundary of the project site and any contiguously owned properties, if any. For purposes of this requirement, multiple properties owned by a single entity shall count as one property.

One (1) typed set of self-sticking labels with the name and mailing address of the owner(s) of the project site, the project applicant, and the applicant's engineer/representative, if any.

If the project site is located within a City's Sphere of Influence and/or any City, which is within one mile of the project site, one (1) self-sticking label with the mailing address of the City Planning or Development Department.

A photocopy of all the aforementioned labels.

A completed Public Hearing Notice Labels Certification Form (see page 3), signed by a title company, engineer or surveyor, or the individual who prepared the labels certifying that the list of property owners is complete and accurate.

One (1) copy of an exhibit/map showing the subject property boundary (including any contiguous properties, if applicable) and the notification radius line indicating the radius distance (between 600 ft. and 2,400 ft.) overlaying all of the properties within that area.

One 8½" x 11" reduction of the latest amended exhibit or tentative map.

FOR PROJECTS WITH IDENTIFIED OFF-SITE ACCESS/IMPROVEMENTS: In addition to the label requirements described above, three identical packages are to be prepared, each of which is to be inserted in its own 9½" x 12½" manila envelope. The envelope shall indicate the case number and the words "LABELS FOR OFF-SITE ACCESS/IMPROVEMENTS," and shall contain the following:

- a. One typed set of self-sticking labels indicating the names and mailing address of the owners of all the property that is adjacent to the proposed off-site improvement/alignment.
- b. A photocopy of the aforementioned labels.

Note that the Riverside County's Assessor's Office will not prepare, nor certify the property owner's list. A title insurance company can be contacted to prepare the labels packages (generally for a fee), or by requesting the Riverside County Transportation Land Management Agency's (TLMA) Geographic Information System staff, at (951) 955-1844, to prepare the labels packages (a charge will be determined by GIS staff based upon the number of labels required.) Or, an individual can prepare their own labels packages by determining the property owner and mailing address for properties within the County from the Riverside County Assessor's Office through the use of Assessor's Map Books and microfiche records.

PUBLIC HEARING NOTICE LABELS CERTIFICATION FORM

I, Penny Newman	_, certify that on April 14, 2011
Print name	Date
the attached property owner's list was prepared by: Center for Community Action & Environmental Justice for the follow	Resolution No.2011-004, EIR No. 450, Plot Plan Nos. 16979,18875,18876,18877,18879
Print Company Name and/or Individual's Name	Project case number(s)
using a radius distance of 600 feet, pursuant to applicanty Planning Department. Said list is a complete an applicant's engineer/representative, if any, the owner(s) districts within whose boundary the subject project is low property or within whose sphere of influence the subject powners within a 600 foot radius around the subject programy, or if that area yields less than 25 different owners expanded to yield a minimum of 25 different owners, to boundaries, based upon the latest equalized assessme identified off-site access/improvements, said list includes and mailing addresses of the owners of all the proprimprovement/alignment.	nd true compilation of the project applicant, the of the subject property, the school district or cated, every City within one mile of the subject property is located, if any, and, all other property perty, and all contiguously owned properties, if any, and property owners within a notification area a maximum area of 2,400 feet from the project ent rolls. If the property is a subdivision with a complete and true compilation of the names
I further certify that the information field is true and correct	ct to the best of my knowledge.
Name: Penny Newman	
Title/Registration:	1, Executive Director
Address: c/o Johnson & Sedlado	
Address: 26785 Camino Seco	
City: Temecula	State: CA Zip: 92590
Telephone No.: (_951_) _506-9925	ax No.: (<u>951</u>) <u>506-9725</u>
E-Mail:esqaicp@wildblue.net	
Case No.: Resolution No.2011-004, EIR No. 450, Plot Plan	Nos 16979,18875,18876,18877,18879



OFFICE OF CLERK OF THE BOARD OF SUPERVISORS

1st FLOOR, COUNTY ADMINISTRATIVE CENTER P.O. BOX 1147, 4080 LEMON STREET RIVERSIDE, CA 92502-1147

PHONE: (951) 955-1060 FAX: (951) 955-1071 KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR Assistant Clerk of the Board

May 3, 2011

PRESS ENTERPRISE ATTN: LEGALS P.O. BOX 792 RIVERSIDE, CA 92501

E-MAIL: legals@pe.com FAX: (951) 368-9018

RE: NOTICE OF PUBLIC HEARING: APPEAL OF PLOT PLAN NOs. 16979, 18875, 18876, 18877, 18879 AND 17788

To Whom It May Concern:

Attached is a copy for publication in your newspaper for one (1) time on Thursday, May 5, 2011.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From:

PE Legals < legals@pe.com> Tuesday, May 03, 2011 8:08 AM

Sent: To:

Gil, Cecilia

Subject:

RE: FOR PUBLICATION: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788

Received for publication on 5/5

enterprisemedia

Publisher of The Press-Enterprise

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Tuesday, May 03, 2011 8:05 AM

To: PE Legals

Subject: FOR PUBLICATION: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788

Good Morning!

Attached is a Notice of Public Hearing, for publication on Thursday, May 5, 2011. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the Clerk of the Board of Supervisors 951-955-8464

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE. PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.



OFFICE OF CLERK OF THE BOARD OF SUPERVISORS 1st FLOOR, COUNTY ADMINISTRATIVE CENTER P.O. BOX 1147, 4080 LEMON STREET

RIVERSIDE, CA 92502-1147 PHONE: (951) 955-1060 FAX: (951) 955-1071 KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR Assistant Clerk of the Board

May 3, 2011

RIVERSIDE COUNTY RECORD ATTN: LEGALS PO. BOX 3187 RIVERSIDE, CA 92519

E-MAIL: recordmde@aol.com FAX: (951) 685-2961

RE: NOTICE OF PUBLIC HEARING: APPEAL OF PLOT PLAN NOs. 16979, 18875, 18876, 18877, 18879 AND 17788

To Whom It May Concern:

Attached is a copy for publication in your newspaper for one (1) time on Thursday, May 5, 2011.

We require your affidavit of publication immediately upon completion of the last publication.

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NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From:

recordmde@aol.com

Sent:

Tuesday, May 03, 2011 8:10 AM

To:

Gil, Cecilia

Subject:

Re: FOR PUBLICATION: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788

Good Morning to you!

I have received the notice for publication.

Thanks and have a nice day.

Mike

----Original Message----

From: Gil, Cecilia <CCGIL@rcbos.org>
To: recordmde <recordmde@aol.com>
Sent: Tue, May 3, 2011 4:06 am

Subject: FOR PUBLICATION: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788



Good Morning!

Attached is a Notice of Public Hearing, for publication on Thursday, May 5, 2011. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the Clerk of the Board of Supervisors 951-955-8464

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE. PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON AN APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE PLOT PLANS NOS. 16979, 18875, 18876, 18877 AND 18879; AND APPEAL THE PLANNING COMMISSION DECISION TO DENY PLOT PLAN NO. 17788 IN THE PRADO-MIRA LOMA ZONING DISTRICT — JURUPA AREA PLAN, SECOND SUPERVISORIAL DISTRICT AND NOTICE OF INTENT TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, May 17, 2011, at 1:30 P.M. to consider the appeal filed by Appellant "A": Center for Community Action and Environmental Justice Park (CCAEJ) on Plot Plan Nos. 16979, 18875, 18876, 18877 and 18879 of the Planning Commission's decision to deny, in part, and appeal of the Planning Director's Action and approval issued on April 6, 2011; and, appeal filed by Appellant "B": Michael Del Santo, SP 4 Dulles LP on Plot Plan No. 17788 of the Planning Commission's decision to uphold, in part, an appeal of the Planning Director's Action and denial issued on April 6, 2011. The Environmental Impact Report (EIR 450) analyzes the potential environmental impacts of Plot Plan Nos. 16979, 17788, 18875, 18876, 18877 and 18879. Plot Plan No. 16979 proposes to develop a 200,731 square foot industrial building with 190,731 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 52,810 square feet of landscaping area (11%), 256 parking spaces and 29 loading docks on a 11.01 gross (10.76 net) acre site with a floor area ration of 0.42 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 17788 proposes to develop a 426,212 square foot industrial building with 418,212 square feet of warehouse space, 8,000 square feet of office space, 106,980 square feet of landscaping area (12%), 257 parking spaces and 51 loading docks on a 20.48 gross (18.73 net) acre site with a floor area ratio of 0.48 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18875 proposes to develop a 104,210 square foot industrial building with 93,350 square feet of warehouse space, 10,860 square feet of office and mezzanine space, 41,699 square feet of landscaping area (16%), 96 parking spaces and 18 loading docks on a 5.99 gross (5.00 net) acre site with a floor area ratio of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18876 proposes to develop twelve (12) industrial buildings with a total building area of 97,010 square feet with 83,810 square feet of storage space, 13,200 square feet of office space, 42,948 square feet of landscaping area (15%) and 243 parking spaces on a 6.83 gross (6.42 net) acre site with a floor area ratio of 0.33 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18877 proposes to develop eight (8) industrial buildings with a total building area of 144,594 square feet with 92,094 square feet of storage space 52,500 square feet of office space, 122,307 square feet of landscaping area (22%) and 444 parking spaces on a 12.75 gross (10.23 net) acre site with a floor area ratio of 0.26 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18879 proposes to develop a 155,480 square foot industrial building with 145,480 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 53,941 square feet of landscaping area (16%), 131 parking spaces, 30 trailer parking spaces and 25 loading docks on a 7.99 gross (net) acre site with a floor area ratio of 0.45 (Light Industrial requires a 0.25-0.60 floor area ratio). These projects are located northerly of State Highway 60, southerly of Philadelphia Avenue, easterly of Etiwanda Avenue and westerly of Grapevine Street in the Prado-Mira Loma Zoning District - Jurupa Area Plan, Second Supervisorial District.

The environmental effects have been addressed and certification of **Environmental Impact Report No. 450** has been recommended.

The proposed project case file may be viewed from the date of this notice until the public hearing, Monday through Thursday, from 7:30 a.m. to 5:30 p.m. at the Clerk of the Board of Supervisors at 4080 Lemon Street, 1st Floor, Riverside, California 92501, and at the Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT CHRISTIAN HINOJOSA, PROJECT PLANNER, AT (951) 955-0972 or e-mail at chinojos@rctlma.org.

Any person wishing to testify in support of or in opposition to the proposed project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:

Clerk of the Board 4080 Lemon Street, 1st Floor Post Office Box 1147 Riverside, CA 92502-1147

Dated: May 3, 2011

Kecia Harper-Ihem Clerk of the Board By: Cecilia Gil, Board Assistant

CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to the original document at the time of filing)

I, Cecilia Gil, Board Assistant to Kecia Harper-Ihem, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on May 3, 2011, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

Notice of Public Hearing for:

Appeal on PP 16979, 18875, 18876, 18877, 18879 and 17788

to be posted, pursuant to Government Code Section 21092 et seq, in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507. Upon completion of posting, the County Clerk will provide the required certification of posting.

SIGNATURE: Mcgil DATE: May 3, 2011 Cecilia Gil

Board Agenda Date: May 17, 2011 @ 1:30 PM

Gil, Cecilia

From:

Marshall, Tammie <tmarshal@asrclkrec.com>

Sent:

Tuesday, May 03, 2011 11:18 AM

To:

Gil, Cecilia; Meyer, Mary Ann

Subject:

RE: FOR POSTING: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788

HI Cecilia,

Please be advised that this project has been posted.

Thank you

Tammie

From: Gil, Cecilia

Sent: Tuesday, May 03, 2011 9:20 AM

To: Meyer, Mary Ann **Cc:** Marshall, Tammie

Subject: FW: FOR POSTING: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788

Mary Ann,

Can you please use this attached Notice instead of the 1st one I sent? Thank you!

Cecilia Gil

Board Assistant to the Clerk of the Board of Supervisors 951-955-8464

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.

From: Gil, Cecilia

Sent: Tuesday, May 03, 2011 8:08 AM

To: Meyer, Mary Ann **Cc:** Marshall, Tammie

Subject: FOR POSTING: APPEAL of PPs 16979, 18875, 18876, 18877, 18879 & 17788

Good Morning!

Attached is a Notice of Public Hearing, for POSTING. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the Clerk of the Board of Supervisors 951-955-8464

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to the original document at the time of filing)

I, <u>Cecilia Gil, Board Assistant</u> , for the County of Riverside, do hereby certify that I am						
not a party to the within action or proceeding; that on May 3, 2011, I mailed a copy of the following document:						
Notice of Public Hearing for:						
Appeal on PP 16979, 18875, 18876, 18877, 18879 and 17788						

to the parties listed in the attached labels, by depositing said copy with postage thereon fully prepaid, in the United States Post Office, 3890 Orange St., Riverside, California, 92501.

May 17, 2011 @ 1:30 PM

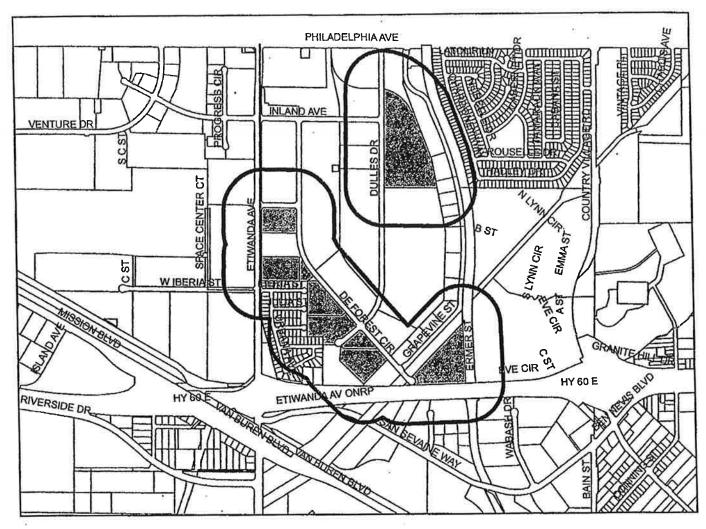
SIGNATURE: Mcgil DATE: May 3, 2011
Cecilia Gil

Board Agenda Date:

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN , certify that on 11/3/2010.
The attached property owners list was prepared by Riverside County GIS,
APN (s) or case numbers PP 16979 PP 17788 PP 18879 For PP 18879 EIROO 450
Company or Individual's Name Planning Department
Distance buffered 600 .
Pursuant to application requirements furnished by the Riverside County Planning Department,
Said list is a complete and true compilation of the owners of the subject property and all other
property owners within 600 feet of the property involved, or if that area yields less than 25
different owners, all property owners within a notification area expanded to yield a minimum of
25 different owners, to a maximum notification area of 2,400 feet from the project boundaries,
based upon the latest equalized assessment rolls. If the project is a subdivision with identified
off-site access/improvements, said list includes a complete and true compilation of the names and
mailing addresses of the owners of all property that is adjacent to the proposed off-site
improvement/alignment.
I further certify that the information filed is true and correct to the best of my knowledge. I
understand that incorrect or incomplete information may be grounds for rejection or denial of the
application.
NAME: Vinnie Nguyen (MUUA DY-NUULUV)
TITLE GIS Analyst (4): 5.8.70
ADDRESS: 4080 Lemon Street 2 nd Floor
Riverside, Ca. 92502
TELEPHONE NUMBER (8 a m 5 p m): (951) 955-8158

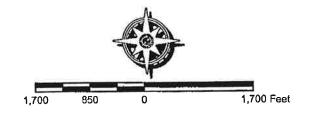
600 feet buffer



Selected Parcels

156-140-054	156-251-018	156-192-006	156-182-002	156-182-003	156-192-013	156-183-004	156-181-011	156-193-003	156-251-020
156-184-004	156-182-010	156-193-004	156-261-015	156-183-010	156-200-020	156-181-009	156-182-008	156-184-013	156-193-021
156-261-021	156-251-010	156-183-003	156-360-069	156-181-004	156-360-024	156-210-024	156-360-062	156-192-005	156-192-010
156-271-044	156-184-015	156-183-002	156-243-001	156-192-012	156-251-014	156-185-003	156-184-008	156-182-009	156-182-017
156-181-008	156-191-004	156-184-006	156-191-008	156-193-005	156-243-006	156-261-035	156-243-004	156-191-005	156-183-007
156-183-001	156-360-070	156-360-074	156-360-075	156-360-068	156-184-010	156-192-011	156-360-067	156-181-002	156-185-002
156-360-032	156-243-005	156-182-006	156-184-001	156-271-040	156-184-009	156-182-012	156-271-038	156-192-002	156-271-042
156-191-010	156-193-013	156-261-031	156-182-004	156-183-012	156-360-063	156-192-001	156-183-005	156-181-005	156-182-011
156-192-007	156-193-008	156-193-022	156-193-016	156-193-015	156-360-039	156-183-013	156-185-005	156-261-033	156-360-023

rst 90 parcels shown



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

APN: 156140054, ASMT: 156140054 APN: 156261021, ASMT: 156261021 APN: 156184004, ASMT: 156184004 **ABLUO CHARLES CLAY BALLARD** ARMANDO ZENDEJAS, ET AL C/O MICHAEL A URBANOS 4920 ROUNDUP RD 10930 JULIA ST 2501 ROSEGATE **NORCO CA 92860** MIRA LOMA CA 91752 ST PAUL MN 55113 APN: 156251010, ASMT: 156251010 APN: 156182010, ASMT: 156182010 APN: 156251018, ASMT: 156251018 CHARLES HARRIS, ET AL ARNULFO RAMIREZ ALBERTO CEJA, ET AL 3283 CHARDONEY WAY 3663 URBANA AVE 3319 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156183003, ASMT: 156183003 APN: 156193004, ASMT: 156193004 APN: 156192006, ASMT: 156192006 CHARLES LANATHOUA, ET AL ARNULFO SOTO, ET AL ALBERTO CEJA LOPEZ, ET AL 3715 URBANA AVE 10940 IBERIA ST 10896 LANDSFORD ST MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156360069, ASMT: 156360069 APN: 156261015, ASMT: 156261015 APN: 156182002, ASMT: 156182002 CHIANG REALTY **BARRY KOCA** ANDRES MENDOZA, ET AL C/O FRED CHIANG PO BOX 3867 3589 URBANA AVE 3800 DURBIN ST SAN DIMAS CA 91773 MIRA LOMA CA 91752 BALDWIN PARK CA 91706 APN: 156183010, ASMT: 156183010 APN: 156181004, ASMT: 156181004 APN: 156182003, ASMT: 156182003 CINDY L DAVIS BELISARIO MADRIGAL ANGEL FAUSTO, ET AL 10961 IBERIA ST 10925 JULIA ST 3597 URBANA AVE MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156360024, ASMT: 156360024 APN: 156200020, ASMT: 156200020 APN: 156192013, ASMT: 156192013 **CLP INDUSTRIAL PROP** BENNETT FAMILY PARTNERSHIP FOR ANGELINA PEREZ, ET AL C/O THOMSON TAX ACCT DEPT 207 SAN SE 3750 URBANA AVE 10775 SAN SEVAINE WAY PO BOX 4900 MIRA LOMA CA 91752 SCOTTSDALE AZ 85261 MIRA LOMA CA 91752 APN: 156181009, ASMT: 156181009 APN: 156210024, AS~T: 156210024 APN: 156183004, ASMT: 156183004 CMKM **BLANCA TANG** ANTHONY G QUERZOLA, ET AL 3815 WABASH DR 10917 IBERIA ST **10930 IBERIA ST** MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156360062, ASMT: 156360062 APN: 156182008, ASMT: 156182008 APN: 156181011, ASMT: 156181011 CURTIS G WALKER, ET AL ANTONIO JACOME SANCHEZ BOBBY L PETRAY, ET AL C/O DAVID WALKER 3645 URBANA AVE 10909 IBERIA ST 20310 VIA LAS VILLAS MIRA LOMA CA 91752 MIRA LOMA CA 91752 YORBA LINDA CA 92887 APN: 156192005, ASMT: 156192005 APN: 156184013, ASMT: 156184013 APN: 156193003, ASMT: 156193003 CYNTHIA J MCDONALD BOBBY LEE PETRAY, ET AL ANTONIO OCHOA, ET AL 10906 LANDSFORD ST 3646 URBANA AVE 3707 URBANA AVE MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752

APN: 156251020, ASMT: 156251020 ARMANDO DELGADILLO 3325 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156193021, ASMT: 156193021 CESAR ORTEGA, ET AL 17811 SLOVER AVE BLOOMINGTON CA 92316 APN: 156192010, ASMT: 156192010 DANIEL G ABERLE 10909 WINDSOR PL MIRA LOMA CA 91752 APN: 156271044, ASMT: 156271044 DAVID MANDERSON, ET AL 3125 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156184015, ASMT: 156184015 DOREEN WHITLOCK 3654 URBANA AVE MIRA LOMA CA 91752 APN: 156183002, ASMT: 156183002 EARL W BLOOM, ET AL 10952 IBERIA ST MIRA LOMA CA 91752

APN: 156243001, ASMT: 156243001 EDUARDO F MEJIA, ET AL 3335 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156192012, ASMT: 156192012 EDWARD GUTIERREZ, ET AL 3740 URBANA AVE MIRA LOMA CA 91752 APN: 156251014, ASMT: 156251014 ENRIQUE LARA, ET AL 3303 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156185003, ASMT: 156185003 FELIPE BENAVIDES 10590 56TH ST

MIRA LOMA CA 91752

APN: 156184008, ASMT: 156184008 FELIX MARTINEZ, ET AL 10909 KENMORE ST MIRA LOMA CA 91752 APN: 156182009, ASMT: 156182009 FILEMON TORRES, ET AL 3653 URBANA AVE MIRA LOMA CA 91752

APN: 156182017, ASMT: 156182017 FILOMENO BORRAYO 3581 URBANA AVE MIRA LOMA CA 91752 APN: 156181008, ASMT: 156181008 FRANCISCO SANCHEZ, ET AL 10925 IBERIA ST MIRA LOMA CA 91752 APN: 156191004, ASMT: 156191004 FRED M ALVAREZ, ET AL 14305 ROCK PL RIVERSIDE CA 92503

APN: 156184006, ASMT: 156184006 GENARO RICO, ET AL 10916 JULIA ST MIRA LOMA CA 91752 APN: 156191008, ASMT: 156191008 GENE PROCTOR, ET AL 10881 LANDSFORD ST MIRA LOMA CA 91752 APN: 156193005, ASMT: 156193005 GERMAN CISNEROS, ET AL 3723 URBANA AVE MIRA LOMA CA 91752

APN: 156243006, ASMT: 156243006 GIBERTO A MOLINA, ET AL 3395 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156261035, ASMT: 156261035 GILBERTO VEGA, ET AL 3235 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156243004, ASMT: 156243004 GISELA MEDVEC 3371 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156191005, ASMT; 156191005 GLAFIRA JARA, ET AL 10909 LANDSFORD ST MIRA LOMA CA 91752 APN: 156183007, ASMT: 156183007 GLINN JENNINGS HUNTER, ET AL 10908 IBERIA ST MIRA LOMA CA 91752 APN: 156183001, ASMT: 156183001 GLORIA SANDOVAL 10962 IBERIA ST MIRA LOMA CA 91752

APN: 156360070, ASMT: 156360070 GRAPEVINE BUSINESS CENTER C/O SHAW RIVERSIDE LLC 160 NEWPORT CENTER DR 250 NEWPORT BEACH CA 92660 APN: 156360075, ASMT: 156360075 GRAPEVINE PROP C/O CHRISTINE HU 660 W LAMBERT RD BREA CA 92821 APN: 156360068, ASMT: 156360068 GUM TREE PARTNERS. ET AL C/O BRIAN HALEY 1391 MORNINGSIDE DR LAGUNA BEACH CA 92651

APN: 156184010, ASMT: 156184010 GWENDOLYNE ZAIZA, ET AL 10925 KENMORE ST MIRA LOMA CA 91752 APN: 156192011, ASMT: 156192011 HAROLD M HIVELY, ET AL 1736 MESA VERDE DR SAN BERNARDINO CA 92404 APN: 156360067, ASMT: 156360067 HKM INV 22539 RIDGE LINE RD DIAMOND BAR CA 91765

APN: 156181002, ASMT: 156181002 HORAC/O GARCIA 10981 IBERIA ST MIRA LOMA CA 91752 APN: 156185002, ASMT: 156185002 HUMBERTO ORTEGA, ET AL 10942 KENMORE ST MIRA LOMA CA 91752 APN: 156360032, ASMT: 156360032 INVESTMENT BUILDING GROUP 4100 NEWPORT PL STE 750 NEWPORT BEACH CA 92660

APN: 156184001, ASMT: 156184001 APN: 156182006, ASMT: 156182006 APN: 156243005, ASMT: 156243005 ISIDRO VIVIAN ISIDRO VIVIAN ISELA CORRAL 10962 JULIA ST 3625 URBANA AVE 3383 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156184009, ASMT: 156184009 APN: 156162012, ASMT: 156182012 APN: 156271040, ASMT: 156271040 JESUS E MICHEL, ET AL ISRAEL HERNANDEZ JAVIER LOPEZ 10917 KENMORE ST 3681 URBANA AVE 3105 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156192002, ASMT: 156192002 APN: 156271042, ASMT: 156271042 APN: 156271038, ASMT: 156271038 JOE J GONZALES, ET AL JOE L GARCIA, ET AL **JESUS PINA** 3728 URBANA AVE 3115 CHARDONEY WAY 3095 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156193013, ASMT: 156193013 APN: 156261031, ASMT: 156261031 APN: 156191010, ASMT: 156191010 JOEL MEZA, ET AL JOHN A MENDOZA, ET AL JOE VALENZUELA, ET AL 10920 WINDSOR PL 3215 CHARDONEY WAY 10863 LANSFORD ST MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156360063, ASMT: 156360063 APN: 156183012, ASMT: 156183012 APN: 156182004, ASMT: 156182004 JOHN M SALAZAR, ET AL **JONATKIMENTERPRISES** JOHN M PACHECO, ET AL 10941 JULIA ST **627 S MANCHESTER AVE** 3607 URBANA AVE ANAHEIM CA 92802 MIRA LOMA CA 91572 MIRA LOMA CA 91572 APN: 156183005, ASMT: 156183005 APN: 156181005, ASMT: 156181005 APN: 156192001, ASMT: 156192001 JORGE SOLIS, ET AL JOSE A NEVAREZ JORGE ALVARADO JUAREZ, ET AL 10951 IBERIA ST 10924 IBERIA ST **3718 URBANAAVE** MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91572 APN: 156193008, ASMT: 156193008 APN: 156192007,ASMT: 156192007 APN: 156182011, ASMT: 156182011 **JOSE CERVANTES** JOSE A RODRIGUEZ, ET AL JOSE A PENA. ET AL 3749 URBANA AVE 10882 LANDSFORD ST 3671 URBANA AVE MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA'LOMA CA 91752 APN: 156360039, ASMT: 156360039 APN: 156193015, ASMT: 156193015 APN: 156193022, ASMT: 156193022 JOSEPH G LITTLE JOSE ISABEL ORTEGA, ET AL JOSE GARCIA, ET AL PO BOX 1070 3786 WINDSOR CT 10868 WINDSOR PL MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156261033, ASMT: 156261033 APN: 156185005, ASMT: 156185005 APN: 156183013, ASMT: 156183013 JUDITH MORAN, ET AL JUAN FRANCISCO ROSALES JUAN M RODELO 11432 POLLARD DR 10916 KENMORE ST 10951 JULIA ST GARDEN GROVE CA 92841 MIRA LOMA CA 91752 MIRA LOMA CA 91752

APN: 156200016, ASMT: 156200016

JURUPA COMMUNITY SERVICES

DIST

8621 JURUPA RD

RIVERSIDE CA 92509

APN: 156360061, ASMT: 156360061

KEVIN G OSBORNE, ET AL

3631 GRAPEVINE ST

MIRA LOMA CA 91752

APN: 156261027, ASMT: 156261027 KEVIN STRAWN, ET AL 3195 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156184002, ASMT: 156184002 APN: 156360071, ASMT: 156360071 APN: 156182013. ASMT: 156182013 LAXMI GUPTA, ET AL L G BLACKBURN KIM A COSLETT 2852 MAINWAY DR 25609 HOLLAND RD 3691 URBANA AVE LOS ALAMITOS CA 90720 MENIFEE CA 92584 MIRA LOMA CA 91752 APN: 156360038, ASMT: 156360038 APN: 156210021, ASMT: 156210021 APN: 156243007, ASMT: 156243007 LAYTON DEV INC, ET AL LETICIA REYES LESLIE E CARSON, ET AL C/O AXIOM GROUP 405 EAST SIXTH ST 3598 HADLEY DR 3777 DEFOREST CIR MIRA LOMA CA 91752 ONTARIO CA 91764 MIRA LOMA CA. 91752 APN: 156361012, ASMT: 156361012 APN: 156192004, ASMT: 156192004 APN: 156360007, ASMT: 156360007 LSH PROP LILA M LATHAM LEVECKE LLC C/O AL SHANKLE CONST 10916 LANDSFORD ST 10810 INLAND AVE 2248 MERIDIAN BLV NO D MIRA LOMA CA 91752 MIRA LOMA CA 91752 MINDEN NV 89423 APN: 156184011, ASMT: 156184011 APN: 156185006, ASMT: 156185006 APN: 156271034, ASMT: 156271034 MANUEL LOMELI, ET AL LUC/O V CORREA, ET AL **LUIS GARCIA** 10929 KENMORE ST 10908 KENMORE ST 3075 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 RIVERSIDE CA 92509 APN: 156193023, ASMT: 156193023 APN: 156193019, ASMT: 156193019 APN: 156193007, ASMT: 156193007 MARIA L LEDEZMA MARIA ANDRADE MARIA AZEVEDO 10882 WINDSOR PL 3741 URBANA AVE 10862 WINDSOR PL MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156184012, ASMT: 156184012 APN: 156193002, ASMT: 156193002 APN: 156191006, ASMT: 156191006 MARIO V JUAREZ, ET AL MARK D HANSON, ET AL MARIO GOMEZ, ET AL PO BOX 842 3699 URBANA AVE 6365 N WALNUT AVE MIRA LOMA CA 91752 MIRA LOMA CA 91752 SAN BERNARDINO CA 92407 APN: 156193018, ASMT: 156193018 a APN: 156191003, ASMT: 156191003 APN: 156261037, ASMT: 156261037 MARTIN MARQUEZ, ET AL MARK EDWARD DENNING MARTIN LEDEZMA, ET AL 10890 WINDSOR PL 10925 LANDSFORO ST 3245 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156183014, ASMT: 156183014 APN: 156251008, ASMT: 156251008 APN: 156183008, ASMT: 156183008 MARY L BURNS. ET AL MATEO SUAREZ, ET AL MARY JO BRUNS 10961 JULIA ST 10909 JULIA ST 3273 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156261029, ASMT: 156261029 APN: 156243003, ASMT: 156243003 APN: 156261041, ASMT: 156261041 MICHAEL LAROYCE MARTIN, ET AL MICHAEL FLAMENCO, ET AL MICHAEL E KIRCHGRABER C/O MICHAEL L MARTIN 3359 CHARDONEY WAY 3263 CHARDONEY WAY 3205 CHARDONEY WAY MIRA LOMA CA 91752 MIRA LOMA CA 91752 MIRA LOMA CA 91752 APN: 156191002, ASMT: 156191002 APN: 156184003, ASMT: 156184003 APN: 156183011, ASMT: 156183011 MIKE ANTIMIE MIGUEL ANGEL ORTEGA MIGUEL ACOSTA

10935 LANDSFORD ST

MIRA LOMA CA 91752

10929 JULIA ST

MIRA LOMA CA 91752

12862 JOY ST NO J

GARDEN GROVE CA 92840

APN: 156360042, ASMT: 156360042 MILLARD REFRIGERATED SERVICE ATLANTA I 4715 S 132ND ST OMAHA NE 68137

APN: 156200021, ASMT: 156200021 MIRA LOMA BUSINESS PARK C/O STEPHEN B WONG 1020 N BATAVIA ST STE B ORANGE CA 92867

APN: 156360020, ASMT: 156360020 OBAYASHI CORP 420 E 3RD ST STE 600 LOS ANGELES CA 90013

APN:'156184014, ASMT: 156184014 OM YERMO 904 SILVER SPUR RD NO 479 ROLLING HILLS EST CA 90274

APN: 156192009, ASMT: 156192009 PEDRO VILLAGRANA 10899 WINDSOR PL MIRA LOMA CA 91752

APN: 156360019, ASMT: 156360019 PREVOST CAR US LOIS MCDERMOTT 201 SOUTH AVE SOUTH PLAINFIELD NJ 07080

APN: 156261019, ASMT: 156261019 RAMON PADILLA, ET AL 3155 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156183006, ASMT: 156183006 REYES ORTEGA MADRIGAL 10916 IBERIA ST MIRA LOMA CA 91752

APN: 156261023, ASMT: 156261023 RICHARD C PEARSE 3175 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156230002, ASMT: 156230002 RIVERSIDE COUNTY FLOOD CONTROL 1995 MARKET ST RIVERSIDE CA 92501 APN: 156220001, ASMT: 156220001 MIRA LOMA ASSOCIATES 10250 COUNTRY VILLAGE RD MIRA LOMA CA 91752

APN: 156243002, ASMT: 156243002 MOJDEH AMINI NAZARI, ET AL 466 FOOTHILL BLVD NO 116 LA CANADA CA 91011

APN: 156193014, ASMT: 156193014 OLGA CANO 10916 WINDSOR PL MIRA LOMA CA 91752

APN: 156271032, ASMT: 156271032 OSIEL OCAMPO 3065 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156182007, ASMT: 156182007 PORFIRIO A VIVIAN, ET AL 3635 URBANA AVE MIRA LOMA CA 91752

APN: 156360009, ASMT: 156360009 PROLOGIS CALIF I C/O DEBRA A DICKEY 2235 FARADAY AVE STE O CARLSBAD CA 92008

APN: 156193006, ASMT: 156193006 RAQUEL LOPEZ 3733 URBANA AVE MIRA LOMA CA 91752

APN: 156182005, ASMT: 156182005 RICARDO G RAMOS, ET AL 3617 URBANA AVE MIRA LOMA CA 91752

APN: 156360064, ASMT: 156360064 RICHARD DICKMAN. ET AL 12400 VENTURA BLVD NO 509 STUDIO CITY CA 91604

APN: 156193017, ASMT: 156193017 RMC GROUP 17811 SLOVER AVE BLOOMINGTON CA 92316 APN: 156230001, ASMT: 156230001 MIRA LOMA ASSOCIATES 8247 WHITE OAK AVE RANCHO CUCAMONGA CA 91730

APN: 156360066, ASMT: 156360066 MUSHEGAIN INDUSTRIAL PROP. ET AL C/O THOMAS MUSHEGAIN SR PO BOX 5489 PASADENA CA 91117

APN: 156184007, ASMT: 156184007 OLOF ANENS 3257 MARY ST RIVERSIDE CA 92506

APN: 156181007, ASMT: 156181007 OTILIO RODRIGUEZ, ET AL 10929 IBERIA ST MIRA LOMA CA 91752

APN: 156360017, ASMT: 156360017 PREFCO XVIII LTD, ET AL C/O TAX DEPT 1C CHECKERBOARD SQUARE ST LOUIS MO 63164

APN: 156271036, ASMT: 156271036 RAFAEL RAMIREZ 3085 CHARDONEY WAY MIRA LOMA CA. 91752

APN: 156184005, ASMT: 156184005 REFUGIO SALAZAR. ET AL 10924 JULIA ST MIRA LOMA CA 91752

APN: 156210048, ASMT: 156210048 RICHARD B NEWTON, ET AL 711 MISSION ST NO A SOUTH PASADENA CA 91030

APN: 156181003, ASMT: 156181003-RICHARD L GONZALEZ, ET AL 10971 IBERIA ST MIRA LOMA CA 91752

APN: 156192008, ASMT: 156192008 ROBERT BARRON FERNANDEZ 10891 WINDSOR PL MIRA LOMA CA 91752 APN: 156200019, ASMT: 156200019 ROBERT D LEACH 10795 SAN SEVAINE WAY MIRA LOMA CA 91752 APN: 156261025, ASMT: 156261025 ROBERT H CASTEEL, ET AL 3185 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156191011, ASMT: 156191011 ROBERT H VENEGAS 6185 SANDOVAL AVE RIVERSIDE CA 92509

APN: 156185001, ASMT: 156185001 ROBERT L SWAGER, ET AL 10956 KENMORE ST MIRA LOMA CA 91752 APN: 156251016, ASMT: 156251016 ROBERT M LOPEZ, ET AL 3313 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156261017, ASMT: 156261017 RONNIE D WILSON, ET AL 3145 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156181012, ASMT: 156181012 RORYJOHN THOMPSON 10991 IBERIA ST MIRA LOMA CA 91752 APN: 156183009, ASMT: 156183009 ROSA M TORRES, ET AL 10917 JULIA ST MIRA LOMA CA 91752 APN: 156140053, ASMT: 156140053 ROTA C/O SPACE CENTER MIRA LOMA INC 3401 ETIWANDA AVE 1011-0 MIRA LOMA CA 91752

APN: 156181006, ASMT: 156181006 SALVADOR OCHOA, ET AL 10941 IBERIA ST MIRA LOMA CA 91752 APN: 156360060, ASMT: 156360060 SCOTT BARSOTTI, ET AL PO BOX 510 MIRA LOMA CA 91752 APN: 156360004, ASMT: 156360004 SHADOW MOUNTAIN INDUSTRIAL PROP 502 N DIVISION ST CARSON CITY NV 89703

APN: 156361007, ASMT: 156361007 SHAW RIVERSIDE 160 NEWPORT DR NO 250 NEWPORT BEACH CA 92660 APN: 156360034, ASMT: 156360034 SOUTHERN CALIF EDISON CO 2131 WALNUT GROVE 2ND FL ROSEMEAD CA 91770 APN: 156200037, ASMT: 156200037 SOUTHERN CALIFORNIA EDISON CO ATTN R/W &LAND DEPT PO BOX 410 LONG BEACH CA 90801

APN: 156360037, ASMT: 156360037 SOUTHERN CALIFORNIA EDISON CO C S REENDERS ASST COMPTROLLER PO BOX800 ROSEMEAD CA 91770

APN: 156360014, ASMT: 156360014 SP4 DULLES LP C/O PHILIP HENCH 865 S FIGUEROA ST NO 3500 LOS ANGELES CA 90017

APN: 156150048, ASMT: 156150048 SPACE CENTER MIRA LOMA II INC 3401 ETIWANDA AVE BLG 503 MIRA LOMA CA 91752

APN: 156140042, ASMT: 156140042 SPACE CENTER MIRA LOMA INC 3401 ETIWANDA AVE NO 503 MIRA LOMA CA 91752 APN: 156192003, ASMT: 156192003 STELLA G PORTILLO 10928 LANDSFORD ST MIRA LOMA CA 91752 APN: 156261039, ASMT: 156261039 STEPHEN TAVENNER, ET AL 3253 CHARDONEY WAY MIRA LOMA CA 91752

APN: 156191007, ASMT: 156191007 TEODORO CARRILLO 10891 LANDSFORD ST MIRA LOMA CA 91752 APN:156191001, ASMT: 156191001 TERESA MICHELE MAXWELL, ETAL 10943 LANDSFORD ST MIRA LOMA CA 91752 APN: 156360013, ASMT: 156360013 THRIFTY OIL CO 13116 IMPERIAL HWY SANTA FE SPRINGS CA 90670

APN; 156200035, ASMT: 156200035 TOADFLY LTD PARTNERSHIP C/O TRUCK TUB INTERNATIONAL PO BOX 2111 PISMO BEACH CA 93448 APN: 156182015, ASMT: 156182015 UNION PACIFIC RR REGIONAL MANAGER OF PROPERTY TAXES 1700 FARNAM ST NO 105-FL OMAHA NE 68102

APN: 156191009, ASMT: 156191009 VIRGINIA L PROCTOR 10873 LANDSFORD ST MIRA LOMA CA 91752

APN: 156360025, ASMT: 156360025 WARREN & NELSON C/O WILLIAM B WARREN 3650 DULLES DR MIRA LOMA CA 91752 APN: 156200038, ASMT: 156200038 WILLIAM G SYMINGTON C/O W G SYMINGTON CO 3525 LOMITA BLVD STE 103 TORRANCE CA 90505

APN: 156251012, ASMT: 156251012 WILLIAM LAMONTAGNE, ET AL 3293 CHARDONEY WAY MIRA LOMA CA 91752 APN: 156185004,ASMT:156185004 YOLANDA BALDERRAMA 10924 KENMORE ST MIRA LOMA CA 91752 APN: 156360003, ASMT:156360003 YORK ARIZONA OFFICE ASSOC LTD PARTNERSHIP C/O PTS PO BOX 543185 DALLAS TX 75354 Mark Knorringa, Chief Executive Officer Building Industry Assoc. of Southern California 3891 11th Street Riverside, CA 92501 9517817310

Leslie MacNair
California Department of Fish and Game
Inland Deserts Region .
3602 Inland Empire Blvd., Ste. C-220
Ontario, CA 91764
9094840459

CEQA Review
California Department of Housing and
Community Development
3737 Main Street, Ste. 400
Riverside, CA 92501-3337
9517824431

Katie Barrows
California Native Plant Society
53298 Montezuma Avenue
La Quinta, CA 92253
7605642413

Representative Ken Calvert California State Representatives 44th District 3400 Central Avenue, Suie 200 Riverside, CA 92506 9517844300

Shaye Wolf Center for Biological Diversity 351 California Street, Suite 600 San Francisco, CA 94104 4154369682

Ernest Egger, Director of Planning City of Beaumont 550 E. Sixth St. Beaumont, CA 92223 9517698518

Lori A. Moss, City Manager City of Canyon Lake 31516 Railroad Canyon Rd. Canyon Lake, CA 92587 9512442955

Charles E. Coe, AICP, Community Development Director City of Chino 13220 Central Avenue Chino, CA 91710 9095919812 CEQA Review California Air Resources Board 1001 "I" Street P.O. Box 2815 Sacramento, CA 95812 9163222990

CEQA Review
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
9166540462

Al Shami, Project Manager Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630

CEQA Review California Park & Recreation Commission 1416 9th Street Sacramento, CA 95814 9166536995

Senator Robert Dutton California State Senate, 31st District 8577 Haven Avenue, Suite 210 Rancho Cucamonga, CA 91730 9094664180

Sheri Vander Dussen, Planning Director City of Anaheim 200 S. Anaheim Blyd. Anaheim, CA 92805 7147655139

Jennifer Wellman, Planning Director City of Blythe 235 N. Broadway Blythe, CA 92225 7609226130

Liesa Lukes, City Planner City of Cathedral City 68-700 Avenida Lalo Guerrero Cathedral City, CA 92234 7607700370

Carmen Manriquez, Community Development Director City of Coachella 1515 Sixth St. Coachella, CA 92236 7603983102 Dan Otis, Williamson Act Prog. Mgr. California Department of Conservation 801 K Street, MS 18-01 Sacramento, CA 95814-3500 9163240850

Captain Jason Neuman Riverside County Fire Department 210 W. San Jacinto Avenue Perris, CA 92570-1915 9519406900

CEQA Review California Energy Commission 1516 Ninth Street, Mail Stop 29 Sacramento, CA 95814-5512 9166544287

Assemblyman Kevin Jefferies California State Assembly, 66th District 41391 Kalmia Street, Suite 220 Murrieta, CA 92562 9518941232

CEQA Review CALTRANS, District #8 464 W. 4th St., 6th Floor San Bernardino, CA 92401-1400 9093834631

Matthew Bassi, Int. Community Development Director City of Banning 99. E. Ramsey St. Banning, CA 92220-0090 9519223125

Gus Romo, Community Development Director City of Calimesa 908 Park Avenue Calimesa, CA 92320 9097959801

Christine Kelly, Community Development Department City of Chino Hills 2001 Grand Avenue Chino Hills, CA 91709-4868 9093642600

David R. Zamora, Director of Community Development City of Colton 650 N. La Cadena Drive Colton, CA 92324 9093705099 Joanne Colletta Planning Director City of Corona 400 S. Vicentia Ave. Corona, CA 92882 9517698518

Gary L. Koontz, Community Development Director City of Grand Terrace 22795 Barton Road Grand Terrace, CA 92313-5295 9094302225

Steve Copenhaver, Director of Community Development City of Indio 100 Civic Center Mall Indio, CA 92201 7603914120

Deborah Woldruff, Community Development Director City of Loma Linda 25541 Barton Road Loma Linda, CA 92354 9097992830

Mary Lanier, Planning Manager City of Murrieta 26442 Beckman Court Murrieta, CA 92562 9514616064

Homer Croy, Asst. City Mgr. for Development Services City of Palm Desert 73-510 Fred Waring Dr. Palm Desert, CA 92260 7603460611

Randal K. Bynder, Director City of Rancho Mirage 69-825 Hwy. 111 Rancho Mirage, CA 92270 7603282266

Ken Gutierrez, Planning Director or Diane Jenkins, Principal Planner City of Riverside 3900 Main St. 3rd Floor Riverside, CA 92522 9518265371

Patrick Richardson, Director of Planning City of Temecula 43200 Business Park Dr. Temecula, CA 92590 9516946444 Steven Mendoza, Community Development Director City of Desert Hot Springs 65-950 Pierson Blvd. Desert Hot Springs, CA 92240 7603296411

Richard Masyczek, Planning Director City of Hemet 445 E. Florida Ave. Hemet, CA 92543 9517652375

Les Johnson, Planning Director City of La Quinta 78-495 Calle Tampico La Quinta, CA 92253 7607777125

Carmen Cave, Interim Planning Director City of Menifee 29683 New Hub Drive Menifee, CA 92586 9516726777

Steve King, Planning Manager City of Norco 2870 Clark Ave. Norco, CA 92860 9512705661

Craig Ewing, Director of Planning Services City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, CA 92262 7603238245

Oscar Orci, Director of Community Development City of Redlands 35 Cajon St. Redlands, CA 92373 9097987555

Valerie C. Ross, Development Services Director City of San Bernardino 300 N. "D" Street, 3rd Floor San Bernardino, CA 92418 9093845057

Gary Wayne, Planning Director City of Wildomar 23873 Clinton Keith Road, Suite 201 Wildomar, CA 92595 9516777751 Don Williams, Director of Community Development City of Fontana 8383 Sierra Avenue Fontana, CA 92335 9093507640

Corrie Kates, Community Development Director City of Indian Wells 44-950 El Dorado Dr. Indian Wells, CA 92210-7497 7603462489

Thomas Kleiner, Acting Director of Community Development City of Lake Elsinore 130 S. Main St. Lake Elsinore, CA 92530 9516743124

John Terrell, Planning Official City of Moreno Valley 14177 Frederick St. Moreno Valley, CA 92553-9664 9514133206

Jerry L. Blum, Planning Director City of Ontario 303 East "B" Street Ontario, CA 91764 9093952036

Brad Eckhardt, Planning Manager City of Perris 101 N. D St. Perris, CA 92570-1917 9519435003

Michael Story, Development Services Director City of Rialto 150 S. Palm Avenue Rialto, CA 92376 9094217246

Asher Hartel, AICP, Director of Planning City of San Jacinto 595 S. San Jacinto Ave. San Jacinto, CA 92583 9514877330

Kurt Christiansen, Community Developmer Director City of Yorba Linda 4845 Casa Loma Avenue Yorba Linda, CA 92885 7149617100 John McMains, Community Development Director City of Yucaipa 34272 Yucaipa Boulevard Yucaipa, CA 92399 9097972489

Steven Pastor, Executive Director Riverside County Farm Bureau 21160 Box Springs Rd., Suite 102 Moreno Valley, CA 92557 9516846732

Mr. Elliott Duchon, Superintendent Jurupa Unified School District 4850 Pedley Road Riverside, CA 92509 9513604100

Franklin A. Dancy, Project Manager Morongo Band of Mission Indians 12700 Pumarra Road Banning, CA 92220 9518494697

Director of Planning Orange County 300 N. Flower St. Rm. 122 Santa Ana, CA 92705 7148346105

AIS Coordinator Riverside District, U.S. Post Office 4150 Chicago Ave. Riverside, CA 92507-9998 9517884058

Diana Ruiz
Riverside-Corona Resource Conservation
District
4500 Glenwood Dr., Bldg. A
Riverside, CA 92501
9516837691

Julie Rynerson Rock, Director, Land Use Services Dept. San Bernardino County 385 N. Arrowhead Ave., 1st Floor San Bernardino, CA 92415-0182 9093878311

Steve Smith South Coast Air Quality Mgmt, District 21865 Copley Drive Diamond Bar, CA 91765-4178 9093962000 City of Yuma One City Plaza, P.O. Box 13013 Yuma, AZ 85366-3013 9283735175

Steve Hinde, CIH, Senior Industrial Hygienist Office of Industrial Hygiene County of Riverside 3900 Sherman Drive, Suite G Riverside, CA 92503 9513585096

Dan Silver, Executive Director Endangered Habitats League 8424 Santa Monica Blvd., Ste. A 592 Los Angeles, CA 90069-4267 2138042750

Harry Bannerman Metropolitan Water District of So. California 700 North Alameda Street Los Angeles, CA 90012-2944 2132176000

Santa Ana Basin Region Regional Water Quality Control Board, #8 3737 Main Street, Suite 500 Riverside, CA 92501-3339 9517824130

CEQA Review Riverside Land Conservancy 4075 Mission Inn Avenue Riverside, CA 92501-3204 9517880670

Deborah Robinson Barmack San Bernardino Associated Governments 1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715 9098848276

Planning Director San Diego County 5201 Ruffin Rd., Suite B San Diego, CA 92123 8586942960

Jacob Lieb, Manager Southern California Association of Governments 818 W. 7th St., 12th Floor Los Angeles, CA 90017-3435 2132361800 Jurg Heuberger County of Imperial 940 Main St. El Centro, CA 92243-2843 7604824236

Dan Rodriguez, General Manager Jurupa Area Recreation and Park District 4810 Pedley Road Riverside, CA 92509 9513612090

Community Development La Paz County Assessor 1112 Joshua Ave., Ste. 202 Parker, AZ 85344 9286696138

Dave Singleton, Program Analyst Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, CA 95814 9166534082

George J. Spiliotis, Executive Dir. Riv. Co. LAFCO 3850 Vine Street, Stc. 110 Riverside, CA 92507-4277 9513690631

Michael McCoy, Senior Planner Riverside Transit Agency 1825 3rd St. P.O. Box 59968 Riverside, CA 92517-1968 9515655000

Kathleen Springer, Develop.
Commission
San Bernardino County Museum
2024 Orange Tree Lane
Redlands, CA 92374
9093072669

Monitoring

George B. Hague Sierra Club - San Gorgonio Chapter 4079 Mission Inn Avenue Riverside, CA 92501 9516846203

CEQA Review Southern California Edison 2244 Walnut Grove Ave., Rm 312 Rosemead, CA 91770 8006554555 Crystal L. Marquez U.S. Army Corps of Engineers Los Angeles District P.O. Box 532711 Los Angeles, CA 90053-2325 2134523425

Robin Zimpfer Economic Development Agency P.O. Box 1180 Riverside, CA 92502 9519558916

Ed Cooper, Director Riverside County Airport Land Use Commission 4080 Lemon Street, 9th Floor Riverside, CA 92501 9519555132

John Snyder Agricultural Commissioner's Office Riverside County 4080 Lemon Street, Room 19, Basement Riverside, CA 92502-1089 9519553000

Carolyn Syms-Luna Environmental Programs Dept. County of Riverside 4080 Lemon Street, 12nd Floor Riverside, CA 92501 9519556097

Steve Diaz, Fire Department County of Riverside 4080 Lemon Street P.O. Box 1549 Riverside, CA 92501 9519554777

Robert Buster, Supervisor 1st District County of Riverside, Board of Supervisors 4080 Lemon Street, 5th Floor Riverside, CA 92501 9519551010

John Benoit, Supervisor 4th District County of Riverside, Board of Supervisors 4080 Lemon Street, 5th Floor Riverside, CA 92501 9519551040

Jim Porras
County of Riverside, Planning Commission
c/o Planning Commission Secretary
4080 Lemon Street, 9th Floor
Riverside, CA 92501
9519553251

Karen A. Goebel
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Ste. 101
Carlsbad, CA 92011
7604319440

Rick Bishop, AICP Western Riverside Council of Governments 4080 Lemon Street, 3rd Floor, MS 1032 Riverside, CA 92501 9519557985

Anne Mayer, Executive Director Riverside County Transportation Commission 4080 Lemon Street, 3rd Floor Riverside, CA 92501 9517877141

Matt Riha County of Riverside, Environmental Health 4080 Lemon Street, 2nd Floor Riverside, CA 92501 9519558980

Mekbib Degaga County of Riverside, Flood Control District 1995 Market Street Riverside, CA 92501 9519551214

Ryan Ross, Planner IV Riverside County Waste Management Dept. 14310 Frederick Street Moreno Valley, CA 92553 9514863200

John Tavaglione, Supervisor 2nd District County of Riverside, Board of Supervisors 4080 Lemon Street, 5th Floor Riverside, CA 92501 9519551020

Stanley Sniff, Sheriff
County of Riverside, Sheriff's Department
4095 Lemon Street
Riverside, CA 92501
9519552400

John Petty
County of Riverside, Planning Commission
c/o Planning Commission Secretary
4080 Lemon Street, 9th Floor
Riverside, CA 92501
9519553251

Eastern Information Center University of California, Riverside, Dept. o Anthropology 1334 Watkins Hall Riverside, CA 92521 9518273917

Barbara Spoonhour Western Riverside County Clean Cities Coalitio 4080 Lemon Street, 3rd Floor, MS 1032 Riverside, CA 92501 9519557985

Juan Perez, Director County of Riverside, Transportation Departmen 4080 Lemon Street, 8th Floor Riverside, CA 92501 9519556740

Sam Gonzalez
Building & Safety Department
Riverside County
4080 Lemon Street
P.O. Box 1440
Riverside, CA 92501
9519552559

Bill Luna, County Executive Officer County of Riverside 4080 Lemon Street, 4th Floor Riverside, CA 92501 9519551100

Marion Ashley, Supervisor 5th District County of Riverside, Board of Supervisors 4080 Lemon Street, 5th Floor Riverside, CA 92501 9519551050

Jeff Stone, Supervisor 3rd District County of Riverside, Board of Supervisors 4080 Lemon Street, 5th Floor Riverside, CA 92501 9519551030

Jan Zuppardo
County of Riverside, Planning Commission
c/o Planning Commission Secretary
4080 Lemon Street, 9th Floor
Riverside, CA 92501
9519553251

John Roth County of Riverside, Planning Commission c/o Planning Commission Secretary 4080 Lemon Street, 9th Floor Riverside, CA 92501 9519553251 John Snell County of Riverside, Planning Commission c/o Planning Commission Secretary 4080 Lemon Street, 9th Floor Riverside, CA 92501 9519553251

Eldon Horst, Secy/General Manager Jurupa Community Services District 11201 Harrel Street Mira Loma, CA 91752 9516857434

Reference Librarian Glen Avon Public Library 9244 Galena Street Riverside, CA 92509 9516858121

Terry Roberts, Director State Clearinghouse Governor's Office of Planning & Research State Clearinghouse and Planning Unit 1400 10th Street P.O. Box 3044 Sacramento, CA 95812-3044

Joseph Ontiveros Soboba Cultural Resource Department Soboba Band of Luiseño Indians P.O. Box 487 San Jacinto, CA 92581

Anna Hoover Pechanga Cultural Resources Department P.O. Box 2183 Temecula, CA 92593

Ricardo G. Ramos 3617 Urbana Avenue Mira Loma, CA 91752

Betty Anderson 11378 Pena Way Mira Loma, CA 91752 Marc Brewer, Sr. Park Planner County of Riverside, Regional Parks & Open Space District 4600 Crestmore Rd., Mail Stop 2970 Riverside, CA 92509-6858 9519554310

Governmental Publications Department Tomas Rivera Library University of California Riverside 3401 Watkins Drive Riverside, CA 92521 9518241012

Reference Librarian
City of Riverside Public Library, Main Library
3581 Mission Inn Avenue
Riverside, CA 92501
9518265201

Charles Roy, Vice President Oltmans Construction Co. 10005 Mission Mill Road Whittier, CA 90608-0985 5629484242

Darrell Butler Riverside Commercial Investors, Inc. (RCI) 3685 Main Street, Suite 220 Riverside, CA:92501 9517886100

Drew Feldman, Chapter President San Bernardino Valley Audubon Society P.O. Box 10973 San Bernardino, CA 92423-0973

Rachel Lopez
Center for Community Action & Environmental
Justice
P.O. Box 33124
Riverside, CA 925190

Centralized Correspondence Southern California Gas Company P.O. Box 3150 San Dimas, CA 91773

Stella G. Portello 10928 Lansford Street Mira Loma, CA 91752

Arturo Ledezma 10882 Windsor Place Mira Loma, CA 91752 Sarah Morrison, Deputy Attorney General California Attorney General's Office Environment Section 300 S. Spring St., Ste. 1702 Los Angeles, CA 90013 (213) 897-2640

Laura Y. Miranda, Deputy General Counsel Pechanga Band of Luiseno Mission Indians P.O. Box 1477 Temecula, CA 925930

Patricia Querzola 10930 Iberia Street Mira Loma, CA 91752

Martin, Socorro, Arelia & Mario Ledezma 10890 Windsor Place Mira Loma, CA 91752

Sylvia Holguin 4202 Pedley Road Riverside, CA 92509

Charles Lanathoua & Family 10940 Iberia Street Mira Loma, CA 91752 Applicant: (PP16979) Jack M. Langson Investment Building Group 4100 Newport Place, Suite 750 Newport Beach, CA 92660

Applicant:
(PP17788)
Dennis Roy
RGA, Office of Architectural Design
15231 Alton Parkway, Suite 200
Irvine, CA 92618

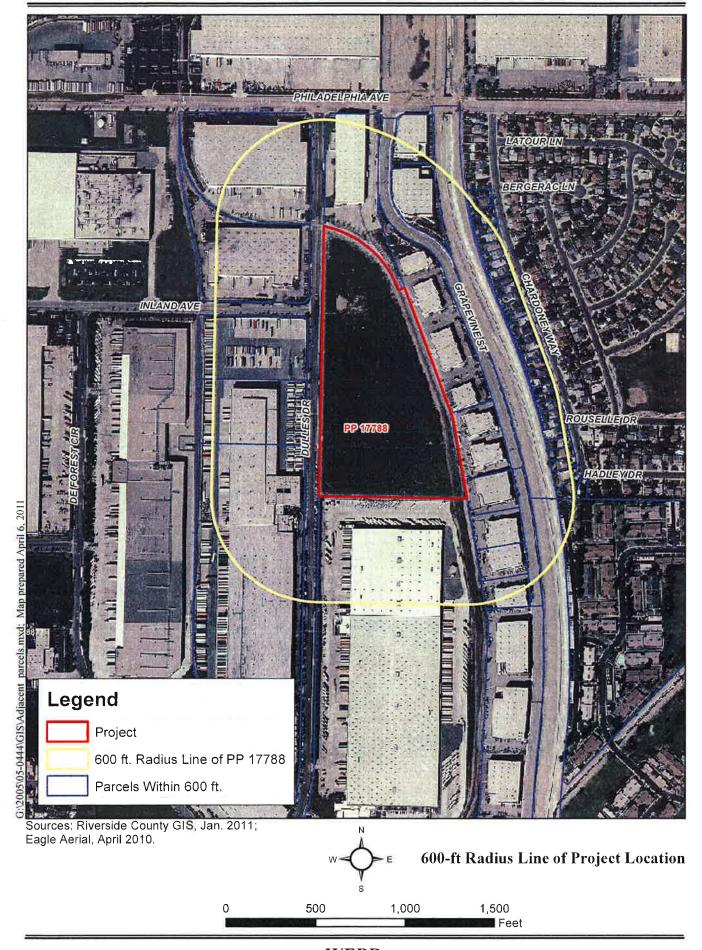
Applicant/Owner: (PP16979, PP18875-76-77-79) Bill Cunningham Obayashi Corp. 420 E 3rd Street, Suite 600 Los Angeles, CA 90013 Engineer: (PP16979) William Simpson & Assoc., Inc. 151 Kalmus Drive, Suite C-140 Costa Mesa, CA 92626

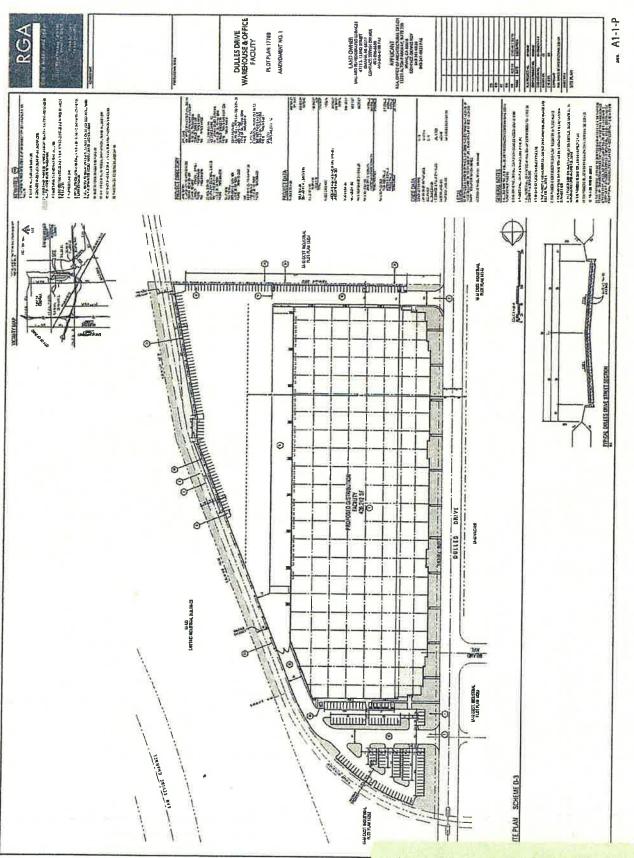
Owner: (PP17788) Steven Offner Millard Refrigerated Services 4715 SO. 132nd Street Omaha, NE 68317

Engineer: (PP17788, PP18875-76-77-79) Don Edison KCT Consultants, Inc. 4344 Latham Street, Suite 103 Riverside, CA 92501 Consultant: (EIR00450) Sonya Hooker Albert A. Webb Associates 3788 McCray Street Riverside, CA 92506

Consultant: (EIR00450) Charity Schiller 3750 University Avenue Suite 400, PO Box 1028 Riverside, CA 92502

Applicant: (EIR00450) Mr. William H. Cunningham, Jr., President OC Real Estate Management, LLC 420 East Third Street, Suite 906 Los Angeles, CA 90013





CASE #: PP17788, AMD. #2

EXHIBIT: A
DATED: 7/12/10

PLANNER: C. HINOJOSA

EDUARDO MEJIA MOJDEH AMINI NAZARI MIRA LOMA ASSOCIATES 156243002 156243001 156230001 466 FOOTHILL BLV NO 116 8247 WHITE OAK AVE 3335 CHARDONEY WAY LA CANADA CA 91011 MIRA LOMA CA. 91752 RANCHO CUCAMONGA CA 91730 MICHAEL FLAMENCO GISELA MEDVEC **ISELA CORRAL** 156243004 156243005 156243003 3371 CHARDONEY WAY 3383 CHARDONEY WAY 3359 CHARDONEY WAY MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 LETICIA REYES MARY BRUNS **GIBERTO MOLINA** 156243006 156243007 156251008 3273 CHARDONEY WAY 3395 CHARDONEY WAY 3598 HADLEY DR MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 RIVERSIDE COUNTY FLOOD CONT WILLIAM LAMONTAGNE CHARLES HARRIS 156251010 156251011 156251012 3293 CHARDONEY WAY 1995 MARKET ST 3283 CHARDONEY WAY RIVERSIDE CA 92501 MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 ALBERTO CEJA ROBERT LOPEZ **ENRIQUE LARA** 156251018 156251014 156251016 3319 CHARDONEY WAY 3303 CHARDONEY WAY 3313 CHARDONEY WAY MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 ARMANDO DELGADILLO BARRY KOCA RONNIE WILSON 156261015 156261017 156251020 3325 CHARDONEY WAY P O BOX 601 3145 CHARDONEY WAY MIRA LOMA CA. 91752 SAN DIMAS CA 91773 MIRA LOMA CA. 91752 CHARLES BALLARD RICHARD PEARSE RAMON PADILLA 156261021 156261023 156261019 4920 ROUNDUP RD 3175 CHARDONEY WAY 3155 CHARDONEY WAY NORCO CA 92860 MIRA LOMA CA. 91752 MIRA LOMA CA. 91752 **KEVIN STRAWN** MICHAEL MARTIN ROBERT CASTEEL 156261029 156261025 156261027 3205 CHARDONEY WAY 3195 CHARDONEY WAY 3185 CHARDONEY WAY MIRA LOMA CA. 91752 MIRA LOMA CA 91752 MIRA LOMA CA. 91752 JOHN MENDOZA JUDITH MORAN GILBERTO VEGA 156261031 156261033 156261035 11432 POLLARD DR 3235 CHARDONEY WAY 3215 CHARDONEY WAY MIRA LOMA CA. 91752 **GARDEN GROVE CA 92841** MIRA LOMA CA. 91752 STEPHEN TAVENNER MICHAEL KIRCHGRABER MARK DENNING

156261039

3253 CHARDONEY WAY

MIRA LOMA CA. 91752

156261037

3245 CHARDONEY WAY MIRA LOMA CA. 91752

156261041

3263 CHARDONEY WAY

MIRA LOMA CA. 91752

OSIEL OCAMPO 156271032 3065 CHARDONEY WAY MIRA LOMA CA. 91752

JESUS PINA 156271038 3095 CHARDONEY WAY MIRA LOMA CA. 91752

DAVID ANDERSON 156271044 3125 CHARDONEY WAY MIRA LOMA CA. 91752

LEVECKE LLC 156360007 10810 INLAND AVE MIRA LOMA CA. 91752

MUSHEGAIN INDUSTRIAL PROP 156360066 P O BOX 5489 PASADENA CA 91117

CHIANG REALTY 156360069 3800 DURBIN ST BALDWIN PARK CA 91706

GRAPEVINE PROP 156360074 660 W LAMBERT RD BREA CA 92821 LUIS GARCIA 156271034 3075 CHARDONEY WAY RIVERSIDE CA 92509

ISRAEL HERNANDEZ 156271040 3105 CHARDONEY WAY MIRA LOMA CA. 91752

YORK ARIZONA OFFICE ASSOC LTD PARTNERSHIP 156360003 P O BOX 543185 DALLAS TX 75354 THRIFTY OIL CO 156360012

HKM INV 156360067 22539 RIDGE LINE RD DIAMOND BAR CA 91765

SANTA FE SPGS CA 90670

13116 IMPERIAL HWY

GRAPEVINE BUSINESS CENTER 156360070 160 NEWPORT CENTER DR 250 NEWPORT BEACH CA 92660

SHAW RIVERSIDE 156361007 160 NEWPORT DR NO 250 NEWPORT BEACH CA 92660 RAFAEL RAMIREZ 156271036 3085 CHARDONEY WAY MIRA LOMA CA. 91752

JOE GARCIA 156271042 3115 CHARDONEY WAY MIRA LOMA CA. 91752

SHADOW MOUNTAIN INDUSTRIAL PROP 156360004 502 N DIVISION ST CARSON CITY NV 89703 PREFCO XVIII LTD 156360017

GUM TREE PARTNERS 156360068 1391 MORNINGSIDE DR

LAGUNA BEACH CA 92651

CHECKERBOARD SOUARE

ST LOUIS MO 63164

LAXMI GUPTA 156360071 2852 MAINWAY DR LOS ALAMITOS CA 90720

LSH PROP 156361012 2248 MERIDIAN BLV NO D MINDEN NV 89423 Director of Community Development Don Williams, AICP City of Fontana 8353 Sierra Ave, Fontana, Ca 92335

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Jurupa Unified School District	Jurupa Unified School District	Jurupa Unified School District
4850 Pedley Road	4850 Pedley Road	4850 Pedley Road
Riversdie, CA 92509	Riversdie, CA 92509	Riversdie, CA 92509
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Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: APPEAL OF PPs 16979, 18875, 18876

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

05-05-11

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: May. 5, 2011 At: Riverside, California

BOARD OF SUPERVISORS

P.O. BOX 1147 COUNTY OF RIVERSIDE RIVERSIDE CA 92502

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NOTICE OF PUBLIC
HEARING BEFORE THE
BOARD OF SUPERVISORS OF RIVERSIDE
COUNTY ON AN APPEAL OF THE PLANNING COMMISSION
DECISION TO APPROVE PLOT PLANS
NOS. 16979, 18875, 18876
18877 AND 18879; AND
APPEAL THE PLANNING COMMISSION DECISION TO DENY PLOT
PLAN NO. 17788 IN THE
PRADO-MIRA LOMA
ZONING DISTRICT JURUPA AREA PLAN, SECOND SUPERVISORIAL
DISTRICT AND NOTICE
OF INTENT TO CERTIFY AN ENVIRONMENTAL IMPACT
REPORT

NOTICE IS HEREBY
GIVEN that a public hearing at which all interested
persons will be heard, will
be held before the Board of
Supervisors of Riverside
County, California, on the
1st Floor Board Chambers,
County Administrative Center, 4080 Lemon Street,
Riverside, on Tuesday,
May 17, 2011, at 1:30 P.M.
to consider the appeal filed
by Appellant "A": Center for
Community Action and Environmental Justice Park
(CCAEJ) on Plot Plan Nos.
16979, 18875, 18876, 18877
and 18879 of the Planning
Commission's decision to
deny, in part, and appeal of
the Planning Director's Action and approval issued
on April 6, 2011; and, appeal filed by Appellant "B":
Michael Del Santo, SP 4
Dulles LP on Plot Plan No.
17788 of the Planning
Commission's decision to
uphold, in part, an appeal
of the Planning Director's
Action and denial issued
on April 6, 2011. The Environmental Impact Report
(EIR 450) analyzes the potential environmental impacts of Plot Plan Nos.
16979, 17788, 18875, 18876. 18877 and 18879. Plot Plan
No. 18979 proposes to develop a 200.731 square feot industrial building with 190.731 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 52,810 square feet of landscaping area (11%), 256 parking spaces and 29 loading docks on a 11.01 gross (10.76 net) acre site with a floor area ration of 0.42 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 17788 proposes to develop a 426.212 square foot industrial building with 418,212 square feet of warehouse space, 8,000 square feet of Grice space, 106,980 square feet of Industrial building with 418,212 square foot industrial building with 418,212 square feet of landscaping area (12%), 257 parking spaces and 51 loading docks on a 20.48 gross (18.73 net) acre site with a floor area ratio of 0.48 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18875 proposes to develop a 104.210 square feet of undscaping area (16%), 96 parking spaces and 18 loading docks on a 18.09 gross (5.00 net) acre of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18875 proposes to develop a 104.210 square feet of undscaping area (16%), 96 parking spaces and 18 loading docks on a crosite with a floor area ratio for 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18876 proposes to develop twelve (12) industrial buildings with a floor area ratio of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio) will a flooding area of 97,010 square feet with 3.810 square feet with 3.810 square feet with 3.810 square feet of storage space, 13,200 square feet of office space, 42,948 square feet of landscaping area (15%) and 243 parking spaces on a 6.83 gross (6.42 net) acre site with a floor area ratio of 0.33 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18877 prosess to develop eight (8) industrial buildings with a total building area of 144,594 square feet with 92,094 square feet of storage space 52,500 square feet of office space, 122,307 square feet of andscaping area (22%) and 444 parking spaces on a 12.75 gross (10.23 net) acre site with a floor area ratio of 0.26 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18879 proposes to develop a 155,480 square feet of office and mezzanine space, 53,941 square feet of office and mezzanine space, 53,941 square feet of office and mezzanine space, 53,941 square feet of office and mezzanine space, 30 trailer parking spaces and 25 loading docks on a 7.99 gross (net) care site with a floor area ratio of 0.45 (Light Industrial requires a 0.25-0.60 floor area ratio). These projects are located northerly of State Highway 60, southerly of Philadelphia Avenue, easterly of Etiwanda Avenue and westerly of Grapevine Street in the Prado-Mira Loma Zoni District - Jurupa Area Plan, Second Supervisorial

The environmental effects have been addressed and certification of Environmental Impact Report No. 450 has recommended, been recommended.

recommended.
The proposed project case file may be viewed from the date of this notice until the public hearing. Monday through Thursday, from 7:30 a.m. to 5:30 p.m. at the Clerk of the Board of Supervisors at 4080 Lemon Street, 1st Floor, Riverside, California 92501, and at the Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501.
FOR FURTHER INFOR-

side, ČA 92501.

FOR FURTHER INFORMATION REGARDING
THIS PROJECT, PLEASE
CONTACT CHRISTIAN
HINOJOSA, PROJECT
PLANNER, AT (951) 955972 or e-mail at
chinojos@rctlma.org.

chinojos@rcllma.org.

Any person wishing to testify in support of or in opposition to the proposed project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge the above

ing a decision on the proposed project.

If you challenge the above
item in court, you may be
limited to raising only
those issues you or someone else raised at the public hearing described in
this notice, or in written
correspondence to the
Planning Commission or
Board of Supervisors at, or
prior to, the public hearing.
Be advised that as a result
of the public hearing and
the consideration of all
public comment, written
and oral, the Board of Supervisors may amend, in
whole or in part, the proposed project and/or the
related environmental doc-

ument. Accordingly, the designations, development stondards. design or improvements, or any araperties or lands within the boundaries of the proposed project, may be charged in a way other than specifically proposed. Please send all written correspondence to: Clerk of the Board 4080 Lemon Street, 1st Floor Post Office Box 1147 Riverside, CA 92502-1147 Dated: May 3, 2011 Kecia Harper-them Clerk of the Board By; Cecilia Gil, Board Assistant 5/5

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INVOICE

May 5, 2011

Riverside County Clerk of the Board 4080 Lemon Street, 1st Floor P.O. Box 1147 Riverside, CA 92502- 1147

Legal Advertising

Notice of Public Hearing

Your: Appeal of Plot Plan- Nos. 16979, 18875, 18876, 18877, 18879, 17788

Our #0361

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Publish one (1) week: May 5, 2011

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Thank You,

Cathy Sypin-Barnes

Planning 16.2 of 05/17/11 186979 pp 16979 etc.

Affidavit of Publication

(2015.5 C.C.P.)

County of Riverside

State of California

Catherine Sypin-Barnes, being first duly sworn, deposes and s all times hereinafter, mentioned that she was a citizen of the U1 over the age of eighteen years, and a resident of said County, and during all said times the principal clerk of the printer and The Riverside County Record-News, a newspaper of general adjudicated by court decree, printed and published weekly in of Riverside, State of California, that said Riverside County R is and was at all times herein mentioned, a newspaper of genera as that term is defined in section 4460 of the Political Code, and, by that section, is published for the dissemination of local and news and intelligence of a general character, having a bona fide list of paying subscribers, and is not devoted to nor published for entertainment or instruction of a particular class, profession, tr race of denominations; that at all said time said newspaper has lished, printed and published in said County and State at regular more than one year preceding the date of publication of the notice mentioned; that said notice was set in type not smaller than nonpa preceded with words printed in black face type not smaller that describing and expressing in general terms the purport and cha notice intended to be given; that the

RIVERSIDE COUNTY RECORD **NEWSPAPER**

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

May 5, 2011

I certify (or declare) under penalty of perjury that the foregoing

is true and correct.

Signature

Dated: May 5, 2011 at Riverside, California NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPER-VISORS OF RIVERSIDE COUNTY ON AN APPEAL OF THE PLAN-NING COMMISSION DECISION TO APPROVE PLOT PLANS NOS. 16979, 18875, 18876, 18877 AND 18879; AND APPEAL THE PLAN-NING COMMISSION DECISION TO DENY PLOT PLAN NO. 17788 IN THE PRADO-MIRA LOMA ZONING DISTRICT - JURUPA AREA PLAN, SECOND SUPERVISORIAL DIS-TRICT AND NOTICE OF INTENT TO CERTIFY AN ENVIRONMENTAL

IMPACT REPORT NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, May 17, 2011, at 1:30 P.M. to consider the appeal filed by Appellant "A": Center for Community Action and Environmental Justice Park (CCAEJ) on Plot Plan Nos. 16979, 18875, 18876, 18877 and 18879 of the Planning Commission's decision to deny, in part, and appeal of the Planning Director's Action and approval issued on April 6, 2011; and, appeal filed by Appellant "B": Michael Del Santo, SP 4 Dulles LP on Plot Plan No. 17788 of the Planning Commission's decision to uphold, in part, an appeal of the Planning Director's Action and denial issued on April 6, 2011. Square foot industrial build ing with 418,212 square feet of warehouse space, 8,000 square feet of office space, 106,980 square feet of landscaping area (12%), 257 parking spaces and 51 loading docks on a 20.48 gross (18.73 net) acre site with a floor area ratio of 0.48 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18875 proposes to develop a 104,210 square foot industrial building with 93,350 square feet of warehouse space, 10,860 square feet of office and mezzanine space, 41,699 square feet of landscaping area (16%), 96 parking spaces and 18 loading docks on a 5.99 gross (5.00 net) acre site with a floor area ratio of 0.40 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18876 proposes to develop twelve (12) industrial buildings with a total building area of 97,010 square feet with 83,810 square feet of storage space, 13,200 square feet of office space, 42,948 square feet of landscaping area (15%) and 243 parking spaces on a 6.83 gross (6.42 net) acre site with a floor area ratio of 0.33 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18877 proposes to develop eight (8) industrial buildings with a total building area of 144,594 square feet with

92,094 square feet of storage space 52,500 square feet of office space, 122,307 square feet of landscaping area (22%) and 444 parking spaces on a 12.75 gross (10.23 net) acre site with a floor area ratio of 0.26 (Light Industrial requires a 0.25-0.60 floor area ratio). Plot Plan No. 18879 proposes to develop a 155,480 square foot industrial building with 145,480 square feet of warehouse space, 10,000 square feet of office and mezzanine space, 53,941 square feet of landscaping area (16%), 131 parking spaces, 30 trailer parking spaces and 25 loading docks on a 7.99 gross (net) acre site with a floor area ratio of 0.45 (Light Industrial requires a 0.25-0.60 floor area ratio). These projects are located northerly of State Highway 60, southerly of Philadelphia Avenue, easterly of Etiwanda Avenue and westerly of Grapevine Street in the Prado-Mira Loma Zoning District - Jurupa Area Plan, Second Supervisorial District

The environmental effects have been addressed and certification of Environmental Impact Report No. 450 has been recom-

The proposed project case file may be viewed from the date of this notice until the public hearing, Monday through Thursday, from 7:30 a.m. to 5:30 p.m. at the Clerk of the Board of Supervisors at 4080 Lemon Street, 1st Floor, Riverside, California 92501, and at the Riverside County Planning Department, 4080 Lemon Street, raising only wose issues you someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed Please send all written corre-

spondence to: Clerk of the Board 4080 Lemon Street, 1st Floor Post Office Box 1147 Riverside, CA 92502-1147 Dated: May 3, 2011 Kecia Harper-Ihem Clerk of the Board By: Cecilia Gil, Board Assistant Pub: May 5, 2011 **RCR0361**